

O.A. No. 197/2015 (DB)

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

Dated : 18.02.2019

Shri A.D. Girdekar, Id. counsel for
the applicant and Shri M.I. Khan, Id. P.O.
for the respondents.

At the request of Id. counsel for the
applicant, **S.O. four weeks.**

Member (J)

Member (A)

dnk.

dated :- 18/02/2019.

O.A. No. 861/2017 (DB)

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

Dated : 18.02.2019

Shri N.R. Saboo, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1 to 3&5 and Shri S.N. Gaikwad, Id. counsel for R-4 and 6.

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

Member (J)

Member (A)

dnk.

dated :- 18/02/2019.

O.A. St. No. 1441/2016 (DB)

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

Dated : 18.02.2019

C.A.368/2016 -

None for the applicant. Shri M.I. Khan, Id. P.O. for R-1. Await service of R-2 to 4.

S.O. three weeks.

Member (J)

Member (A)

dnk.

dated :- 18/02/2019.

O.A. No. 845/2012 (DB)

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

Dated : 18.02.2019

None for the applicant. Shri M.I. Khan, Id. P.O. for R-1 to 3. Await service of R- 4.

It seems that the applicant has not collected notice of respondent no.4.

S.O. four weeks.

Member (J)

Member (A)

dnk.

dated :- 18/02/2019.

O.A. No. 740/2016 (DB)

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

Dated : 18.02.2019

There is a leave note from Shri S.P. Palshikar, Id .counsel for the applicant. Shri M.I. Khan, Id. P.O. for R-1&2. None for R-3.

S.O. four weeks.

Member (J)

Member (A)

dnk.

dated :- 18/02/2019.

O.A. No. 434/2018 (DB)

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

Dated : 18.02.2019

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

2. The Id. P.O. files reply on behalf of R-4. It is taken on record. Copy is served on the applicant.

3. **Heard. Admit.**

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

S.O. 28/02/2019 for final hearing.

Member (J)

Member (A)

dnk.

dated :- 18/02/2019.

O.A. No. 897/2018 (DB)

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

Dated : 18.02.2019

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

2. After hearing it appears that the appeal preferred before the Hon'ble High Court challenging the sentence and conviction as the execution of the sentence was stayed. Consequently, the Government passed the impugned order dated 14/11/2018 and dismissed the applicant from service. In view of this matter, as there was no stay to the conviction at this juncture it is not permissible to say whether the impugned order dated 14/11/2018 is apparently illegal or not, but as the appeal is pending before the Hon'ble High Court, therefore, it is necessary to keep this matter pending till decision in that appeal.

S.O. in due course.

Member (J)

Member (A)

dnk.

dated :- 18/02/2019.

O.A. No. 39/2019 (DB)

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

Dated : 18.02.2019

Heard Shri A.Z. Jibhkate, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1 to 3 and Shri A.Y.Kapgate, Id. counsel for R-4&5.

2. The learned counsel for R-4&5 has placed on record Affidavit on behalf of Dr. Vikram S/o B. Katre. However, the learned counsel for the applicant has filed copy of Office note on behalf of Dr. V.M. Chauragade. The same are taken on record and marked Exh-X & X1 for the purposes of identification.

3. The Id. counsel for R-4&5 is directed to file specific affidavit from Dr. Vikram S/o B. Katre and/or as directed in the earlier order dated 11/02/2019.

4. **S.O. 21/02/2019.**

Member (J)

Member (A)

dnk.

dated :- 18/02/2019.

O.A. No. 728/2018 (DB)

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

Dated : 18.02.2019

Heard Shri R.V. Shiralkar, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the respondents.

2. The respondent no.1 is directed to take decision on the applicants' representation within three months from the date of this order.

3. With this, the O.A. stands disposed of with no order as to costs.

Member (J)

Member (A)

dnk.

dated :- 18/02/2019.

O.A. No. 410/2017 (DB)

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

Dated : 18.02.2019

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

2. The learned counsel for the applicant was supposed to file more documents on record as per earlier order dated 07/01/2019. However, today none appeared for the applicant.

S.O. two weeks.

Member (J)

Member (A)

dnk.

dated :- 18/02/2019.

O.A. No. 688/2017 (DB)

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

Dated : 18.02.2019

Shri A.S. Moon, Id .counsel holding
for Shri S.A. Marathe, Id .counsel for the
applicants and Shri M.I. Khan, Id. P.O. for
R-1 to 3. None for R-4 to 7.

2. The learned counsel for the
applicants seeks further time. The
learned P.O. also seeks time to comply
the previous order. Time is granted as
prayed for.

S.O. two weeks.

Member (J)

Member (A)

dnk.

dated :- 18/02/2019.

O.A. No. 106/2015 (DB)

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

Dated : 18.02.2019

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

2. From the record it appears that on the earlier dates on 20th Sept.,2016 and 11th April,2018 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 :- 18/02/2019.

O.A. No. 800/2017 (DB)

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

Dated : 18.02.2019

Shri M.R. Rajgure, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1&2 and Shri A.P. Khadatkar, Id. counsel holding for S.W. Deshpande, Id. counsel for R-3.

2. The learned counsel for the applicant submits that his client is suffering from paralysis and therefore he seeks minimum two weeks' time to file additional affidavit. He further submits that his client is suffering from paralysis therefore he may be permitted to file additional affidavit on his behalf as per the instructions of his client. Permission is granted as prayed for.

S.O. three weeks.

Member (J)

Member (A)

dnk.

dated :- 18/02/2019.

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

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

Dated : 18.02.2019

C.A.394/2018 -

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

2. The C.A. No. 394/2018 is filed by the learned P.O. It is submitted by the learned P.O. that the O.A.880/2018 is pending before the Principal Bench of MAT, Mumbai. It is further submitted that as the issue is involved in the present O.A. and in O.A.No. 880/2018 are similar, therefore, this matter be transferred to the Principal Bench of MAT, Mumbai.

3. We have perused the order passed in O.A.438/2016 on 25/04/2017 by the Division Bench of MAT, Nagpur. The learned counsel for the applicants submitted that as the issue is decided in this O.A. and as the case of the applicants is based on the Judgment in

O.A.438/2016, therefore, it is not necessary to transfer the matter to the Principal Bench of MAT, Mumbai. On page no.39 in para-8 of the Judgment in O.A. 438/2016 it is observed that while deciding the O.A. 774/2009 the Division Bench of MAT, Nagpur observed that the State will take steps to give priority to frame appropriate rules for the examination as early as possible and in any case on or before 31/10/2010. As in spite of this direction, no steps were taken by the State to frame the rules. Consequently, the O.A.438/2016 was allowed.

4. After reading the O.A.880/2018 it appears that the rules are framed by the Government on 26/02/2018 and in that O.A. the petitioner challenged these rules. Now as the rules are framed for conducting the departmental examination by the State Government, consequently without examining the rules it is not permissible to grant any relief to the applicants in the present O.A. As the similar issue will arise in the present matter, therefore, we are of the opinion that it is necessary to avoid conflicting Judgments to transfer this O.A. to the

Principal Bench of this Tribunal for disposal according to law. Hence, the C.A. is allowed.

Member (J)

Member (A)

dnk.

dated :- 18/02/2019.

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 : 18.02.2019

C.A.395/2018 -

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

2. The C.A. No. 395/2018 is filed by the learned P.O. It is submitted by the learned P.O. that the O.A.880/2018 is pending before the Principal Bench of MAT, Mumbai. It is further submitted that as the issue is involved in the present O.A. and in O.A.No. 880/2018 are similar, therefore, this matter be transferred to the Principal Bench of MAT, Mumbai.

3. We have perused the order passed in O.A.438/2016 on 25/04/2017 by the Division Bench of MAT, Nagpur. The learned counsel for the applicants submitted that as the issue is decided in this O.A. and as the case of the applicants is based on the Judgment in

O.A.438/2016, therefore, it is not necessary to transfer the matter to the Principal Bench of MAT, Mumbai. On page no.39 in para-8 of the Judgment in O.A. 438/2016 it is observed that while deciding the O.A. 774/2009 the Division Bench of MAT, Nagpur observed that the State will take steps to give priority to frame appropriate rules for the examination as early as possible and in any case on or before 31/10/2010. As in spite of this direction, no steps were taken by the State to frame the rules. Consequently, the O.A.438/2016 was allowed.

4. After reading the O.A.880/2018 it appears that the rules are framed by the Government on 26/02/2018 and in that O.A. the petitioner challenged these rules. Now as the rules are framed for conducting the departmental examination by the State Government, consequently without examining the rules it is not permissible to grant any relief to the applicants in the present O.A. As the similar issue will arise in the present matter, therefore, we are of the opinion that it is necessary to avoid conflicting Judgments to transfer this O.A. to the

Principal Bench of this Tribunal for disposal according to law. Hence, the C.A. is allowed.

Member (J)

Member (A)

dnk.

dated :- 18/02/2019.

O.A. No. 674/2016 **(SB)**

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

Dated : 18.02.2019

Shri N.D. Thombre, Id. counsel for
the applicant and Shri V.A. Kulkarni, Id.
P.O. for the respondents.

S.O. 27/02/2019.

Member (J)

dnk.

dated :- 18/02/2019.

O.A. No. 521/2017 (SB)

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

Dated : 18.02.2019

Shri N.D. Thombre, Id. counsel for
the applicant, Shri V.A. Kulkarni, Id. P.O.
for R-1&2 and none for R-3,4 & 5.

S.O. 21/02/2019.

Member (J)

dnk.

dated :- 18/02/2019.

O.A. No.915/2018. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 18th February 2019.

Heard Shri Vishal Anand, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents 1 to 4. None for R.5.

Ld. P.O. has filed reply on behalf of R. 3 and 4, it is taken on record and a copy; thereof is supplied to the Ld. counsel for the applicant.

ADMIT.

Shri V.A. Kulkarni, the learned P.O. waives notice for the respondents 1 to 4.

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

Vice-Chairman(J)

Dt. 18.2.2019.

pdg.

O.A. No.359/2018. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 18th February 2019.

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

The Ld. counsel for the applicant submits that the respondent No.5's order has been cancelled and, therefore, he is no more necessary party in the O.A. The Ld. counsel for the applicant seeks permission to delete the name of respondent No.5. Permission is granted.

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. 18.2.2019.

pdg.

O.A. No.973/2018.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 18th February 2019.

Heard Shri A.C. Dharmadhikari, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents 1 to 3. Shri G.K. Bhusari, Adv. for R.4.

The Ld. counsel for the applicant has placed on record a copy of representation dated 15.1.2019 filed by the applicant alongwith recommendation dated 18.1.2019. The said documents taken on record and marked "X" and "X-1" for the purpose of identification. From the recommendation and representations, it seems that oen post of Range Forest Officer in Social Forestry at Ramtek is going to be vacant on 28.1.2019

and the applicant has filed representation to transfer him on that post and his name has been recommended. In view thereof, the Ld. P.O. is requested to take instructions as to whether the respondents are ready to accommodate the applicant at Ramtek. Ld. P.O. seeks time till 27.2.2019.

S.O. 27.2.2019.

I.R. to continue till then.

Vice-

Chairman(J)

Dt. 18.2.2019.

pdg.

O.A. Nos.545,546 & 600 of 2018.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 18th February 2019.

Heard Shri N.D. Thombre, the Ld. counsel for the applicants and Shri V.A. Kulkarni, the learned P.O. for the respondent Nos. 1 to 3. None for R.4.

2. The Ld. P.O. has filed reply of R. 1 to 3, it is taken on record and a copy

thereof is supplied to the Ld. counsel for the applicants.

3. S.O. **two weeks** for filing rejoinder by pthe applicants.

Vice-
Chairman(J)

Dt. 18.2.2019.

pdg.

O.A. No. 930 /2017.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 18th February 2019.

None for the applicant. Shri V.A. Kulkarni, the learned P.O. for the respondents 1 to 3. None for R.4.

At the request of Ld. P.O., S.O.
one week.

Vice-
Chairman(J)

Dt. 18.2.2019.

pdg.

O.A. No. 974 /2017.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 18th February 2019.

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

The Ld. counsel for the applicant files rejoinder, it is taken on record and a copy thereof is supplied to the Ld. P.O.

ADMIT.

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

S.O. **second week of March 2019** for final hearing.

Vice-
Chairman(J)

Dt. 18.2.2019.

pdg.

O.A. (St.) No.12/2019.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 18th February 2019.

C.A. 18/2019.

Heard Shri N.W. Almelkar, the Ld. counsel for the applicant and Shri A.P. Potnis, the learned P.O. for the respondent No.1.

2. Issue notice on C.A. to respondent Nos. 2 to 7 returnable in four weeks.

3. Shri A.P. Potnis, the learned P.O. waives notice for the respondent No.1. Hamdast granted.

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

5. 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.

6. 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.

7. 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.

8. 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.

9. S.O. **four weeks.**

Vice-Chairman(J)

Dt. 18.2.2019.

pdg.

O.A. No.840/2018. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 18th February 2019.

Heard Shri A.K. Waghare, the Ld. counsel for the applicant and Shri A.P. Potnis, the learned P.O. for the respondents.

The Ld. P.O. has filed reply on behalf of R.2 and 3, it is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant.

As a last chance, S.O. **5.3.2019** for filling reply of respondent Nos. 5 to 7.

Vice-
Chairman(J)

Dt. 18.2.2019.

pdg.

O.A. No. 958/2018. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 18th February 2019.

C.A. 02/2019.

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

For the reasons stated in the application, application is allowed subject to payment of court fee to be deposited with the office of this Tribunal.

O.A. No. 958/2018.

S.O. four weeks.

Vice-
Chairman(J)

Dt. 18.2.2019.

pdg.

O.A. No. 959/2018. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 18th February 2019.

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

9. S.O. four weeks for reply.

Vice-
Chairman(J)

Dt. 18.2.2019.

pdg.

O.A. No. 463/2018.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 18th February 2019.

None for the applicant. Shri P.N. Warjekar, the learned P.O. for the respondents.

The Ld. P.O. has placed on record a copy of letter dated 26.4.2010 and a Govt. letter dated 16.4.2010 whereby exemption was granted, has been withdrawn by respondent No.2. Same are taken on record and marked "X" and "X-1" for identification.

S.O. 22.2.2019.

Vice-
Chairman(J)

Dt. 18.2.2019.

pdg.

O.A. No. 657/2015.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 18th February 2019.

None for the applicant. Shri P.N. Warjekar, the learned P.O. for the respondents.

As per order dated 19.12.2018, the Ld. P.O. was directed to take instructions as to whether the respondent No.1 is ready to consider the claim fo the applicant for regularisation from the date of passing Ph.D. degree and if yes, within how many days such order can be passed. The Ld. P.O. submits tht the applicant is not eligible at all for the post of Assistant Professor and also for further promotion and the respondents want to file a short affidavit to that effect alongwith documents.

S.O. **one week.**

Vice-
Chairman(J)

Dt. 18.2.2019.

pdg.

O.A. No. 332/2018.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 18th February 2019.

C.A. 37/2019.

Shri G.N. Shinde, Adv. holding for
Shri S.M. Vaishnav, the Ld. counsel for
the applicant and Shri A.P. Potnis, the
learned P.O. for the respondents.

S.O. **22.2.2019.**

Vice-
Chairman(J)

Dt. 18.2.2019.

pdg.

O.A. No. 756/2015.

(S.B.)

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

Dated : 18th February 2019.

Shri S.W. Sambre, the Ld. counsel
for the applicant and Shri V.A. Kulkarni,
the learned P.O. for the respondents.

At the request of the Ld. counsel
for the applicant, S.O. **21.2.2019.**

Vice-
Chairman(J)

Dt. 18.2.2019.

pdg.

O.A. No. 753/2018.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 18th February 2019.

Shri N.R. Saboo, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents 1 to 5. Shri Bhosle, Adv. for R.6.

At the request of the Ld. counsel for the applicant, S.O. **27.2.2019** for filing rejoinder.

Vice-Chairman(J)

Dt. 18.2.2019.

pdg.

O.A. No. 218/2018. (D.B.)

**Coram:Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member (A)**

Dated : 18th February 2019.

R.A.No.17/2018.

Dr. A.Y. Humne,, the applicant is present in person and Shri P.N. Warjekar, the learned P.O. for the respondents 1 to 3. None for for R.4.

At the request of the Ld. P.O. S.O.
5.3.2018 for filing reply.

Member (A)
Chairman(J)

Vice-

Dt. 18.2.2019.

pdg.