

O.A. No. 416/2017 (DB)

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

**Dated : 15.02.2019**

None for the applicant. Shri A.M. Khadatkar, Id. P.O. for R-1 to 4. None for R-5.

At the request of Id. P.O., **S.O.**  
**Next week.**

**Lateron –**

Ms. R. Pande, Id. counsel appeared and pressed for the issue. As agreed by the learned P.O., the matter be kept **on 20/02/2019.**

**Member (J)**

**Member (A)**

dnk.

dated :- 15/02/2019.

O.A. No. 578/2017 (DB)

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

**Dated : 15.02.2019**

**C.A. 394/2018 -**

Shri K.S. Malokar, Id .counsel for the applicants and Shri M.I. Khan, Id. P.O. for the respondents.

2. The learned P.O. has filed C.A. No. 394/2018 for transferring the O.A.578/2017 to the Principal Bench at Mumbai. The learned P.O. submits that the O.A.No. 880/2018 is pending before the Principal Bench in which similar issue is involved. The learned counsel for the applicant is not agree with the same.

3. In view of this , the Id. P.O. is directed to supply the copy of the said O.A. before the next date.

**S.O. 18/02/2019** along with other connected matter.

**Member (J)**

**Member (A)**

dnk.

dated :- 15/02/2019.

O.A. No. 684/18 with C.A.256/18 **(DB)**

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

**Dated : 15.02.2019**

**C.A. 395/2018 -**

Shri K.S. Malokar, Id .counsel for the applicants and Shri M.I. Khan, Id. P.O. for the respondents.

2. The learned P.O. has filed C.A. No. 395/2018 for transferring the O.A.684/2018 to the Principal Bench at Mumbai. The learned P.O. submits that the O.A.No. 880/2018 is pending before the Principal Bench in which similar issue is involved. The learned counsel for the applicants is not agree with the same.

3. In view of this , the Id. P.O. is directed to supply the copy of the said O.A. before the next date.

**S.O. 18/02/2019** along with other connected matter.

**Member (J)**

**Member (A)**

dnk.

dated :- 15/02/2019.

Rev.A. Nos. 8/18 in O.A. 18/08, Rev. A. 09/18  
in O.A. 19/08 and Rev.A.10/18 in O.A.20/08  
(DB)

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

**Dated : 15.02.2019**

None for the applicants. Shri V.A.  
Kulkarni, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. two  
weeks.**

**Member (J)**

**Member (A)**

dnk.

dated :- 15/02/2019.

O.A. Nos. 242/18 & 272/18 **(DB)**

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

**Dated : 15.02.2019**

None for the applicants.

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

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

**Member (J)**

**Member (A)**

dnk.

dated :- 15/02/2019.

O.A. No. 961/2018 (DB)

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

**Dated : 15.02.2019**

Shri S.G. Karmarkar, Id .counsel fort he applicant and Shri A.P. Potnis, Id. P.O. for R-1 to 4. None for R-6&7.

2. The learned P.O. has filed reply on behalf of R-1,3,4 and 5 along with letter no.pra.kra.335/2018, dated 18/01/2019, letter no.pra.kra.93/ashta-4/2017, dated 08/02/2019 and letter no.pra.kra.93/ashtha 4/2018, dated 08/02/2019. Same are taken on record. Copies are served to the learned counsel for the applicant.

3. As per relief clause in O.A. at page no.6 in para 10 (ii) the applicant's relief regarding qualification has been given. However, correction in the seniority list is yet to be done. The respondents are directed to make correction in the seniority list as per the correction in qualification of the applicant.

4. **S.O. six weeks.**

**Member (J)**

**Member (A)**

dnk.

dated :- 15/02/2019.

O.A. No. 26/2019 (DB)

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

**Dated : 15.02.2019**

Shri S.P. Palshikar, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondent.

The learned P.O. seeks two weeks time to file reply. The learned counsel for the applicant has no objection for the same.

**S.O. two weeks** for filing reply.

**Member (J)**

**Member (A)**

dnk.

dated :- 15/02/2019.

O.A. Nos.74,75,76,77,78,79 & 80 of 2019  
(DB)

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

**Dated : 15.02.2019**

Shri S.S. Katkar, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the State.

2. The notices were issued, but it has not been collected by the Id. counsel for the applicants. The learned counsel for the applicants seeks further time to collect the hamdast. At his request, **S.O. four weeks.**

**Member (J)**

**Member (A)**

dnk.

dated :- 15/02/2019.

C.P. 45/18 in O.A. No. 114/2017 (DB)

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

**Dated : 15.02.2019**

Shri S.S. Katkar, Id. counsel holding for Shri N.R. Saboo, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

As submitted by the learned P.O. the bill has been prepared by the Zilla Parishad, Yavatmal (R/5) and submitted to the Treasury office. He further submitted that one week time is required for final payment. At his request, **S.O. one week.**

**Member (J)**

**Member (A)**

dnk.

dated :- 15/02/2019.

O.A. No. 02/2018 (DB)

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

**Dated : 15.02.2019**

Shri S.S. Katkar, Id. counsel holding for Shri N.R. Saboo, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1&2. None for remaining respondents.

The learned P.O. filed additional affidavit on behalf of R-2. It is taken on record. Copy is given to the other side.

**S.O. 20/02/2019.**

**Member (J)**

**Member (A)**

dnk.

dated :- 15/02/2019.

Rev. A. 17/15 in O.A. 777/17 (DB)

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

**Dated : 15.02.2019**

Shri A.Z. Jibhkate, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

2. There is dispute about joining of Shri Virendra Purushottam Padole to the post of Shikshan Sevak. The learned counsel for the applicant is directed to make Shri Virendra Purushottam Padole as party in Review Application because he is going to be an affected party. In the meanwhile, the learned P.O. take instructions from the department in this regard.

**S.O. one week.**

**Member (J)**

**Member (A)**

dnk.

dated :- 15/02/2019.

(DB)

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

**Dated : 15.02.2019**

**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.

**S.O. Next week.**

**Member (J)**

**Member (A)**

dnk.

dated :- 15/02/2019.

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

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

**Dated : 15.02.2019**

None for the applicant. Shri A.M. Ghogre, Id. P.O .for the respondents.

It appears that on the earlier date none appeared for the applicant. Today also none appeared for the applicant. Hence, the O.A. stands dismissed in default.

**Member (J)**

**Member (A)**

dnk.

dated :- 15/02/2019.

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

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

**Dated : 15.02.2019**

Heard Shri N.R. Saboo, Id .counsel for the applicants and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The learned P.O. has placed on record the order dated 17/02/2016 by which the applicant no.2 is promoted.

3. It is submitted that the applicant nos.1,3 & 4 are now retired from the service and there are no instructions from them. The applicant no.2 is in service. The applicant no.2 is intending to challenge the action of the Department for not promoting him before 17/02/2016. It is submitted that the applicant no.2 is intending to make representation to the Department and the Government for giving him deemed date. In view of these facts liberty is given to the applicant no.2 to make representation.

4. In view of above facts and circumstances, the respondents are directed to decide the representation within four weeks from the date of receipt of such representation. With this , the O.A. stands disposed of with no order as to costs.

**Member (J)**

**Member (A)**

dnk.

dated :- 15/02/2019.

**O.A. No.726/2017. (S.B.)**

**Coram:Shri J.D. Kulkarni,**  
**Vice-Chairman (J)**  
**Dated : 15<sup>th</sup> February 2019.**

**M.C.A. No.43/2018.**

Heard Shri S.M. Bhagde, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents 1 to 3. None for R.4.

2. This is an application for restoration of O.A No.726/2017 alongwith C.A. No. 549/2017.

**M.C.A. No.42/2018**

1. This MCA is for condonation of delay in filing restoration application. There is a delay of 102 days for filing application for condonation of delay. Both these applications are being disposed of by this common order.

2. It seems that the application was dismissed vide order dated 20.8.2018 by the learned Single Judge on the ground that Shri Bhagde, Advocate was to file

his vakalatnama, but did not file it and that the grounds in the application for condonation of delay were not mentioned. Perusal of the application for condonation of delay for filing restoration application shows that when the applicant approached his counsel to know about the status of the O.A., it was told him that the application was dismissed for want of prosecution on 28.8.2018. Thereafter, the applicant applied for certified copy and has filed this application for condonation of delay. None appeared for respondent No.4.

3. Heard the learned P.O. Considering the averments in the application for condonation of delay and also considering the fact that the applicant is claiming appropriate pay scale which is a continuing cause of action, application for condonation of delay as well as application for restoration of the O.A. is allowed. Both the MCAs stand disposed of.

**C.A. No. 549/2017 and O.A. No.726/2017.**

The respondent No.4 has filed reply affidavit , it is taken on record and copies thereof are supplied to both sides.

**ADMIT.**

Shri A.M. Khadatkar, the learned P.O. waives notice for the respondents 1 to 3.

In the O.A. the respondent No.4 has already filed reply and, therefore, C.A. No. 549/2017 for condonation of delay and the O.A. can be heard on merits. Hence, the C.A. No. 549/2017 be kept for final hearing after two weeks.

Vice-Chairman(J)

Dt. 15.2.2019.

pdg.

**O.A. No.552/2018.**

**(S.B.)**

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

**Dated : 15<sup>th</sup> February 2019.**

Shri S.M. Bhagde, Adv.  
holding for Shri R.S. Kurekar, the  
Ld. counsel for the applicant and  
Shri V.A. Kulkarni, the learned P.O.  
for the respondents.

S.O. two weeks as a last  
chance.

Vice-  
Chairman(J)

Dt. 15.2.2019.

pdg.

**O.A. No.691/2018.**

**(S.B.)**

**Coram:Shri J.D. Kulkarni,**

**Vice-Chairman (J)**  
**Dated : 15<sup>th</sup> February 2019.**

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

S.O. **one week** for filing reply  
by Ld. P.O.

Vice-  
Chairman(J)

Dt. 15.2.2019.

pdg.

**O.A. No.881/2018.**

**(S.B.)**

**Coram:Shri J.D. Kulkarni,**  
**Vice-Chairman (J)**  
**Dated : 15<sup>th</sup> February 2019.**

Shri D.S. Lokhande, the applicant in person and Shri A.P. Potnis, the learned P.O. for the respondent No.1. None for R. 2 to 5.

Ld. P.O. submits that he will intimate the Advocate of R. 2 to 5 and also seeks time to file reply affidavit.

**S.O. two weeks.**

Vice-  
Chairman(J)

Dt. 15.2.2019.

pdg.

**O.A. No.978/2018.**

**(S.B.)**

**Coram:Shri J.D. Kulkarni,**  
**Vice-Chairman (J)**  
**Dated : 15<sup>th</sup> February 2019.**

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

S.O. **one week** for filing reply  
by Ld. P.O.

Vice-  
Chairman(J)

Dt. 15.2.2019.

pdg.

**O.A. No.27/2019.**

**(S.B.)**

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

**Dated : 15<sup>th</sup> February 2019.**

There is a leave note from Shri D.M. Kakani, the Ld. counsel for the applicant. Shri S.A. Deo, the learned C.P.O. for the

respondent Nos.1 to 3 and 5. Shri P.J. Mehta, Adv. for R. 4.

Ld. Adv. for R.4 prays for time to file reply on behalf of R.4.

Ld. CPO for R. 1 to 3 also prays for time to file reply on behalf of R.1 to 3. Granted.

**S.O. four weeks.**

Vice-  
Chairman(J)

Dt. 15.2.2019.

pdg.

**O.A. No.979/2018.**

**(S.B.)**

**Coram:Shri J.D. Kulkarni,**  
**Vice-Chairman (J)**  
**Dated : 15<sup>th</sup> February 2019.**

Heard Shri I.G. Meshram, the  
Ld. counsel for the applicant and  
Shri S.A. Deo, the learned C.P.O.  
for the respondent No.1. Shri A.M.  
Kukday, Adv. for R. 2.

**ADMIT.**

Shri S.A. Deo, the learned  
C.P.O. waives notice for the  
respondent No.1.

S.O. for final hearing in the  
**last week of February 2019.**

Vice-  
Chairman(J)

Dt. 15.2.2019.

pdg.

**O.A. No.109/2019. (S.B.)**

**Coram:Shri J.D. Kulkarni,**

**Vice-Chairman (J)**  
**Dated : 15<sup>th</sup> February 2019.**

Heard Shri S.M. Bhagde, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents.

2. The applicant has challenged the order of suspension dated 15.1.2019 (A-2) whereby suspension was not revoked, so also the order dated 13.5.2016 whereby the applicant has been kept under suspension. It seems that earlier also, the applicant has filed O.A. against the order of suspension. But the said O.A. was disposed of with directions to consider the representation of the applicant. The respondents, however, refused to revoke the order on the very day, on which order was passed by this Tribunal. Again being aggrieved by the said order, this O.A. has been filed.

3. The Ld. CPO has placed on record the communication dated 4.2.2019 alongwith the minutes of the meeting dated 8.1.2019. The same are marked "X" for identification. From the said minutes of the meeting, it seems that the

competent committee has now taken a decision to reinstate the applicant. It is stated that the said order has been received yesterday only and accordingly the order of revocation of suspension was issued immediately. The learned counsel for the applicant submits that in view of the decision taken by the respondents, the applicant may be allowed to withdraw the O.A. and seeks permission for the same. Application, therefore, stands disposed of as withdrawn, since the grievance of the applicant has been redressed. No order as to costs.

Vice-Chairman(J)

Dt. 15.2.2019.

pdg.

**O.A. No.404/2018.**

**(S.B.)**

**(V.A.Deollikar V/s State of  
Maharashtra)**

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

**Dated : 15<sup>th</sup> February 2019.**

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

2. The applicant, who is a Chief  
Officer / Assistant Commissioner  
serving at Municipal Corporation,  
Chandrapur, has been transferred  
to Municipal Council, Korchi, Distt.  
Chandrapur vide impugned order  
dated 12.6.2018. Earlier, he was  
transferred to Chandrapur from  
Bhandara vide order dated  
3.10.2016. The applicant has not

completed three years of his service at Chandrapur and, therefore, said order has been challenged in this O.A. In the reply, the respondents tried to justify the order on the ground that the provisions of the Transfer Act have been complied with and the transfer was recommended by the Civil Services Board and sanction of the higher authority i.e. the Hon'ble the Chief Minister has been taken for such transfer. In view of the interim relief granted on 14.6.2018, the respondent No.1 was directed not to relieve the applicant till further orders and in pursuance of the said order, the applicant is still continued at Chandrapur.

3. The Ld. counsel for the applicant submits that the daughter of the applicant is taking education in 12<sup>th</sup> standard and the applicant is ready to withdraw the O.A., if his

request for continuation at Chandrapur till Annual General Transfers of 2019 is considered.

4. In the reply affidavit, it has been stated that the order has been passed in the interest of administration. However, from the minutes of the meeting, it seems that the applicant was considered for transfer on administrative ground and also because there are complaints against the applicant in A.C.B. cases filed against him. It is stated that the applicant has been acquitted in the A.C.B. cases. If there are complaints against the applicant, he cannot be transferred merely because there are complaints against him, unless the said complaints are substantiated. However, there is no reason to go into the merits of the order passed by the respondent No.1, since the applicant is ready to join at

Municipal Council, Korchi, Distt. Gadchiroli in the month of June 2019. Considering the fact that the applicant is already continued to work at Chandrapur and his daughter is taking education in 12<sup>th</sup> standard, it will be in the interest of justice and equity to allow him to continue at Chandrapur till Annual General Transfers of 2019 or till 31<sup>st</sup> May 2019, whichever is earlier. The learned counsel for the applicant agrees for this. In view thereof, following order is passed:-

**ORDER**

- (i) The O.A. stands disposed of as withdrawn.
- (ii) The respondent No.1 is directed to continue the applicant at Chandrapur till Annual General Transfers of 2019 or till

31<sup>st</sup> May 2019,  
whichever is earlier.

(iii) No order as to costs.

Vice-  
Chairman(J)

Dt. 15.2.2019.

pdg.

**O.A. No.756/2015.**

**(S.B.)**

**Coram:Shri J.D. Kulkarni,**  
**Vice-Chairman (J)**  
**Dated : 15<sup>th</sup> February 2019.**

Heard Shri S.W. Sambre, the  
Ld. counsel for the applicant and  
Shri P.N. Warjekar, the learned  
P.O. for the respondents.

The Ld. counsel for the applicant submits that he will take instructions from the applicant or will argue the matter on merits on **18.2.2019**.

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. 15.2.2019.

pdg.

