

**O.A. No. 504/2015.**

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

**Dated : 25<sup>th</sup> April 2017.**

**C.A. 37/16:-**

Shri S.P.Palshikar, Id. counsel for the applicant. Smt. Kolhe, the learned P.O. for Respondents.

**S.O. after summer vacation.**

Vice-Chairman(J)

aps

**O.A. No. 113/2017.**

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

**Dated : 25<sup>th</sup> April 2017.**

**C.A. 54/17 & C.A.53/17:-**

Shri R.V.Shiralkar, Id. counsel for the applicant. Shri S.Dev, the learned C.P.O. for Respondents.

For the reasons stated in the application, C.A. to sue jointly i.e. 54/2017 is allowed.

The Id. C.P.O. seeks time to file reply affidavit on C.A.53/2017.

**S.O. after summer vacation.**

Vice-Chairman(J)

aps

**O.A. No. 632 of 2016.**

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

**Dated : 25<sup>th</sup> April 2017.**

**C.A. 93 of 2017:-**

None for the applicant. Shri  
A.M.Ghogre, the learned P.O. for  
Respondents.

The ld. P.O. seeks time to file reply  
affidavit.

**S.O. after summer vacation.**

Vice-Chairman(J)

aps

**O.A. No. 633 of 2016.**

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

**Dated : 25<sup>th</sup> April 2017.**

**C.A. 94 of 2017:-**

None for the applicant. Shri A.M.Ghogre, the learned P.O. for Respondents.

The ld. P.O. seeks time to file reply affidavit.

**S.O. after summer vacation.**

Vice-Chairman(J)

aps

**O.A. No. 634 of 2016.**

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

**Dated : 25<sup>th</sup> April 2017.**

**C.A. 95 of 2017:-**

None for the applicant. Shri A.M.Ghogre, the learned P.O. for Respondents.

The ld. P.O. seeks time to file reply affidavit.

**S.O. after summer vacation.**

Vice-Chairman(J)

aps

**O.A. No. 634 of 2016.**

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

**Dated : 25<sup>th</sup> April 2017.**

**C.A. 95 of 2017:-**

None for the applicant. Shri A.M.Ghogre, the learned P.O. for Respondents.

The ld. P.O. seeks time to file reply affidavit.

**S.O. after summer vacation.**

Vice-Chairman(J)

aps

**O.A. No. 426 of 2016.**

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

**Dated : 25<sup>th</sup> April 2017.**

None for the applicant. Shri P.N.Warjurkar, the learned P.O. for Respondents.

The pleadings are completed.

Admit.

The ld. P.O. waives notices for all the respondents.

Hence the matter be kept for final hearing.

**S.O. after summer vacation.**

Vice-Chairman(J)

aps

**O.A. No. 426 of 2016.**

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

**Dated : 25<sup>th</sup> April 2017.**

None for the applicant. Shri P.N.Warjurkar, the learned P.O. for Respondents.

The pleadings are completed.

Admit.

The ld. P.O. waives notices for all the respondents.

Hence the matter be kept for final hearing.

**S.O. after summer vacation.**

Vice-Chairman(J)

aps

**O.A. No. 658/2016 with C.A.495/2016.**

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

**Dated : 25<sup>th</sup> April 2017.**

Shri G.G.Bade, Id. counsel for the applicant. Shri A.M.Ghogre, the learned P.O. for Respondents.

The Id. counsel for the applicant seeks time to file Rejoinder.

**S.O. after summer vacation.**

Vice-Chairman(J)

aps

**O.A. No. 774/2016.**

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

**Dated : 25<sup>th</sup> April 2017.**

Shri I.G.Meshram, Id. counsel for the applicant. Shri Khadatkar, the learned P.O. for Respondents no. 1 & 3. None for R-2 & 4.

At the request of Id. P.O., as a last chance time is granted.

**S.O. after summer vacation.**

Vice-Chairman(J)

aps

**O.A. No. 778/2016.**

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

**Dated : 25<sup>th</sup> April 2017.**

Shri S.B.Tiwari, Id. counsel for the applicant. Shri Sainis, the learned P.O. for Respondents no. 1 & 2. None for R-3.

The Id. counsel for the applicant submits that he will file Rejoinder during the course of the day. Therefore, the copy will be served to the other sides. Pleadings are completed. The matter be admitted and kept for final hearing.

The Id. P.O. waives notices for respondents no. 1 & 2.

**S.O. after summer vacation.**

Vice-Chairman(J)

aps

**O.A. No. 44/2017.**

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

**Dated : 25<sup>th</sup> April 2017.**

Shri S.P.Palshikar, Id. counsel for the applicant. Smt. Barabde, the learned P.O. for Respondents.

At the request of Id. P.O., **S.O. after summer vacation.**

Vice-Chairman(J)

aps

**O.A. No. 114/2017.**

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

**Dated : 25<sup>th</sup> April 2017.**

There is a leave note of Id. counsel for the applicant. Shri A.P.Potnis, the learned P.O. for Respondents no. 1 to 3. None for R-4.

At the request of Id. P.O., **S.O. after summer vacation.**

Vice-Chairman(J)

aps

**O.A. No. 126/2017.**

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

**Dated : 25<sup>th</sup> April 2017.**

None for the applicant. Shri S.Dev,  
the learned C.P.O. for R-1. None for R-2 &  
3.

At the request of Id. C.P.O., **S.O.**  
**After summer vacation.**

Vice-Chairman(J)

aps

**O.A. No. 132/2017.**

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

**Dated : 25<sup>th</sup> April 2017.**

Shri S.P.Palshikar, Id. counsel for the applicant. Shri S.Dev, the learned C.P.O. for Respondents.

At the request of Id. C.P.O., **S.O. after summer vacation.**

Vice-Chairman(J)

aps

**O.A. No. 414/2016.**

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

**Dated : 25<sup>th</sup> April 2017.**

None for the applicant. Shri P.N.Warjurakar, the learned P.O. for Respondents no. 1 to 3. None for R-4.

**S.O. after summer vacation.**

Vice-Chairman(J)

aps

**O.A. No. 402/2014.**

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

**Dated : 25<sup>th</sup> April 2017.**

**R. A. No. 03/2016.**

Shri Renu, Adv. holding for Shri Rohit Joshi, the ld. counsel for the applicant

(original respondent No.2). Shri S.P. Palshikar, Adv. for R.1 (original applicant) and Shri P.N. Warjekar, the learned P.O. for R-2 & 3 (original R. 1 and 3).

S.O. after summer vacation.

Vice-Chairman(J)

pdg

**O.A. No. 402/2014.**

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

**Dated : 25<sup>th</sup> April 2017.**

**R. A. No. 03/2016 in C.A.394/2015 in C.P.(St.)  
No. 1576/2015.**

Heard Shri S.P. Palshikar, the Id. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondent No.1. None for R.2.

**S.O. after summer vacation.**

Vice-  
Chairman(J)

pdg

**O.A. No.809 /2017.**

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

**Dated : 25<sup>th</sup> April 2017.**

None for the applicant. Shri A.M. Khadatkar, the learned P.O. for the respondent No.1. None for R.2.

Await service to respondent Nos.3 &  
4.

Applicant is directed to file rejoinder  
affidavit.

The Ld. P.O. seeks time to file reply  
on behalf of R. 1 and 2.

**S.O. after summer vacation.**

Vice-  
Chairman(J)

pdg

**O.A. No. 50/2017.**

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

**Dated : 25<sup>th</sup> April 2017.**

None for the applicant. Shri H.K. Pande, the learned P.O. for the respondent Nos. 1 and 2. None for R.3.

On the last occasion, the learned counsel for the applicant submitted that the notices have been served and sought time to file acknowledgements. But today, none appeared for the applicant. Hence, put up for dismissal **after summer vacation.**

Vice-Chairman(J)

pdg

**O.A. No. 198/2016.**

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

**Dated : 25<sup>th</sup> April 2017.**

**O.A. No.553/2016.**

Heard Shri S.C. Deshmukh, the learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondent Nos. 1 and 2. None for R.3.

2. With the consent of parties, this matter is being disposed of by this order:-

3. The applicant was serving in Maharashtra Agriculture Service, Group-B. He has been promoted as Maharashtra Agriculture Service, Group-A on 7.7.2009. However, respondent No.3 who was junior to the applicant, has been promoted to the said post on 17.6.2008. The applicant has claimed that the seniority list of Maharashtra Agriculture Service, Group-A cadre as on 1.1.2012 be corrected and the applicant's name be properly placed in the list above respondent No.3 and the applicant be granted deemed date of promotion in Maharashtra Agriculture Service, Group-A cadre

from the date on which respondent No.3 was promoted.

4. The respondents in their affidavit in reply in para No.11 has stated as under:-

“11. It is submitted that the contentions of the applicant are partly accepted. It is true that respondent No.3 was wrongly promoted instead of the applicant. Also it is true that the applicant is entitled to be placed above R.3. But it is denied that the provisional seniority list is not published and brought to the notice of the applicant.

It is further submitted that as now respondent No.3 is reverted and his promotion is treated as null and void, necessary action to give proper placement in the seniority list of M.A.S., Group-A to the applicant will be taken.”

5. The Ld. P.O., however, submits that the D.P.C. meeting for promotion on the post of M.A.S., Group-A was held in the month of May 2008, based on seniority list dated 1.1.2003 in which the applicant's name was shown at Sr. No. 1865 and the name of respondent No.3 was at Sr. No.1875. Both are from Special Backward Class category and that respondent No.3 was promoted vide order dated 17.6.2008. It is also admitted in para No.7 of the reply that the respondent No.3 was wrongly promoted instead of the applicant. It is further stated that the name of S/s A.S. Kharchan, V.S. Nimje and D.U. Borse were added at Sr. Nos. 1388, (A), (B) & (C) and they became senior to the applicant.

6. In view of para No.11 of the affidavit in reply and the statement in para No.7 of the reply, the respondents are admitting the fact that the applicant has been wrongly placed in the seniority list and respondent No.3 was wrongly

promoted. It is also an admitted fact that, the promotion of respondent No.3 has been cancelled and respondent No.3 is reverted, on which respondent No.3 has also filed some petition before this Tribunal of Aurangabad Bench.

7. Considering the prayer of the applicant, respondent Nos.1 and 2 are directed to correct the seniority list dated 13.1.2015 as on 1.1.2012 in respect of M.A.S., Group-A cadre by giving proper placement to the applicant above respondent No.3. The respondent Nos. 1 and 2 are also directed to place the case of the applicant before the D.P.C. to consider whether the applicant will be entitled to deemed date of promotion, in view of reversion of respondent No.3 and in view of correction of seniority list and further considering the circumstances that respondent No.3 has become alleged to be senior to the applicant. Necessary decision be taken within three months from the

date of this order and the same shall be communicated to the applicant.

Vice-

Chairman(J)

pdg

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

**Dated : 25<sup>th</sup> April 2017.**

Heard Shri G.K. Bhusari, the Id. counsel for the applicant and Smt. M.A. Barabde, the learned P.O. for the respondents.

2. With the consent of parties, this matter is taken up for disposal and is being disposed of by this order.

3. The applicant has claimed for quashing and setting aside the chargesheet issued to the applicant on 27.6.2011. He is also claiming directions to the respondents to treat the suspension period of the applicant as duty period and to give him all consequential benefits arising out of it. He is also claiming retirement benefits alongwith interest including leave encashment and other benefits.

4. The applicant was appointed as Medical Officer, Group-A and got

retired on superannuation on 31<sup>st</sup> May 2013. The chargesheet was served on him and he was placed under suspension in 2006. No enquiry was conducted during his service period and even the Enquiry Officer was also not appointed. The chargesheet was served on him on 27.6.2011.

5. The learned P.O. has placed on record a letter dated 27.6.2016 which is at page Nos. 177 and 178 of the paper book (both inclusive) from which it seems that the proposal has been sent to the Government for dropping the departmental enquiry against the applicant and four weeks' time was sought as per that letter. It is stated that till today, enquiry is not completed. Necessary decision has not been taken.

6. Considering the peculiar circumstances of the case that the applicant was kept under suspension in 2006 and was not reinstated till he retired on 31.5.2013 and further that till today retiral benefits are not granted to him and also considering

the fact that the Government has proposed to drop the enquiry, the respondent Nos. 1 and 2 are directed to take a proper decision in this matter within one month from the date of this order, failing which it shall be presumed that the departmental enquiry against the applicant has been dropped and the applicant will be entitled for consequential and retiral benefits.

No order as to costs.

Vice-

Chairman(J)

pdg

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

**Dated : 25<sup>th</sup> April 2017.**

Shri R.V. Shiralkar, the Id. counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents.

S.O. **after summer vacation.**

Vice-  
Chairman(J)

pdg

**O.A. No. 761/2016.**

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

**Dated : 25<sup>th</sup> April 2017.**

Shri Sachin Khandekar, the Id. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

At the request of Ld. P.O., S.O. **after summer vacation** as a last chance.

Vice-  
Chairman(J)

pdg

**O.A. No. 703/2016.**

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

**Dated : 25<sup>th</sup> April 2017.**

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

Matter has been kept today to consider interim relief and was requested by the Ld. counsel for the applicant. Today, nobody appeared for the applicant.

Hence, S.O. **after summer vacation.**

Vice-  
Chairman(J)

**O.A. No. 110/2017.**

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

**Dated : 25<sup>th</sup> April 2017.**

Shri A.B. Dhulaj, the applicant is present in person. Shri H.K. Pande, the learned P.O. for respondent Nos. 1 to 3. None for R. 4 & 5.

At the request of Ld. P.O., S.O.  
**2<sup>nd</sup> May 2017.**

Vice-  
Chairman(J)

pdg

**O.A. No. 459/2016.**

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

**Dated : 25<sup>th</sup> April 2017.**

None for the applicant. Smt. S.V. Kolhe, the learned P.O. for the respondent.

Matter was kept for final hearing with consent. However, none appeared for the applicant. Hence, it be kept whenever regular D.B. is available.

Vice-Chairman(J)

pdg

**O.A. No. 100/2017.**

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

**Dated : 25<sup>th</sup> April 2017.**

**C.A. 67/2017.**

There is a leave note from Shri A.K. Madane, the Ld. counsel for the applicant. Shri S.A. Deo, the learned C.P.O. for the respondents.

The learned C.P.O. files reply on behalf of respondent No.4. The same is taken on record.

S.O. **after summer vacation.**

Vice-Chairman(J)

**O.A. No. 374/2016.**

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

**Dated : 25<sup>th</sup> April 2017.**

**C.A. 91/2017.**

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

The applicant is claiming deemed date of promotion in the cadre of Senior Clerk w.e.f. 2011. It is stated that some junior Clerks like Shri Chavan, Shri Wadive and Shri Aade as mentioned in para viii) of the application are junior to the applicant and still they were promoted by placing them above the applicant and, therefore, seniority list is required to be corrected. The applicant is also claiming consequential benefits. If the claim of the applicant is admitted, then naturally the persons who have

been alleged to be junior to the applicant

may be affected by the said order and, therefore, the said junior persons may be necessary parties to the O.A. The Ld. counsel for the applicant submits that he will make necessary amendment by adding those persons as party to the O.A., for which he seeks time.

S.O. **after summer vacation.**

Vice-Chairman(J)

pdg