

O.A. No. 586/2018 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 13.02.2019

Shri S.A. Marathe, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1&3. Await service of R-2.

At the request of Id. counsel for the applicant, **S.O. one week.**

Member (J)

Member (A)

dnk.

dated :- 13/02/2019.

O.A. No. 331/2007 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 13.02.2019

MCA No. 40/2018 & MCA No. 41 of 2018

Heard Shri S.R. Bhongade, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

2. For the reasons stated in MCA No.40/2018, it is allowed subject to cost of Rs.5,000/- to be deposited in the Legal Head of Hon'ble High Court within two weeks.

3. The learned P.O. wants to file reply on the MCA No. 40/2018. He is permitted to do so.

S.O. four weeks.

Member (J)

Member (A)

dnk.

dated :- 13/02/2019.

C.P. 28/18 in O.A. No. 223/2013 **(DB)**

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 13.02.2019

Ms. R. Pande, Id .counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1. Await service of R-2&3.

The learned P.O. submitted that the matter is under progress and for that purpose he seeks one week time. At his request, **S.O. one week** as a last chance.

Member (J)

Member (A)

dnk.

dated :- 13/02/2019.

O.A. No. 420/2018 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 13.02.2019

Y.J. Maheshwari, Id . counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1 to 3. Await service of R-4 to 25.

The learned P.O. submits that he will provide correct addresses of respondent nos. 4 to 25 to the other side and for that purpose he seeks one week time. At his request, **S.O. one week**.

Member (J)

Member (A)

dnk.

dated :- 13/02/2019.

O.A. No. 908/2018 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 13.02.2019

The applicant and his counsel Shri M.R. Rajgure are present. Shri V.A. Kulkarni, Id. P.O. for the respondents.

2. The learned P.O. submits that he has received parawise comments and he will file reply-affidavit within next week.

3. At the request of Id. P.O., **S.O. one week** for filing reply.

Member (J)

Member (A)

dnk.

dated :- 13/02/2019.

O.A. No. 42/2019 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 13.02.2019

Shri N.R .Saboo, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

The Id. CPO files reply on behalf of R-3. It is taken on record. Copy is served on the applicant.

S.O. 20/02/2019.

Interim relief to continue till then.

Member (J)

Member (A)

dnk.

O.A. No. 45/2017 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 13.02.2019

Heard Shri A.N. Ansari, Id. counsel
for the applicant and Shri A.M. Ghogre,
Id. P.O. for the respondents.

Heard. Admit.

The Id. P.O. waives notice for the
respondents.

S.O. 01/03/2019 for final hearing.

Member (J)

Member (A)

dnk.

O.A. No. 671/2018 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 13.02.2019

Shri B.J. Lonare, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

The learned P.O. has already filed reply on behalf of R-2&4.

The matter be kept for final hearing.

S.O. four weeks.

Put up along with O.A.672/2018.

Member (J)

Member (A)

dnk.

dated :- 13/02/2019.

O.A. No. 672/2018 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 13.02.2019

Shri B.J. Lonare, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

The learned P.O. files reply on behalf of R-2. It is taken on record. Copy is served on the applicant.

The matter be kept for final hearing.

S.O. four weeks.

Put up along with O.A.671/2018.

Member (J)

Member (A)

dnk.

dated :- 13/02/2019.

O.A. No. 960/2018 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 13.02.2019

Heard Shri S.P. Palshikar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

Heard. Admit.

The learned P.O. waives notice for the respondents.

The matter be kept for final hearing.

S.O. 05/03/2019.

Member (J)

Member (A)

dnk.

dated :- 13/02/2019.

O.A. No. 85/2019 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 13.02.2019

Shri P.D. Meghe, Id .counsel for the applicant and Shri H.K. pande, Id. P.O. for the respondents.

2. The learned P.O. submits that he received necessary instructions and he will file reply within one week. The Id. P.O. to supply copy of the same well in advance to the Id. counsel for the applicant.

3. The learned counsel for the applicant also to file rejoinder, if necessary.

S.O. 21/02/2019.

Member (J)

Member (A)

dnk.

dated :- 13/02/2019.

O.A. No. 554/16 with C.A. 386/17 **(DB)**

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 13.02.2019

Shri S.P. Palshikar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

The learned P.O. submits that after finalization of seniority list, the order dated 15/01/2019 can be complied and he will take instructions in this regard and for that purpose he seeks time. At his request, **S.O. one week.**

Member (J)

Member (A)

dnk.

dated :- 13/02/2019.

O.A. No. 536/2018 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 13.02.2019

Heard Shri M.R. Rajgure, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. From the record it appears that the applicant has preferred representation dated 07/05/2018 (Annex-A-8,P-192 to 197) to the State Government, i.e. the Principal Secretary, Public Works Department, Mumbai (R/1). Therefore, the respondent no.1, i.e., the Principal Secretary, Public Works Department, Mumbai (R/1) is directed to decide the applicant's representation dated 07/05/2018 within three months from the date of this order. The applicant is at liberty to come before the Tribunal if he is aggrieved with the order.

3. In view thereof, the O.A. stands disposed of with no order as to costs.

Member (J)

Member (A)

dnk.

dated :- 13/02/2019.

O.A. No. 445/2010 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 13.02.2019

Shri Thengre, Id. counsel holding for Shri R.V. Shiralkar, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

The Id. counsel for the applicant submits that Shri R.V. Shiralkar, Id. counsel for the applicant is not available today and hence he seeks further time. At his request, **S.O. two weeks**.

Member (J)

Member (A)

dnk.

dated :- 13/02/2019.

O.A. No. 799/2011 with C.A. 312/16 **(DB)**

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 13.02.2019

Shri Thengre, Id. counsel holding for Shri R.V. Shiralkar, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

The Id. counsel for the applicant submits that Shri R.V. Shiralkar, Id. counsel for the applicant is not available today and hence he seeks further time. At his request, **S.O. two weeks**.

Member (J)

Member (A)

dnk.

dated :- 13/02/2019.

O.A. Nos. 267,268 & 269 of 2011 **(DB)**

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 13.02.2019

Shri P.P. Khaparde, Id. counsel holding for Shri G.G. Bade, Id. counsel for the applicants and Shri A.M. Khadatkar, Id. P.O. for the respondents.

The Id. counsel for the applicants submits that Shri G.G. Bade, Id. counsel for the applicants is not keeping well and hence he seeks further time. At his request, **S.O. two weeks.**

Member (J)

Member (A)

dnk.

dated :- 13/02/2019.

O.A. No. 846/12 with C.A. 258/18 **(DB)**

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 13.02.2019

Smt. Nandini Thete, Id. counsel holding for Shri S. Borkar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

2. The learned P.O. submits that the pension papers have been prepared by the office of the Commissioner of Police, Nagpur and submitted to the Accountant General office. He further submits that four weeks time may be granted for taking appropriate decision at the level of A.G. office. At the request of learned P.O., **S.O. four weeks.**

Member (J)

Member (A)

dnk.

dated :- 13/02/2019.

(DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 13.02.2019

**O.A.Nos. 651,657,658,659,660,661, 666,
678,679,680,681,682,683,684,685,686,
687,688,689,690,691,730,731, 732, 733
with (C.A. 234/14), 734,735,736,737 of
2011.**

None for the applicants. Shri A.M. Ghogre, Id. P.O. and other Id. P.Os. for the respondents.

2. The learned counsel for the applicant in O.A. 651/2011 has already filed on record Pursis dated 17/12/2011 along with copy of order passed in Writ Petition No.7283/11 & Ors. by the Hon'ble High Court, Bench at Aurangabad.

3. However, today none appeared for the applicants in all the matters. Hence, the matters be kept on **15/02/2019**.

Member (J)

Member (A)

dnk.

dated :- 13/02/2019.

O.A. No. 166/2012 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 13.02.2019

None for the applicant.

Shri A.M. Khadatkar, Id. P.O. for
the respondents.

S.O. 15/02/2019.

Member (J)

Member (A)

dnk.

dated :- 13/02/2019.

O.A. No. 07/2013 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 13.02.2019

None for the applicant.

Shri S.A. Sainis, Id. P.O. for the
respondents.

S.O. 15/02/2019.

Member (J)

Member (A)

dnk.

dated :- 13/02/2019.

O.A. No. 63/2013 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 13.02.2019

None for the applicant.

Shri A.M. Khadatkar, Id. P.O. for
the respondents.

The learned P.O. pointed out that
the applicant submitted representation to
the Government for information under
~~Hk-t-1/11/2~~ Category dated 29/08/2012
(Annex-A-6,P-42). It seems that the reply
is also silent on the applicant's
representation.

S.O. 15/02/2019.

Member (J)

Member (A)

dnk.

dated :- 13/02/2019.

O.A. No. 66/2013 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 13.02.2019

Shri A.S. Murty, Id. counsel for the applicant and shri M.I. Khan, Id. P.O. for R-1 to 4. None for R-5.

2. The learned counsel for the applicant pointed out that the reply has not yet filed in the O.A.

3. The learned P.O. submits that he will file reply within two weeks and for that purpose he seeks time.

S.O. 06/03/2019 for filing reply.

Member (J)

Member (A)

dnk.

dated :- 13/02/2019.

O.A. No. 94/2013 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 13.02.2019

None for the applicants.

Shri A.P. Potnis, Id. P.O. for the
respondents.

S.O. 15/02/2019.

Member (J)

Member (A)

dnk.

dated :- 13/02/2019.

O.A. No. 133/2013 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 13.02.2019

None for the applicant.

Shri A.P. Potnis, Id. P.O. for the
respondents.

S.O. 15/02/2019.

Member (J)

Member (A)

dnk.

dated :- 13/02/2019.

O.A. No. 139/2013 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 13.02.2019

None for the applicants.

Shri A.P. Potnis, Id. P.O. for the respondents.

The learned P.O. submitted that [letterno.d{k1@vklFlk@v@fopl@jkmr@t-dz 78 @08&09@379](#) , dated 6/1/2016 issued by the Chief Conservator of Forest (Territorial) Nagpur by which it seems that the departmental inquiry has been completed and the punishment order has been issued.

S.O. 14/02/2019.

Member (J)

Member (A)

dnk.

dated :- 13/02/2019.

O.A. No. 714/2013 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 13.02.2019

None for the applicants.

Shri H.K. Pande, Id. P.O. for R-1
to 3. None for R-4.

The learned P.O. submits that file
has been traced. However he is not
aware of the present status of the
applicant.

At the request of Id. P.O. **S.O. one
week.**

Member (J)

Member (A)

dnk.

dated :- 13/02/2019.

O.A. No. 749/2013 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 13.02.2019

None for the applicant.

Shri V.A. Kulkarni, Id. P.O. for the
respondents.

S.O. 14/02/2019.

Member (J)

Member (A)

dnk.

dated :- 13/02/2019.

O.A. No. 265/2010 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 13.02.2019

None for the applicant.

Shri A.M. Ghogre, Id. P.O. for
R-1&2. None for R-3.

At the request of Id. P.O., **S.O.**
14/02/2019.

Member (J)

Member (A)

dnk.

dated :- 13/02/2019.

O.A. No. 604/2010 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 13.02.2019

None for the applicant.

Shri A.M. Ghogre, Id. P.O. for R-1 to
3. None for R-4.

2. The learned P.O. has placed on record letter [no.1/2110@d:3284@i:d:306@j dk&3](#) dated 2/2/2019 issued by the Desk Officer, Government of Maharashtra. He submits that he will supply copy of the same to the other side.

3. In this matter the Hon'ble Governor's office has made some back queries. The department is processing that file and for processing the file the department will require some time. The learned P.O. submits that minimum eight weeks time will be required in this regard and therefore he seeks time. At his request, **S.O. eight weeks.**

Member (J)

Member (A)

dnk.

MCA No.41/2018 in O.A. No. 331/2007 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 13.02.2019

MCA 40/2018 -

Heard Shri S.R. Bhongade, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

2. It is contention of the applicant that there is a delay of 39 months and it be condoned. It is submitted that the matter was fixed for hearing on 11/09/2015, but the learned counsel for the applicant committed error, he did not appear, consequently this Bench dismissed the matter in default. It is submitted that the applicant is poor person and he is not conversant with the judicial proceeding and therefore the delay be condoned. The learned counsel for the applicant has placed reliance on judgment in case of Rafiq and another v Munshilal and another AIR 1981 S.C. 1400.

3. After perusing the record, it appears that the original application was fixed for hearing on 11th Sept.,2015, as no one was

present for the applicant, consequently, the Bench dismissed the matter observing that no one was present on previous date of hearing. It further appears that the applicant was silent for period more three years. It is case that in the month of December,2018 the applicant for the first time made inquiry with his lawyer as to what happened to the O.A. On perusing the record and proceeding of the O.A.No. 331/2007, it seems that in the departmental inquiry one order was passed in the year 1996 and the O.A.No. 162/1998 was filed by the applicant. In that application, it was contended by him that without following Rule 9 (2) of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 punishment was awarded. After hearing that O.A., it was partly allowed and direction was issued to the Disciplinary Authority to comply the provisions under Rule 9 (2) of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979. The disciplinary authority thereafter again awarded punishment and it was challenged in O.A. No.331/2007. On the basis of this material it must be accepted that the applicant was very much conversant with the proceeding. It is difficult to accept that the person who was facing departmental inquiry and he was punished, he would remain silent for a period more than three years. In view of this conduct of the applicant, we are of the

opinion that opportunity be given to the applicant, but it must be subject to cost. Hence, we direct on payment of cost of Rs.5,000/- to the High Court Legal Services, Sub-Committee, Nagpur within two weeks, the delay would stand condoned.

S.O. two weeks.

Member (J)

Member (A)

*dnk.

dated :- 13/02/2019.

O.A. No. 754/15 with C.A. 381/16 &
C.A.466/16 **(DB)**

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 13.02.2019

None for the applicant. Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The matter is closed for order. On perusal of the record, it appears that the applicant was promoted vide order dated 26/05/2011 as Assistant Police Inspector. In this promotion order as per condition no.4.1, the direction was given if the concerned promoted Police Sub Inspector was under suspension, he should not be relieved to join the promotional post and the matter be immediately reported to the office of the Director General of Police (M.S.). The learned P.O. is directed to clarify whether such information was given to the office of the Director General of Police (M.S.) and what order is passed by the Director General of Police (M.S.) in that regard.

S.O. one week.

Member (J)

Member (A)

dnk.

O.A. No. 22/2018 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 13.02.2019

C.A.No.31/2019 -

Heard Shri S.P. Palshikar, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1&2 and Ms. P. Rane, Id. counsel for Intervener.

2. For adjudication of the matter, it is necessary in the interest of justice to incorporate the pleadings, therefore, the C.A.No.31/2019 is allowed. The necessary amendment be carried out within one week and amended copies be supplied to the other sides.

C.A.311/18-

Heard Shri S.P. Palshikar, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1&2 and Ms. P. Rane, Id. counsel for Intervener.

The C.A. No. 311/2018 stands disposed of.

O.A. 22/2016 –

Heard Shri S.P. Palshikar, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1&2 and Ms. P. Rane, Id. counsel for Intervener.

2. This O.A. is connected with O.A.411/2017 and therefore as O.A.411/2017 is being heard by the Division Bench, I think it necessary in the interest of justice this O.A.22/2016 shall be heard by the Division Bench.

S.O. two weeks.

Put up the matter along with O.A. 411/17 (DB).

Member (J)

dnk.

dated :- 13/02/2019.

O.A. No. 411/17 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 13.02.2019

C.A. 312/2018 -

Heard Shri S.P. Palshikar, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1&2 and Ms. P. Rane, Id. counsel for R-3.

The C.A.No. 312/2018 stands disposed of.

O.A. 411/2017 -

Heard Shri S.P. Palshikar, Id. counsel for the applicant, Shri A.M.

Ghogre, Id. P.O. for R-1&2 and Ms. P. Rane, Id. counsel for R-3.

With the consent of learned counsel for parties, **S.O. two weeks.**

Put up along with O.A. 22/2016 (SB).

Member (J)

Member (A)

dnk.

O.A. No.976/2017. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 13th February 2019.

C.A. No. 17/2019.

Heard Shri D.S. Sawarkar, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

For the reasons stated in the Application for amendment, permission is granted to amend the O.A. in the interest of justice and equity. Necessary amendment be carried out within a week. C.A. stands disposed of. The respondents will be at liberty to file additional reply to the amended O.A.

S.O. one week.

Vice-Chairman(J)

Dt. 13.2.2019.

pdg.

O.A. No.315/2018. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 13th February 2019.

Heard Shri S.C. Deshmukh, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

2. Ld. P.O. has placed on record a copy of order passed on 19.9.2018 which is marked "X" for identification, from which it seems that the applicant has been transferred to Bhandara as per his own request and he has also joined accordingly. Copy of joining report is placed on record which is marked "X-1" for identification. It seems that the very purpose of application, therefore, has been redressed. As per the relief claimed by the applicant, it was requested that the respondent No.2 be directed to decide

the representation of the applicant dated 27.3.2018 by giving him choice posting as per the G.R. dated 8.6.2002 and to direct the respondent No.2 and to give choice posting to the applicant either at Tumsar, Distt. Bhandara or at Deori, Distt. Gondia, Morgaon Arjuni, Distt. Bhandara or Lakhni, Distt. Bhandara.

3. Since both the grievances claimed by the applicant have already been redressed. , O.A. stands disposed of accordingly with no order as to costs.

Vice-Chairman(J)

Dt. 13.2.2019.

pdg.

O.A. No.355/2018. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 13th February 2019.

Heard Shri A.P. Sadavarte, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

The respondent Nos. 3 and 4 have filed affidavit in reply which is placed on record and a copy thereof is supplied to the Ld. counsel for the applicant. As per order dated 24.8.2018, the Ld. counsel for the applicant was to

take instructions from the applicant as to whether he has been relieved or not. Since it was the say of the respondents that, the applicant has been given posting and has been relieved. The Ld. counsel for the applicant submits that the applicant has been relieved and very purpose of the application, therefore, has been redressed. O.A. stands disposed of accordingly with no order as to costs.

Chairman(J) Vice-
Dt. 13.2.2019.
pdg.
O.A. No.463/2018. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 13th February 2019.

Heard Shri I.G. Meshram, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

The Ld. P.O. has filed reply affidavit of R. 1 to 3, it is taken on record

and a copy thereof is supplied to the Ld. counsel for the applicant.

The Ld. counsel for the applicant submits that as per notification dated 15.2.2010 issued by the Commissioner, Animal Husbandry, Pune, those labourers who are absorbed in the permanent post, are entitled to time bound promotion even though, they have not cleared the 8th standard examination. The Ld. P.O. however submits that the said notification has been withdrawn by the Govt. vide communication dated 16.4.2010. The Ld. P.O. wants to place on record that document.

The applicant will be at liberty to file rejoinder on the same day.

At the request of the Ld. counsel for the applicant, S.O. **18.2.2019**.

To be treated as part heard.

Vice-Chairman(J)

Dt. 13.2.2019.

pdg.

O.A. No.475/2018. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 13th February 2019.

None for the applicant. Shri A.P. Potnis, the learned P.O. for the respondents.

S.O. **two weeks** at the request of Ld. P.O.

Vice-Chairman(J)

Dt. 13.2.2019.

pdg.

O.A. No.477/2018.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 13th February 2019.

None for the applicant. Shri V.A. Kulkarni, the learned P.O. for the respondents.

At the request of Id. P.O., S.O. **three weeks** for filing reply.

Vice-Chairman(J)

Dt. 13.2.2019.

pdg.

O.A. No.38/2019.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 13th February 2019.

Heard Shri N.R. Saboo, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents 1 and 2. Shri S.N. Gaikwad, Adv. for R.3.

Ld. P.O. seeks time to file reply. Ld. counsel for respondent No.3 has filed reply on behalf of R.3, it is taken on record and a copy thereof is supplied to the other sides. The Ld. counsel for the applicant submits that he is filing an application for direction and its copy will be served on respondent no.3.

S.O. **one week.**

Vice-Chairman(J)

Dt. 13.2.2019.

pdg.

O.A. No.17/2019. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 13th February 2019.

C.A. No. 13/2019.

Heard Shri N.R. Saboo, the Ld. counsel for the applicants and Shri S.A. Deo, the learned C.P.O. for the respondents.

For the reasons stated in the application, C.A. to sue jointly is allowed subject to payment of requisite court fee to be deposited in the office of this Tribunal. C.A. stands disposed of.

O.A. No.17/2019.

S.O. **four weeks** for filing reply affidavit by Ld. CPO.

Vice-Chairman(J)

Dt. 13.2.2019.

pdg.

O.A. No.18/2019. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 13th February 2019.

C.A. No. 14/2019.

Heard Shri N.R. Saboo, the Ld. counsel for the applicants and Shri S.A. Deo, the learned C.P.O. for the respondents.

For the reasons stated in the application, C.A. to sue jointly is allowed subject to payment of requisite court fee to be deposited in the office of this Tribunal. C.A. stands disposed of.

O.A. No.18/2019.

S.O. **four weeks** for filing reply
affidavit by Ld. CPO.

Vice-
Chairman(J)

Dt. 13.2.2019.

pdg.

O.A. No.19/2019. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 13th February 2019.

C.A. No. 15/2019.

Heard Shri N.R. Saboo, the Ld.
counsel for the applicants and Shri S.A.
Deo, the learned C.P.O. for the
respondents.

For the reasons stated in the
application, C.A. to sue jointly is allowed
subject to payment of requisite court fee

to be deposited in the office of this Tribunal. C.A. stands disposed of.

O.A. No.19/2019.

S.O. **four weeks** for filing reply affidavit by Ld. CPO.

Vice-
Chairman(J)

Dt. 13.2.2019.

pdg.

O.A. No.20/2019. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 13th February 2019.

C.A. No. 16/2019.

Heard Shri N.R. Saboo, the Ld. counsel for the applicants and Shri S.A. Deo, the learned C.P.O. for the respondents.

For the reasons stated in the application, C.A. to sue jointly is allowed subject to payment of requisite court fee to be deposited in the office of this Tribunal. C.A. stands disposed of.

O.A. No.20/2019.

S.O. **four weeks** for filing reply affidavit by Ld. CPO.

Vice-
Chairman(J)

Dt. 13.2.2019.

pdg.

O.A. No.429/2018. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 13th February 2019.

Miss Diwita Pagey, Adv. holding for Miss N. Jog, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

ADMIT.

Shri V.A. Kulkarni, the learned P.O. waives notice for the respondents.

S.O. **two weeks** for final hearing.

Vice-Chairman(J)

Dt. 13.2.2019.

pdg.

O.A. No.657/2015.

(S.B.)

Coram:Shri J.D. Kulkarni,

Vice-Chairman (J)
Dated : 13th February 2019.

Heard Miss Richa Deshpande, Adv. holding for Shri A.C. Dharmadhikari, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

S.O. **18.2.2019** to seek instructions by the Ld. P.O.

Vice-Chairman(J)

Dt. 13.2.2019.

pdg.

O.A. No.542/2017.

(S.B.)

**(Shri D.Y. Tijare and 22 others V/s
State and 2 others.)**

**Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 13th February 2019.**

Heard Shri Bharat Kulkarni,
the Ld. counsel for the applicants and
Shri P.N. Warjekar, the learned P.O. for
the respondents.

2. The applicants in this O.A.
are Field Workers working since long
and all of them were due for first Time
Bound Promotion in the year 1994 on
completion of twelve years of continuous
service. The Time Bound Promotional
pay scale was granted to them, but in the
pay scale of Rs. 775-12-1150. The said
order is at page No. 53 and 54 (both
inclusive). It is the case of the applicants
that, since all Field Workers have already
passed SSC examination, they were
entitled to next promotional pay scale for
the post of Superior Field Worker in the
pay scale of Rs. 975-25-1150-30-1660.
The applicants are claiming the said pay
scale. Specific relief claimed by the
applicants is as under:-

“1. Direct the respondent Nos. 1 to 3 to grant the pay scale of Rs. 975-1660 of Time Bound Promotion to the applicants at par to those granted as the promotional channel is available instead of scale of Rs. 775-1150 granted to the applicants on completion of 12 years of service.

2. Direct the respondent Nos. 1 to 3 to allow the relief at par at par to those given the pay scale of Rs. 975-1660 as the promotional scale to same employees and remove the discrimination.

3. Direct the respondents to pay the difference of pay and allowances with interest thereon from the date on which the first benefit granted of Time Bound Promotion to the applicants and decide their representations.

4. Direct the respondent Nos. 1 to 3 to revise the pension and retiral benefits of retired applicants with arrears and corresponding scale of Vth and VIth Pay Commission with

interest thereon in the interest of justice.”

3. In affidavit in reply, it is stated that no promotional channel is available to the applicants prior to 2003 and that the applicants were not qualified. From the facts on record, it seems that as per Rules dated 19.3.2003, the post of Multipurpose Health Worker (Male) has been made available to the Field Worker by way of promotion. It is, however, not known as to what was the position prior to commencement of these rules.

4. Admittedly, the Time Bound Promotional scheme has come into force in the year 1994 as per G.R. dated 8.6.1995 and the said scheme specifies the pay scale to be given under the Time Bound Promotion under two categories, i.e. (i) Where there is no promotional avenue available and (ii) when there is promotional avenue available. As per this schedule at page No.119, the respondents have granted the pay scale of Rs. 775-1150 to the applicants as Time Bound Promotion pay scale, since the applicants were getting the scale of Rs.

750-12-870-14-940. The applicants are, however, claiming the scale of Rs. 975-25-1150-30-1660 which is the pay scale available to the Multipurpose Health Workers. The learned counsel for the applicants submits that prior to 2003, the Field Workers were being promoted to the post of Multipurpose Health Workers by the concerned District Malaria Officer and number of persons have been accordingly promoted. In my opinion, if such persons are wrongfully promoted without rules, such orders cannot be precedent and the applicants cannot claim parity if such orders are issued without any legal base. It is, however, necessary to see as to what was the procedure and rules for appointment to the post of Multipurpose Health Workers prior to 2003. The Ld. P.O. as well as the learned counsel for the applicants are, therefore, requested to place on record the material in this regard.

5. S.O. **one week**.
6. To be treated as part heard.
7. Steno copies be provided to both parties.

Vice-
Chairman(J)

Dt. 13.2.2019.

pdg.

O.A. No.196/2018.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)

Dated : 13th February 2019.

Heard Shri G.K. Bhusari, the
Ld. counsel for the applicant and

Shri V.A. Kulkarni, the learned P.O.
for the respondents 1 and 2. Shri
R.S. Khobragade, Adv. for R. 3 and
4.

S.O. **14.2.2019.**

Vice-Chairman(J)

Dt. 13.2.2019.

pdg.

O.A. No.441/2018. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 13th February 2019.

Heard Shri R.S. Kalangiwale, the
Ld. counsel for the applicant and Shri M.I.
Khan, the learned P.O. for the
respondents.

S.O. **15.2.2019.**

To be treated as par heard.

Vice-Chairman(J)

Dt. 13.2.2019.

pdg.

O.A. No.494/2018. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 13th February 2019.

Shri Sheikh Ayyub, Adv. holding for Shri R.L. Khapre, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

At the request of the Ld. counsel for the applicant, S.O. **14.2.2019.**

Vice-Chairman(J)

Dt. 13.2.2019.

pdg.

O.A. No.576/2018. (S.B.)

**Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 13th February 2019.**

Heard Shri M.R. Rajgure, the Ld. counsel for the applicant and Shri , the learned P.O. for the respondents.

S.O.

Vice-Chairman(J)

Dt. 13.2.2019.

pdg.

O.A. No.942/2018. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 13th February 2019.

Heard Smt. P.R. Arbat, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondent No.1.

2. Await service to R. 2 and 3.

3. The Ld. counsel for the applicant submits that the respondent No.2 has not been served and she will file an acknowledgement and service affidavit. So far as respondent No.3 is concerned, it is stated that the applicant may be permitted to issue fresh notice to R.3. Applicant is allowed to serve fresh notice to R.3.

4. Issue fresh notice to R.3 returnable in **four weeks**.

5. Shri M.I. Khan, the learned P.O. waives notice for the respondent Nos.1 and 2. Hamdast granted.

6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

7. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

8. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

9. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

10. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

11. S.O. **four weeks.**

Vice-Chairman(J)

Dt. 13.2.2019.

pdg.