

O.A. No.197/2017. (D.B.)

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

Dated : 03/04/2018

Heard Shri S.P. Palshikar, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1. Await service of R-2.

2. At the request of learned counsel for the applicant, issue fresh notice to R-2, returnable in **four weeks**. Hamdast allowed.

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

4. 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.

5. 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.

6. 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.

7. **S.O. four weeks.**

Member(A)

Vice-Chairman(J)

dnk.

**O.A. Nos. 256, 359,360 & 822 of 2009
(D.B.)**

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

Dated : 03/04/2018

Shri P.V. Thakre, Id .counsel for the applicants and Shri S.A. Sainis, Id. P.O. and other learned P.O. in other matters for the respondents.

At the request of learned counsel for the applicant, **S.O. 09/04/2018.**

Member(A)

Vice-Chairman(J)

dnk.

O.A. No. 342/09 with C.A.100/17 (D.B.)

**Coram: J.D. Kulkarni,
Vice-Chairman(J) and
Shree Bhagwan,Member(A)
Dated : 03/04/2018**

Shri M.V. Mohokar, Id .counsel for
the applicant and Shri A.M. Ghogre, Id.
P.O. for R-1&2. None for R-3&4.

At the request of learned counsel
for the applicant, **S.O. 09/04/2018.**

Member(A)

Vice-Chairman(J)

dnk.

O.A. No. 472/09 (D.B.)

**Coram: J.D. Kulkarni,
Vice-Chairman(J) and
Shree Bhagwan,Member(A)
Dated : 03/04/2018**

Shri D.M. Surjuse, Id. counsel holding for Shri S.U. Nemade, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1 to 3. None for R-4.

At the request of learned counsel for the applicant, **S.O. 11/04/2018** along with other connected matter.

Member(A)

Vice-Chairman(J)

dnk.

O.A. No. 640/09 (D.B.)

**Coram: J.D. Kulkarni,
Vice-Chairman(J) and
Shree Bhagwan,Member(A)
Dated : 03/04/2018**

Shri S.R. Sharma, Id. counsel holding for Shri A. Mardikar, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1 to 3. None for R-4 to 6.

At the request of learned counsel for the applicant, **S.O. 11/04/2018** along with other connected matter.

Member(A)

Vice-Chairman(J)

dnk.

O.A. No. 334/2017 (D.B.)

**Coram: J.D. Kulkarni,
Vice-Chairman(J) and
Shree Bhagwan,Member(A)
Dated : 03/04/2018**

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

The learned P.O. files reply-affidavit on behalf of R-2&3. It is taken on record. Copy is served on the applicant.

The learned counsel for the applicant seeks time to file rejoinder. At his request, **S.O .two weeks.**

Member(A)

Vice-Chairman(J)

dnk.

O.A. No. 949/2017 with C.A.38/18 (D.B.)

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

Dated : 03/04/2018

None for the applicant.

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

The learned P.O. submits that reply-affidavit of R-3 is already filed on record and there is no need to file reply on behalf of other respondents.

Since the pleadings are complete, the matter is admitted and kept for final hearing.

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

C.A. for direction will be heard along with the O.A.

S.O. in due course.

Put up along with other connected matter.

Member(A)

Vice-Chairman(J)

dnk.

O.A. No. 950/2017 with C.A.39/18 (D.B.)

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

Dated : 03/04/2018

None for the applicant.

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

The learned P.O. submits that reply-affidavit of R-3 is already filed on record and there is no need to file reply on behalf of other respondents.

Since the pleadings are complete, the matter is admitted and kept for final hearing.

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

C.A. for direction will be heard along with the O.A.

S.O. in due course.

Put up along with other connected matter.

Member(A)

Vice-Chairman(J)

dnk.

O.A. No. 45/2018 (D.B.)

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

Dated : 03/04/2018

None for the applicant.

Shri A.M. Ghogre, Id .P.O. for R-1.
Await service of R-2&3.

S.O. two weeks.

Member(A)

Vice-Chairman(J)

dnk.

O.A. No. 113/2018 (D.B.)

**Coram: J.D. Kulkarni,
Vice-Chairman(J) and
Shree Bhagwan,Member(A)
Dated : 03/04/2018**

Shri S.N. Gaikwad, Id .counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1. Await service of R-2&3.

The learned counsel for the applicant submits that he will file service affidavit of R-2&3.

The learned P.O. seeks time to file reply. At his request, **S.O. four weeks.**

Member(A)

Vice-Chairman(J)

dnk.

O.A. No. 141/2018 (D.B.)

**Coram: J.D. Kulkarni,
Vice-Chairman(J) and
Shree Bhagwan,Member(A)
Dated : 03/04/2018**

Mrs. P.T. Joshi, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1. Await service of R-2 to 5.

The learned counsel for the applicant submits that she will file service affidavit.

The learned P.O. seeks time to file reply. At his request, **S.O. three weeks.**

Member(A)

Vice-Chairman(J)

dnk.

O.A. No. 142/2018 (D.B.)

**Coram: J.D. Kulkarni,
Vice-Chairman(J) and
Shree Bhagwan,Member(A)
Dated : 03/04/2018**

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

The learned counsel for the applicant submits that she will file service affidavit.

The learned P.O. seeks time to file reply. At his request, **S.O. three weeks.**

Member(A)

Vice-Chairman(J)

dnk.

O.A. No. 46/2018 (D.B.)

**Coram: J.D. Kulkarni,
Vice-Chairman(J) and
Shree Bhagwan,Member(A)
Dated : 03/04/2018**

Shri Bharat Kulkarni, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1 to 3. None for R-4.

At the request of learned P.O., **S.O.**
four weeks for filing reply.

Put up along with other connected matter.

Member(A)

Vice-Chairman(J)

dnk.

O.A. No. 47/2018 (D.B.)

**Coram: J.D. Kulkarni,
Vice-Chairman(J) and
Shree Bhagwan,Member(A)
Dated : 03/04/2018**

Shri Bharat Kulkarni, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1 to 3. None for R-4.

At the request of learned P.O., **S.O.**
four weeks for filing reply.

Put up along with other connected matter.

Member(A)

Vice-Chairman(J)

dnk.

C.P. 19/18 in O.A. No. 386/16 (D.B.)

**Coram: J.D. Kulkarni,
Vice-Chairman(J) and
Shree Bhagwan,Member(A)
Dated : 03/04/2018**

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

The learned counsel for the applicant submits that he wants to withdraw Cont. Petition no.19 /2018 and for that purpose he seeks time. At his request, **S.O. 09/04/2018.**

Member(A)

Vice-Chairman(J)

dnk.

C.P. 17/17 in O.A. No. 687/14 (D.B.)

**Coram: J.D. Kulkarni,
Vice-Chairman(J) and
Shree Bhagwan,Member(A)
Dated : 03/04/2018**

Shri A.C. Dharmadhikar, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 to 3, Mrs. V. Khadekar, Id. counsel for R-4&5 and none for R-6.

The learned counsel for the applicant seeks time to take instructions from the applicant. At his request, **S.O. two weeks.**

Member(A)

Vice-Chairman(J)

dnk.

O.A. No. 490/2017 (D.B.)

**Coram: J.D. Kulkarni,
Vice-Chairman(J) and
Shree Bhagwan,Member(A)
Dated : 03/04/2018**

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

A specific order was passed on 20/03/2018 whereby most last chance was granted subject to the condition that in case reply is not filed on the next date the cost of Rs.5,000/- will be saddled. In spite of such order, today the learned P.O. seeks time to file reply-affidavit. Therefore the respondent is directed to pay the cost of Rs.5000/- before the Registry of MAT, Nagpur within a period of one week.

S.O. one week.

Member(A)

Vice-Chairman(J)

dnk.

C.P. 13/18 in O.A. No. 61/2010 (D.B.)

**Coram: J.D. Kulkarni,
Vice-Chairman(J) and
Shree Bhagwan,Member(A)
Dated : 03/04/2018**

Heard Shri Bharat Kulkarni, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. In this Contempt Petition no.13/2018 the applicant has requested that the proceedings for contempt of court shall be initiated against the respondents for non compliance of the order passed in O.A.61/2010 by this Tribunal on 12/01/2016. The operative order which is to be complied is as under :-

“(a) The applicant is entitled to count the period of his service as M.A. in work charged establishment as qualifying service for purpose of pension.

(b) Accordingly, he will be entitled to pension, including arrears of pension, for the period of his service from the date of his joining vide order dated 10/10/1995 till his retirement on 30/04/2007. He will however be entitled to any interest on delayed

release of arrears for the period beyond six months from the date of issue or relevant orders in this regard.

(c) The respondents are expected to comply with the above directions within four months of receipt of this order.”

3. Today, the learned P.O. has placed on record communication received by him dated 28/03/2018 which is marked as Exh-X for the purposes of identification along with some correspondence. From the said correspondence, it seems that the applicant has been paid all the amount and interest of Rs. 57,819/- and nothing remains to be complied. The learned P.O. therefore submits that the application may be disposed of. The learned counsel for the applicant also agrees with the same.

4. In view thereof, the contempt petition no. 13/2018 stands disposed of with no order as to costs.

Member(A)

Vice-Chairman(J)

dnk.

O.A. No. 241/2008 (D.B.)

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

Dated : 03/04/2018

Heard Shri N.D. Thombre, Id. counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1&2 and Shri D.T. Shinde, Id. counsel for R-3 to 6.

Closed for orders.

Member(A)

Vice-Chairman(J)

dnk.

O.A. No. 608/2009 (D.B.)

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

Dated : 03/04/2018

None for the applicant.

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

At the request of learned P.O., **S.O.**
09/04/2018.

Member(A)

Vice-Chairman(J)

dnk.

O.A. No. 671/2009 (D.B.)

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

Dated : 03/04/2018

None for the applicant.

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

From the record it seems that on
the earlier date nobody appeared for the
applicant. Hence, matter be kept for
dismissed on **13/04/2018**.

Member(A)

Vice-Chairman(J)

dnk.

O.A. No. 217/2018 (D.B.)

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

Dated : 03/04/2018

Heard Shri N.C. Phadnis, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The applicant in this case has challenged the impugned order dated 26/03/2018 (Annex-A-1) whereby the applicant has been reverted to the post of Clerk from the post of Sub Inspector (Excise). It seems that the applicant was promoted to the said post of Sub Inspector vide order dated 28/02/2012 and was still working on that post. The learned counsel for the applicant submits that in fact the order of demotion is not served on him, but its copy has been supplied to his wife. He further states that no order regarding posting of the applicant on the reverted post has yet been issued.

3. From the arguments put forth it seems that the applicant was appointed on the compassionate ground on the post of Clerk and the said appointment was on merit and not on the basis of caste and this fact is not also disputed by the respondent authorities. The learned CPO submits that while promoting the applicant on the post of Sub Inspector, he was considered under Schedule Tribe (ST) category and therefore though the applicant obtained less marks than the meritorious candidate, he was wrongly promoted. The respondent authorities now want to rectify that mistake. It seems that show cause notice was already issued to the applicant before passing the impugned order. However from the documents placed on record, it also seems that the process for promotion might have been conducted on the basis of merit and not on the basis of caste. All these points will have to be considered on merits which is not substantial question of law and therefore in the interest of justice since the applicant is already working on the promoted post since, 2012, the respondent no.2 is directed to allow the

applicant to work on the post of Sub Inspector (Excise) till the reply is filed.

4. Issue notice to R-2 & 3 returnable in **four weeks**. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

6. 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.

7. 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.

8. 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.

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

Member(A)

Vice-Chairman(J)

dnk.

O.A. No.220/2018. (S.B.)

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

Dated : 3rd April 2018.

Heard Shri P.V. Thakre, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the Ld. P.O. for the respondent No.1.

2. The applicant has retired as a Peon on 30.11.2017. Vide impugned order dated 13.3.2018, the Treasury Officer, Gadchiroli has been directed to recover the amount of Rs. 40,305/- from the pensionary benefits of the applicant on the ground that the said amount has been paid in excess. The said fact came to the knowledge of the competent authority when the pay of the applicant was re-fixed after retirement. Recovery pertains to the period from 2010 onwards. Vide impugned order, the respondents are recovering the amount. Since the

applicant is a Class-IV employee and has retired long back prior to 5-6 months, the impugned order as regards recovery of the amount of Rs. 40,305/- is stayed till further orders.

3. In the meantime, issue notice to R. 2 to 4 returnable **after four weeks.**

4. Shri A.M. Khadatkhar, the Ld. P.O. waives notice for respondent No.1. Hamdast granted.

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

6. 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.

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

8. The service may be done by hand delivery, speed post or courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within three weeks. Applicant is directed to file Affidavit of compliance and notice.

S.O. **four weeks.**

Vice-Chairman(J)

pdg

O.A. No.181/2015. (S.B.)

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

Dated : 3rd April 2018.

None for the applicant. Shri H.K. Pande, the Ld. P.O. for the respondent Nos.1 and 2. Shri P.V. Thakre, Ld. Adv. for R.3.

At the request of Ld. Adv. for R.3,
S.O. **12.4.2018.**

Vice-Chairman(J)

O.A. No.735/2016. (S.B.)

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

Dated : 3rd April 2018.

Heard Shri M.R. Rajgure, the Ld. counsel for the applicant and Shri S.A. Sainis, the Ld. P.O. for the respondent Nos.1 and 2. Shri V.G. Wankhede, Ld. Adv. for R.3.

The Ld. counsel for the applicant submits that he has filed C.A.No.82/2018 for filing documents on record. The said C.A. be listed alongwith the O.A.

The applicant is directed to supply copy of the said application and the documents to the other side.

S.O. one week.

Vice-Chairman(J)

