

O.A. No. 671/2015 **(SB)**

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

Dated : 01.03.2019

Shri S.N. Gaikwad, Id. counsel holding for Shri M.R. Pillai, 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. two weeks.**

Vice-Chairman (J).

dnk.

dated :- 01/03/2019.

O.A. No. 712/2018 (SB)

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

Dated : 01.03.2019

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

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

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

Vice-Chairman (J).

dnk.

dated :- 01/03/2019.

O.A. No. 713/2018 (SB)

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

Dated : 01.03.2019

Shri P.V. Thakre, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1,3&4. Await service of R-2&5.

2. At the request of learned counsel for the applicant, issue fresh notice to R-2 and 5, 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. 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.

8. **S.O. four weeks.**

9. Put up along with other connected matter.

Vice-Chairman (J).

dnk.

dated :- 01/03/2019.

O.A. No. 714/2018 (SB)

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

Dated : 01.03.2019

Shri P.V. Thakre, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1,3 to 5. 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. 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.

8. **S.O. four weeks.**

9. Put up along with other connected matter.

Vice-Chairman (J).

dnk.

dated :- 01/03/2019.

O.A. No. 715/2018 (SB)

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

Dated : 01.03.2019

C.A.272/2018

Shri P.V. Thakre, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1. Await service of R-2 to 5.

2. At the request of learned counsel for the applicant, fresh notice on application to R-2 to 5 be issued returnable in **four weeks**. Hamdast granted.

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 the O.A.

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 an affidavit of compliance in the Registry as far as possible once week before the date fixed by this Tribunal. Applicant is directed to file Affidavit of compliance and notice.

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

Vice-Chairman (J).

dnk.

dated :- 01/03/2019.

O.A. Nos. 770 & 771/2018 **(SB)**

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

Dated : 01.03.2019

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

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

Vice-Chairman (J).

dnk.

dated :- 01/03/2019.

O.A. No. 21/2019 (SB)

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

Dated : 01.03.2019

Shri P.V. Thakre, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

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

Vice-Chairman (J).

dnk.

dated :- 01/03/2019.

O.A. No. 51/2019 (SB)

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

Dated : 01.03.2019

Heard Shri Bharat Kulkarni, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. The only relief cause is that the respondent no.1 shall be directed to decide the appeal dated 20/03/2018 (11/04/2018) within one month. It is stated that the punishment order in the department inquiry was passed by respondent no.2 on 05/10/2017. It is also stated that the applicant has filed appeal and the said appeal is yet not decided by respondent no.1.

3. In view of this limited prayer, the O.A. can be disposed of with direction. Hence, the following order –

ORDER

The O.A. stands disposed of with direction to respondent no.1 to take decision on the appeal filed by the

applicant on 20/03/2018 (11/04/2018)
within two months from the date of this
order. No order as to costs.

Vice-Chairman (J).

dnk.

dated :- 01/03/2019.

O.A. No. 909/2018 (SB)

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

Dated : 01.03.2019

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

2. The applicant has challenged in this O.A. the transfer order dated 19/11/2018 whereby he has been transferred from Police Station, Bramhapuri to Police Camp, Wani, District Chandrapur. Earlier the applicant has filed representation on 29/05/2018 for cancellation of his transfer and thereafter during pendency of the O.A. also the applicant has filed representation on 15/12/2018, but no decision has been taken on his representations.

3. The learned counsel for the applicant submits that he is claiming cancellation of transfer on medical ground and the applicant though joined at Wani is on medical leave since he has undergone for angioplasty due to heart ailment. The

learned counsel for the applicant submits that the application can be disposed of with direction to respondent no.2 to take decision on his representations. Considering the facts and circumstances of the case, the application stands disposed of with direction respondent no.2 to take appropriate decision on the representations filed by the applicant within a period of two months or in any case on or before general annual transfers of 2019. No order as to costs.

Vice-Chairman (J).

dnk.

dated :- 01/03/2019.

O.A. No. 119/2019 (SB)

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

Dated : 01.03.2019

Heard Shri R.D. Thakur, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the State.

2. The applicant is working as Scientific Assistant at Nanded and he is claiming transfer to Nagpur in the office of Deputy Director Regional Forensic Science Laboratory. Since the applicant is working within a jurisdiction of Aurangabad Bench of this Tribunal, the applicant wants to withdraw the O.A. with liberty to file fresh O.A. before the Aurangabad Bench. Permission is granted as prayed. For.

3. In view thereof, the O.A. stands disposed of as withdrawn with liberty to file fresh O.A. before the Aurangabad Bench of this Tribunal. No order as to costs.

Vice-Chairman (J).

dnk.

dated :- 01/03/2019.

O.A. No. 131/2019 (SB)

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

Dated : 01.03.2019

Heard Shri R.S. Khobragade, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the State.

2. Issue notice to R-2 and 3, returnable in **four weeks**. Learned P.O. waives notice for R-1. 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. 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.

8. **S.O. four weeks.**

Vice-Chairman (J).

dnk.

dated :- 01/03/2019.

O.A. No. 132/2019 (SB)

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

Dated : 01.03.2019

Heard Shri P. Raulkar, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the State.

2. It appears that some documents filed on record are not readable. The learned counsel for the applicant is directed to file proper documents on record.

3. At the request of the learned counsel for the applicant, issue notice to R-2 to 4, returnable in **three weeks**. Learned P.O. waives notice for R-1. Hamdast allowed.

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. three weeks.**

Vice-Chairman (J).

dnk.

dated :- 01/03/2019.

O.A. No. 813/2015 (SB)

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

Dated : 01.03.2019

None for the applicant. Shri M.I. Khan, Id. P.O. for R-1 to 3 and Shri S.N. Gaikwad, Id. counsel for R-4.

2. The learned counsel for R-4 submits that he will adopt the reply filed by respondent nos. 1 to 3 and therefore he does not want to file reply on behalf of R-4.

3. Since nobody appeared for the applicant, the matter be kept for dismissal in **2nd week of March, 2019.**

Vice-Chairman (J).

dnk.

dated :- 01/03/2019.

O.A. No. 140/2019 (SB)

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

Dated : 01.03.2019

Heard Shri A.P. Sadavarte, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. Issue notice to R-2 to 6, returnable **in four weeks**. Learned C.P.O. waives notice for R-1. 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. 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.

8. **S.O. four weeks.**

Vice-Chairman (J).

dnk.

dated :- 01/03/2019.

O.A. No. 343/2015 (SB)

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

Dated : 01.03.2019

Shri Manoj Jaiswal, Id. counsel holding for Shri N.R. Saboo, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1 to 3. None for R-4.

2. The learned counsel for the applicant submits that Shri N.R. Saboo, Id. counsel for the applicant is not available today and hence seeks further time.

3. The matter be kept in the **last weeks of April,2019.**

Vice-Chairman (J).

dnk.

dated :- 01/03/2019.

O.A. No. 414/2015 (SB)

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

Dated : 01.03.2019

Shri Manoj Jaiswal, Id. counsel holding for Shri N.R. Saboo, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. The learned counsel for the applicant submits that Shri N.R. Saboo, Id. counsel for the applicant is not available today and hence seeks further time.

3. The matter be kept in the **last weeks of April,2019.**

Vice-Chairman (J).

dnk.

dated :- 01/03/2019.

O.A. No. 829/2018 (SB)

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

Dated : 01.03.2019

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1 to 4. None for R-5.

2. The applicant a Forest Guard, has been transferred vide impugned order dated 24/09/2018 issued by the respondent no.3 from Kopalgad-2 to Masbodan-3 Bonde Forest Range on administrative ground. The applicant has given five options in his option form, but none of the options was considered. The applicant is claiming to be handicapped and as per the G.R. dated 22/05/2017 a handicapped person is to be adjusted near his native place. However this fact has not been considered.

3. The applicant has filed representations. The copies of which are placed on record are at P.B. page nos. 48 to 52 (both inclusive). However no decision has been taken on his representations. The learned counsel for

the applicant submits that the applicant has joined at the place of posting under protest, he requested that his representations may be considered. The learned counsel for the applicant further submits that application can be disposed of if the directions are issued to respondent nos. 2 and 3 to take decision on the representations filed by the applicant within a stipulated period. The learned counsel for the applicant further submits that the applicant is ready to file fresh representation giving 10 options as required as per the rules within one week and directions may be issued to take decision on such representations.

4. In view thereof, the application stands disposed of with liberty to the applicant to file fresh a representation giving 10 options for his transfer within one week from the date of this order. On receiving said representation the respondent nos. 2 and 3 shall pass necessary orders at the time of general annual transfers of 2019. No order as to costs.

Vice-Chairman (J).

dnk.

dated :- 01/03/2019.

O.A. No. 139/2019 (SB)

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

Dated : 01.03.2019

Heard Smt. R.S. Sirpurkar, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the State.

2. In this case the applicant has claimed for quashing the order of suspension dated 04/01/2016. The applicant is a Police Patil and has been kept under suspension in view of the criminal case registered against him. However, since last more than three years he has been kept under suspension and charge sheet has been filed in the criminal case and the said case is pending.

3. It seems that the applicant has filed several representations for revocation of his suspension which are at Annex-A-8, however, no decision has been taken on the said representations. The Hon'ble Apex Court has given clear directions in case of **Ajay Kumar Choudhary Vs. Union of India through its Secretary & Ano. (2015) 7 SCC,291**

in which it is held that the suspension shall not continue for a prolonged period. This Tribunal has also passed various orders in this regard and it has been held that the continuation of suspension beyond period of 90 days is not appreciable. In view of this, the application can be disposed of with direction to respondent nos. 2 and 3 to take decision on the representations filed by the applicant. Hence, the following order –

ORDER

The O.A. stands disposed of with direction to respondent nos. 2 and 3 to take decision on the representations filed by the applicant which are at Annex-A- 8 within a period of eight weeks from the date of this order. The respondents shall consider guidelines issued by the Hon'ble Apex Court in case of **Ajay Kumar Choudhary Vs. Union of India through its Secretary & Ano.** (cited supra) and shall pass necessary orders. No order as to costs.

Vice-Chairman (J).

dnk.

dated :- 01/03/2019.

(SB)

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

Dated : 01.03.2019

**O.A. Nos. 809,810,811,812,813,814,815,
816,817, 818,819,820, 821 & 822 of
2017**

Heard Ms. Meenaxi Iyer, Id. counsel for the applicants in all O.As.

2. Shri P.N. Warjurkar, Id. P.O. and other learned P.Os. for the respondents in all the O.As. except O.A.Nos.817 & 822 of 2017.

3. The learned P.O. for R-1&2 and Shri S.A. Marathe, Id. counsel holding for Shri V.G. Palshikar, Id. counsel for R-3 in O.A.Nos. 817 & 822 of 2017.

4. The learned P.O. files reply on behalf of R-3 in O.A.Nos.818/2017 and 821/2017 as well as learned P.O. files reply on behalf of respondents in O.A. 820/17. Same are taken on record and copies supplied to the other sides.

5. The learned counsel for the applicants submits that she wants to file rejoinder and for that purpose she seeks one month time. At her request, **S.O. after one month.**

Vice-Chairman (J).

dnk.

dated :- 01/03/2019.

O.A.No. 547/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 01st March 2019.**

Shri G.G.Bade holding for Shri S.G.Jagtap, the Id. Counsel for the applicant, Shri S.A.Sainis, the Id. P.O. for the State & Shri A.M.Kukday, the Id. counsel for the respondent no. 2.

As per the request of Id. P.O., **S.O. three weeks** to file reply.

Put up this matter along with the O.A. No. 550/2018.

**Member(J)
Member(A)
Date:-01/03/2019.
aps.**

O.A.No. 550/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 01st March 2019.**

Shri G.G.Bade holding for Shri S.G.Jagtap, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondent. None for the respondent no. 2.

The Id. P.O. has filed the reply on behalf of the respondent no. 1. It is taken on record. Copy is served to the other side.

S.O. three weeks.

*Put up this matter along with the
O.A. No. 547/2018.*

**Member(J)
Member(A)
Date:-01/03/2019.
aps.**

O.A.No. 50/2019. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 01st March 2019.**

Shri S.C.Deshmukh, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondent nos. 1 & 2. Await service of respondent no. 3.

The Id. counsel for the applicant submits that he will file service affidavit during the course of the day. The Id. P.O. seeks four weeks time to file reply. **S.O. four weeks.**

**Member(J)
Member(A)
Date:-01/03/2019.
aps.**

O.A.No. 714/2013. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 01st March 2019.**

Shri D.T.Shinde, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent no. 4.

As per the request of Id. counsel for the applicant, **S.O. 11/03/2019 for Rejoinder.**

**Member(J)
Member(A)
Date:-01/03/2019.
aps.**

O.A.No. 749/2013. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 01st March 2019.**

Shri A.S.Ambatkar, the Id. Counsel
for the applicant and Shri V.A.Kulkarni, the
Id. P.O. for the respondents.

As per the request of Id. counsel for
the applicant, **S.O. one week as a last
chance.**

**Member(J)
Member(A)
Date:-01/03/2019.
aps.**

O.A.No. 111/2019. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 01st March 2019.**

Heard Shri N.R.Saboo, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the respondents.

The Id. C.P.O. requested for two weeks time to file reply but in view of the matter, we direct that no promotion order shall be issued **till filing of the reply**. The respondents are at liberty to file reply at any earlier date.

S.O. two weeks.

**Member(J)
Member(A)
Date:-01/03/2019.
aps.**

O.A.No. 614/2017. (D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 01st March 2019.

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondent nos. 1 & 2. None for the respondent no. 3.

The Id. P.O. placed on record letter no. d&2017@i z d z 348] l o k & 5] f n u l d 26-02-2019 by Government of Maharashtra, Public Health Department. It is taken on record. The same is supplied to the other side. By the correspondence, it seems that G.A.D. has directed to take permission from Hon'ble Minister of the Department. The Principal Secretary, Public Health Department is directed to take permission within one week time and file the report through the Id. P.O..

S.O. one week.

Steno copy granted.

Member(J)
Member(A)
Date:-01/03/2019.
aps.
O.A.No. 793/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 01st March 2019.**

Ms. Joshi, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

The Id. P.O. filed the reply on behalf of the respondent no. 3. The same is taken on record. Copy is supplied to the other side.

The Id. counsel for the applicant seeks time to file Rejoinder, if any. **S.O. three weeks.**

Member(J)
Member(A)
Date:-01/03/2019.
aps.

O.A.No. 550/2014. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 01st March 2019.**

Heard Shri S.N.Gaikwad holding for Shri D.M.Kakani, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent nos. 4 to 26.

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

**Member(J)
Member(A)
Date:-01/03/2019.
aps.**

O.A.No. 141/2019. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 01st March 2019.

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State.

2. The Id. counsel for the applicant has invited our attention to the letter no. ~~rf/kl@fodkul@dk&3@vklFL@2018@1620]~~ ~~fnukd~~ 23-04-2018- It is directed that till filing of the reply the post of Librarian should not be filled, if it is vacant till today.

3. The Id. C.P.O. is directed to file reply of respondents within four weeks. The Id. C.P.O. is also directed that he must ensure that reply of respondent no. 3 will file till next hearing.

4. Issue notice to R-2 to 4, returnable on four weeks. Learned 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. 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.

10. S.O. four weeks.
11. Steno copy is granted.

Member(J)
Member(A)
Date:-01/03/2019.
aps.
O.A.No. 26/2019. (D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 01st March 2019.

Heard Shri S.P.Palshikar, the Id.
Counsel for the applicant and Shri
S.A.Sainis, the Id. P.O. for the respondents.

The Id. counsel for the applicant
submits that the office is received the reply.
However, the Id. P.O. seeks two weeks time
file reply on records. S.O. 15/03/2019.

Member(J)
Member(A)
Date:-01/03/2019.
aps.

O.A.Nos. 18, 19 & 20/2008. (D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 01st March 2019.

Rev. Nos. 08, 09 & 10/2018:-

Heard Shri G.G.Bade, the Id. Counsel
for the applicant and Shri S.A.Sainis, the Id.
P.O. for the respondents.

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

Member(J)
Member(A)
Date:-01/03/2019.
aps.

O.A.Nos. 983 & 984/2012. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 01st March 2019.**

Heard Shri N.S.Ingle holding for Shri P.S.Wathore, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

The Id. P.O. seeks one week time to examine the matter. **S.O. one week.**

**Member(J)
Member(A)
Date:-01/03/2019.
aps.**

O.A.No. 257/2016. (D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 01st March 2019.

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

2. The Id. counsel for the applicant submitted the seniority lists of "ouily" & "I gk; d ylxoM vf/Adkjh" as on 01/01/2017. It is taken on record. Copy is supplied to the other side.

3. The Id. counsel for the applicant submitted that he has filed the Rejoinder but neither it is on records nor it is with the Id. P.O.. The Id. counsel for the applicant is directed to supply the copy to the other side.

4. The Id. P.O. is also directed to file seniority list of Forest Guard in Nagpur.

5. **S.O. two weeks.**

Member(J)
Member(A)
Date:-01/03/2019.

aps.

O.A.Nos. 193 & 194/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 01st March 2019.**

Heard Shri A.P.Sadavarte, the Id. Counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondent nos. 1 to 5 and Shri S.N.Gaikwad, the Id. counsel for the respondent nos. 6 to 8.

2. The Id. counsel for the respondent nos. 6 to 8 seeks time to consult his applicant to discharge him from this case. He is not able to contact his applicant.

3. The Id. P.O. is also seeks two weeks time., **S.O. two weeks (15/03/2019).**

**Member(J)
Member(A)
Date:-01/03/2019.
aps.**

O.A.No. 956/2017. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 01st March 2019.

Heard Shri R.A.Haque, the Id. Counsel for the applicant, Shri A.P.Potnis, the Id. P.O. for the respondent nos. 1 to 4 and Shri A.P.Sadavarte, the Id. counsel for the respondent nos. 5 to 12.

In order dated 30/01/2019 in para no. 4 it is observed that:-

"The Id. counsel for the respondent nos. 5 to 12 strongly object to club all the O.As. At this stage we only decide that all the O.As. will be heard on the same day. At the time of hearing, we will decide that whether clubbing all the O.As. are right of wrong?"

In view of this, it is decided that the O.A. Nos. 789, 790, 802, 804, 805, 810, 811/2018, these all O.As. are in Single Bench. The Registry is directed to keep these matters before the Division Bench along with the O.A.No. 956/2017.

S.O. two weeks.

Member(J)

Member(A)

Date:-01/03/2019.

aps.

O.A.No. 612/2017. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 01st March 2019.**

Heard Shri P.S.Sahare, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents. None for the respondent no. 3.

The Id. counsel for the applicant files Rejoinder. It is taken on record. Copy is served to the other side.

Hence, matter is **admitted** and kept for final hearing.

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

S.O. in due course.

**Member(J)
Member(A)
Date:-01/03/2019.
aps.**

O.A.No. 489/2017. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 01st March 2019.**

Heard Shri C.A.Joshi, the Id. Counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondents.

The Id. counsel for the applicant seeks time to file copy of the G.R..

S.O. 08/03/2019.

**Member(J)
Member(A)
Date:-01/03/2019.
aps.**

O.A.No. 166/2012. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 01st March 2019.**

None for the applicant. Shri S.A.Sainis, the Id. P.O. for the respondents.

Though the Id. counsel for the applicant was directed to remain present on Friday i.e. 01/03/2019, he was absent.

Hence, dismissed in default.

**Member(J)
Member(A)
Date:-01/03/2019.
aps.**

O.A.No. 696/2013. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 01st March 2019.**

None for the applicant. Shri S.A.Sainis, the Id. P.O. for the respondents.

None appeared on behalf of the applicant on 10/11/2014, 27/02/2019 & 28/02/2019 and today also. It seems that the applicant as well as Id. counsel for the applicant are not interested in prosecuting the matter. **Hence, dismissed in default.**

**Member(J)
Member(A)
Date:-01/03/2019.
aps.**

O.A.No. 694/2013. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 01st March 2019.**

None for the applicant. Shri S.A.Sainis, the Id. P.O. for the respondents.

None appeared on behalf of the applicant on 27/02/2019 & 28/02/2019 and today also. It seems that the applicant as well as Id. counsel for the applicant are not interested in prosecuting the matter.
Hence, dismissed in default.

**Member(J)
Member(A)
Date:-01/03/2019.
aps.**

O.A.No. 455/2013. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 01st March 2019.**

Shri Sachin Khandekar, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

As per the request of Id. counsel for the applicant, **S.O. two weeks.**

**Member(J)
Member(A)
Date:-01/03/2019.
aps.**

O.A.No. 436/2013. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 01st March 2019.**

None for the applicant. Shri S.A.Sainis, the Id. P.O. for the respondent nos. 1 & 2 and Shri H.D.Marathe holding for Shri P.V.Thakre, the Id. counsel for the respondent nos. 3 to 6.

None appeared on behalf of the applicant on 27/02/2019 & 28/02/2019 and today also. It seems that the applicant as well as Id. counsel for the applicant are not interested in prosecuting the matter.
Hence, dismissed in default.

**Member(J)
Member(A)
Date:-01/03/2019.
aps.**

O.A.No. 210/2013. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 01st March 2019.**

None for the applicant. Shri S.A.Sainis, the Id. P.O. for the respondents.

None appeared on behalf of the applicant on 27/02/2019 & 28/02/2019 and today also. It seems that the applicant as well as Id. counsel for the applicant are not interested in prosecuting the matter.
Hence, dismissed in default.

**Member(J)
Member(A)
Date:-01/03/2019.
aps.**

O.A.No. 133/2013. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 01st March 2019.

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

At the request of Id. counsel for the applicant, **S.O. three weeks** to take instructions from the applicant.

Member(J)
Member(A)
Date:-01/03/2019.
aps.

O.A.No. 119/2013. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 01st March 2019.**

None for the applicant. Shri S.A.Sainis, the Id. P.O. for the respondents.

None appeared on behalf of the applicant on 27/02/2019 & 28/02/2019 and today also. It seems that the applicant as well as Id. counsel for the applicant are not interested in prosecuting the matter.
Hence, dismissed in default.

**Member(J)
Member(A)
Date:-01/03/2019.
aps.**

O.A. No. 704/2015

Coram : Hon. Shri J.D.Kulkarni,
Vice Chairman, (J) &
Hon'ble Shri Shree
Bhagwan, Member(A).

Dated : 01-03-2019

Rev.No.21/2018:-

Shri

S.C.Deshmukh, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for R-1 & 2. None for the R-3 to 5.

2. This original application was disposed of on 28/08/2018, by this Tribunal in O.A. No. 704/2015. The Id. Counsel for the applicant has invited our attention to para no. 5 which reads as under:-

"5. In the reply-affidavit the respondents tried to justify the procedure adopted and submitted

that since the applicants failed to pass the examination, they are now challenging the procedure. From the admitted facts on record, it is clear that the applicants have participated in the process and they never challenged the procedure till the result was declared. Had it been a fact that the illegal procedure has been undertaken for recruitment, the applicants should have objected the same at the initial stage. Now merely because the applicants have been declared unsuccessful in the written examination, they are challenging the process. In our opinion the applicants are stopped from challenging procedure since they have participated in the process. We, therefore do not find any merits in the O.A. Hence, the following order :-

ORDER

The O.A. stands dismissed with no order as to costs."

3. The Id. Counsel for the applicant also invited our attention to the G.R. No. ~~ifue&2007@i7d746@07@13&v]~~ ~~fnukd~~ 27-06-2008] copy of which is placed on record at P.B., Pg. No. 32 – 36 (both inclusive) and submits that the said G.R. is applicable only in respect of candidates to be appointed directly by nomination. Admittedly, in the present case, the applicants are employees of the Department and the candidates were to be appointed on the posts of "Sub-Editor" through Department. There were 18 posts were available. The reply shows that there is no special G.R. for the procedure to be adopted for the Departmental Candidates.

4. It also seems that one Shri Nitish Purshottam Markam has been appointed, though he did not secure minimum marks of 45 as required as per procedure. Shri Nitish Purshottam Markam obtained only 34 marks. Admittedly, number of posts are still vacant, and, therefore, we are of the opinion, prima facie, there seems to be a substance in the contention of the Id. Counsel for the applicant. For all the purpose, the case needs to be re-open and to be considered on merits. We are of the opinion that the O.A. seems to have been disposed of without considering there facts and hence it is a fit case to reconsider the entire aspects. Hence, the following order :-

ORDER

1. The Review Application is allowed.
2. The Judgment in O.A. No. 704/2015 delivered by this Tribunal on dated 28/08/2018 is quashed and set aside and the case will be considered afresh on merits.
3. The O.A. No. 704/2015 stands restored to its original number and it be heard on merits.
4. S.O. four weeks.

Member(A)

Vice Chairman(J)

Date:-01/03/2019.

aps.