

O.A. St.No. 3018/18 **(SB)**

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

Dated : **03.06.2019**

C.A. 401/2018 -

Shri Sunil Pande, learned counsel for the applicant and Shri S.A. Sainis, learned P.O. for the respondents.

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

Member (J)

dnk.

O.A. No. 649/2017 (SB)

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

Dated : 03.06.2019

Shri S.P. Palshikar, Id. counsel for
the applicant and Shri P.N. Warjurkar, Id.
P.O. for the respondents.

At the request of Id. P.O., **S.O.**
25/06/2019.

Member (J)

dnk.

O.A. No. 783/2017 **(SB)**

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

Dated : 03.06.2019

Heard Shri P.S. Patil, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1 to 3 and Shri S.N. Gaikwad, Id. counsel for Intervener (R/4).

2. On 03/09/2018 the O.A. and C.A.Nos. 53,121 & 236 of 2018 were also dismissed. Thereafter vide order dated 08/02/2019 only O.A. came to be restored to file without reference to the C.As. In this situation in the interest of justice the C.A.Nos. 53,121 & 236 of 2018 be restored to file.

S.O. 25/06/2019.

Member (J)

dnk.

O.A. No. 924/2018 (SB)

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

Dated : 03.06.2019

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

The learned P.O. requested three weeks time to file reply. At his request, **S.O. 24/06/2019.**

Member (J)

dnk.

O.A. No. 161/2019 (SB)

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

Dated : 03.06.2019

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

The learned P.O. requested three weeks time to file reply. At his request, **S.O. 24/06/2019.**

Member (J)

dnk.

O.A. No. 966/2017 (SB)

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

Dated : 03.06.2019

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

2. It is submitted that the reply of respondent no.1 is yet not filed. It is necessary to seek instruction from the respondent no.1 whether the respondent no.1 is intending to adopt the reply submitted by respondent no.2.

3. In view thereof, **S.O 25/06/2019** along with other connected matters.

Member (J)

dnk.

O.A. No. 592/2017 (SB)

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

Dated : 03.06.2019

Smt. Y.S. Nandanwar, Id. counsel holding for Shri S. Borkute, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

S.O 25/06/2019 along with other connected matters.

Member (J)

dnk.

O.A. No. 664/2017 (SB)

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

Dated : 03.06.2019

Shri R.V. Shiralkar, Id. counsel for
the applicant and Shri A.M. Ghogre, Id.
P.O. for the respondents.

S.O 25/06/2019 along with other
connected matters.

Member (J)

dnk.

O.A. No. 201/2018 (SB)

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

Dated : 03.06.2019

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

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

S.O. 26/06/2019.

Member (J)

dnk.

O.A. No. 332/2018 (SB)

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

Dated : 03.06.2019

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

2. The learned P.O. has produced letters dated 16/03/2019 and 08/03/2019. In letter dated 08/03/2019 it is specifically mentioned by the Chief Conservator of Forests, Region Amravati that as the retirement of the applicant is due within 11 months, therefore, decision is taken to post the applicant at Lakhara Circle Morshi Range, District Amravati. On perusal of the O.A. it seems that the applicant was working at Lakhara Circle Morshi Range and he challenged the transfer order dated 29/05/2018.

3. In view of the letter dated 08/03/2019 nothing remains in the application. Hence it is disposed of. No order as to costs.

Member (J)

dnk.

O.A. No. 866/2018 (SB)

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

Dated : 03.06.2019

Heard Shri K.J. Khanorkar, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

2. The interest on the amount of Rs. 6,84,594/- and on other amount of Rs.79,803/- is not paid to the applicant, therefore, the respondents are directed to calculate the interest and pay the interest to the applicant within four weeks from the date of this order.

S.O. in last week of June,2019.

Steno copy is granted.

Member (J)

dnk.

O.A. No. 372/2019 (SB)

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

Dated : 03.06.2019

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

2. It is grievance of the applicant that as he served in Naxalite Area for a full tenure, therefore, it was incumbent on the Competent Authority to post and transfer the applicant to any place as per his options. I have perused page no.15 of the O.A. The options were given by the applicant as Senior Geologist, Buldhana or Amravati or Yavatmal. On perusal of the transfer memo at Annex-A-1 it appears that no Officer is transferred to Buldhana, Amravati or Yavatmal. Under these circumstances, it is suitable for the applicant to proceed to his posting without prejudice to this application.

3. In the meantime, issue notice to R-2 and 3, returnable on **11/06/2019**. 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. 11/06/2019.**

Steno copy is granted.

Member (J)

dnk.

O.A. No. 373/2019 (SB)

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

Dated : 03.06.2019

Heard Shri G.N. Khanzode, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the State.

2. It is submitted that till today the applicant has worked for a period 12 years and 5 months in naxalite / tribal area and thereafter in the year 2016 he was transferred to Nagpur. It is submitted that in the year 2016 the respondent no.4 was transferred to District Consumer Forum, Gadchiroli and immediately on deputation he was permitted to work at Nagpur. It is submitted that the respondent no.4 made request for his transfer to Nagpur and it was considered though the respondent no.4 was not due for transfer. It is grievance of the applicant that he worked for a period more than 12 years in naxalite / tribal area, he was again transferred vide impugned order dated 29/05/2019. The representation of the applicant for his

retention at Nagpur on the grounds that his wife was serving as School Teacher in Nagpur and illness of mother were not considered. My attention is invited to the representation dated 01/06/2019 made by the applicant to the Registrar, State Consumer Forum and Commission (M.S.), Mumbai. It is submitted that till today the applicant is not relieved. In view of these peculiar facts and circumstances of the case the respondent no.2 is directed to decide the representation made by the applicant dated 01/06/2019 within two weeks, till then the applicant shall not be relieved from his present posting.

3. In the meantime, issue notice to R-2 to 4, returnable **after two 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. after two weeks**
Steno copy is granted.

Member (J)

dnk.

O.A. No. 873/2018 (SB)

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

Dated : 03.06.2019

Heard Shri V.D. Raut, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1 to 3 and Shri N.W. Almelkar, Id. counsel for R-4&5.

2. The learned counsel for the applicant submitted that he has not received some documents and therefore two weeks time is required for the same. Last chance is granted to the applicant to produce the material G.R. which gives jurisdiction to this Tribunal to entertain the O.A. presented by the employee of the Zilla Parishad.

S.O. two weeks.

Member (J)

dnk.

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O.A. No. 49/2016.

(D.B.)

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

Dated : 3rd June 2019.

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

S.O. **one week** at the request of the Ld. counsel for the applicant.

Member (J)
Chairman

Vice-

Dt. 3.6.2019.

pdg.

O.A. No. 622/2013.

(D.B.)

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

Dated : 3rd June 2019.

Heard Shri N.R. Saboo, the Ld. counsel for the applicants and Shri A.M. Ghogre, the learned P.O. for the respondents.

It seems that the Draft Rules for the recruitment of Staff Nurse, Sister Tutor, Master Tutor, Psychiatric Nurse and Paediatric Nurse by nomination / promotion as per ratio 25 :75 has been submitted to the Government on 21.9.2012 as per para 3 (Page 108). However, the Ld. counsel for the applicants has pointed out that the Draft Rules have not been finalized and certain

appointments are made without following any rules.

In view of these facts, the Government (R.1) is directed to finalize the Draft Rules as early as possible preferable within a period of two months from the date of this order. Meanwhile, the department is restrained from making any recruitment to these posts. In case of any emergency recruitment is essential than it shall be as per the proposed draft rules only. Accordingly, O.A. stands disposed of with no order as to costs.

Member (J)
Chairman

Vice-

Dt. 3.6.2019.

pdg.

O.A. No. 431/2018.

(D.B.)

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

Dated : 3rd June 2019.

Heard Shri W.N. Nayse, 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.

The Ld. counsel for the applicant has filed additional affidavit and seeks two weeks' time for final hearing.

S.O. two weeks.

Member (J)
Chairman

Vice-

Dt. 3.6.2019.

pdg.

O.A. No. 395/2018.

(D.B.)

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

Dated : 3rd June 2019.

C.P. 11/2019.

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

2. The Ld. P.O. has filed letter dated 1.6.2019 from the office of Director General of Police (M.S.), Mumbai which is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant. The Ld. counsel for the applicant has relied on Section 22-N of the Maharashtra Police Act, 2018. The applicant has joined on present post on 3.6.2017 and is completing two years on 3.6.2019. The respondents in their reply to C.P. in para No.4 (Page 30) have mentioned as follows:-

“It is submitted that it is true that the Police Inspectors have been even transferred on request by the Police Establishment Board No.2 vide this office order dated 26.2.2019 as has been appended by the applicant to the C.A. as Exh. A-4 (Pages 23 to 26). However, those decisions were taken as per the facts and circumstances of each individual case. In the case of the applicant also an appropriate action would be taken at the time of General Transfers of 2019 on merits of the case of the applicant.”

3. In view of the above facts, since the applicant has completed two years of tenure as per Section 22-N of the Maharashtra Police Act, 2018, the respondents are directed to take

necessary action within a period two weeks from the date of this order.

4. S.O. 19.6.2019.

5. Steno copies be provided to both the parties.

Member (J)

Vice-Chairman

Dt. 3.6.2019.

pdg.

O.A. No. 753/2011.

(D.B.)

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

Dated : 3rd June 2019.

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

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

At the request of both parties, S.O. **7.6.2019** for final hearing.

Member (J)
Chairman

Vice-

Dt. 3.6.2019.

pdg.

O.A. No. 313/2018.

(D.B.)

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

Dated : 3rd June 2019.

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

The Ld. P.O. has filed reply on behalf of R. 1 and 2, it is taken on record.

ADMIT.

Shri S.A. Sainis, the learned P.O. waives notice for the respondents.

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

Member (J)
Chairman

Vice-

Dt. 3.6.2019.

pdg.

O.A. No. 673 & 674 of 2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and**

**Shri A.D. Karanjkar,
Member (J)
Dated : 3rd June 2019.**

C.P. 09/2019.

Heard Shri Bharat Kulkarni, the Ld. counsel for the applicants and Shri A.M. Khadatkar, the learned P.O. for the respondents.

The Ld. counsel for the applicants submitted that the Accountant General (M.S.), Nagpur has finalized the revised pension of the applicants. However, the Treasury is yet to clear the pension. Ld. P.O. is directed to consult the Treasury Office and to show that the pension papers are ready.

S.O. two weeks.

Member (J)
Chairman

Vice-

Dt. 3.6.2019.

pdg.

O.A. No. 910/ 2018.

(D.B.)

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

Dated : 3rd June 2019.

Heard Miss Yogita Nandanwar, Adv. holding for Shri S.D. Borkute, the Ld. counsel for the applicants and Shri P.N. Warjekar, the learned P.O. for the respondents 1 and 2. None for R.3 to 21.

The Ld. P.O. desires to file reply within two weeks.

S.O. **two weeks.**

Member (J)
Chairman

Vice-

Dt. 3.6.2019.

O.A. No. 573/ 2007.

(D.B.)

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

Dated : 3rd June 2019.

C.P. 54/2018.

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

The Ld. P.O.

At the request of both parties, S.O. **two weeks.**

Member (J)
Chairman

Vice-

Dt. 3.6.2019.

O.A. No. 614 /2017.

(D.B.)

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

Dated : 3rd June 2019.

Heard Shri R.V. Shiralkar, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents 1 and 2. Shri N.B. Rathod, Ld. Adv. for R.3.

The Ld. P.O. has submitted that he has got instructions to file reply from the Joint Director of Health Services, Pune (R.2). The Ld. P.O. submitted that file is submitted to the respondent No.2 for final decision and as per the instructions, the applicant will be given appointment within two weeks.

S.O. two weeks.

Member (J)
Chairman

Vice-

Dt. 3.6.2019.

O.A.No.1025/2018
(D.B.)

**Coram:Shri Shree Bhagwan, Vice
Chairman**
Dated : 03rd June 2019.

Heard Shri N.B.Rathod, 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. Shri R.Vaidhya holding for Shri A.Parchure, the Id. counsel for the respondent no. 4.

2. The Id counsel for the applicant pointed out that inadvertently delay in filing reply by respondent nos. 1 & 2. The Id. P.O. is directed to file reply within two weeks from today for which he agreed.

3. If reply is not filed within two weeks, matter will be heard on merit in regular D.B. **S.O. two weeks.**

Chairman
Date:-03/06/2019.
aps.

Vice

O.A.No.138/2019 (D.B.)

**Coram:Shri Shree Bhagwan, Vice
Chairman**

Dated : 03rd June 2019.

None for the applicant. Shri A.M.Khadatkar, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent no. 4.

2. On last date i.e. on 05.04.2019 also none appeared for the applicant, **S.O. two weeks.**

Chairman
Date:-03/06/2019.
aps.

Vice

O.A.No.814/2018 (D.B.)

**Coram:Shri Shree Bhagwan, Vice
Chairman**

Dated : 03rd June 2019.

Shri V.G.Wankhede, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. The Id. P.O. desires three weeks time to file reply, **S.O. three weeks.**

Vice

Chairman

Date:-03/06/2019.

aps.

O.A.No.526/2018 (D.B.)

**Coram:Shri Shree Bhagwan, Vice
Chairman**

Dated : 03rd June 2019.

Mrs. Diksha Chattani holding for Shri Bhushan Dafle, the Id. counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondent nos. 1 & 3. None for the respondent no. 2.

2. The Id. counsel for the applicant desires time to file Rejoinder. However, the Id. P.O. submits that reply of M.P.S.C. has already been filed. At the request of Id. P.O., matter is **admitted** and kept for final hearing in due course **before regular D.B..**

3. The Id. P.O. waives notices for the respondents.

4. The Id. Counsel for the applicant is at liberty to file Rejoinder, if any.

5. **S.O. in due course.**

Vice
Chairman
Date:-03/06/2019.

aps.

O.A.No.505/2018 (D.B.)

**Coram:Shri Shree Bhagwan, Vice
Chairman**

Dated : 03rd June 2019.

None for the applicant. Shri
A.M.Khadatkar, the Id. P.O. for the State.
Await service of respondent no. 2.

2. The Id. P.O. submits that he needs
two weeks time to file reply. **S.O. two
weeks.**

Chairman
Date:-03/06/2019.
aps.

Vice