

O.A. No. 121/2015 **(SB)**

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

Dated : 03.12.2018

None for the applicant.

Shri S.A. Deo, Id. CPO for the respondents.

The learned CPO submits that this matter is allotted to Shri A.P. Potnis, Id. P.O. who is unable to appear today due to domestic problem, therefore he seeks further time.

At the request of Id. CPO, **S.O.**
two weeks.

Not to be treated as **P.H.**

Member (J)

dnk.

O.A. No. 912/2018 (SB)

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

Dated : 03.12.2018

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

2. It is contention of the applicant that vide order dated 13/15.11.2018 the applicant is directed to pay amount of Rs.98,000/- along with some other Officers. It is submitted that this order of recovery is passed without giving any opportunity to the applicant and therefore strong case is made out to grant interim stay to the said recovery.

3. In view of this, the impugned order is stayed so far as the applicant is concerned, till filing of the reply by the respondents.

4. In the meantime, issue notice to R-2 to 4, 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. 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.**

Steno copy is granted.

Member (J)

dnk.

O.A. No. 895/2018 **(SB)**

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

Dated : 03.12.2018

Shri S.K. Thengri, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1 to 4 & 7. None for R-5,6 and 8 to 10.

2. The learned counsel for the applicant submits that it is necessary to correct the O.A. and for that purpose he seeks further time. At his request, **S.O. one week.**

Member (J)

dnk.

O.A. No. 976/2017 **(SB)**

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

Dated : 03.12.2018

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

Heard. Admit.

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

S.O. in due course for final hearing.

Member (J)

dnk.

O.A. No. 872/2018 **(SB)**

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

Dated : 03.12.2018

Shri S.M. Bhagde, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

The learned P.O. submits that that the matter is already for consideration before the Review Committee, therefore one weeks time may be granted. At his request, **S.O. one week.**

Member (J)

dnk.

O.A. No. 840/2018 **(SB)**

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

Dated : 03.12.2018

Shri A.K. Waghmare, Id. counsel
for the applicant and Shri S.A. Deo, Id.
CPO for the respondents.

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

Member (J)

dnk.

O.A. No. 726/2018 **(SB)**

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

Dated : 03.12.2018

Shri N.S. Ingole, Id. counsel holding for Shri P.S. Wathore, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1 to 3 &5 and Shri N.D. Thombre, Id. counsel for R-9. None for R-4 and 6 to 8.

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

Put up along with O.A.424/2018.

Member (J)

dnk.

O.A. No. 424/2018 **(SB)**

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

Dated : 03.12.2018

Shri N.S. Ingole, Id. counsel holding for Shri P.S. Wathore, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1 to 4 and Shri N.D. Thombre, Id. counsel for R-5&6.

S.O. two weeks.

Put up along with O.A.726/2018.

Member (J)

dnk.

O.A. No. 695/2018 **(SB)**

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

Dated : 03.12.2018

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

The Id. P.O. files reply-affidavit on behalf of the respondents. It is taken on record. Copy is served on the applicant.

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

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

S.O. two weeks.

Interim relief to continue till then.

Member (J)

dnk.

O.A. No. 533/2018 **(SB)**

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

Dated : 03.12.2018

C.A.347/2018

Heard Ms. A. Shah, Id .counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

For the reasons stated in the application, the C.A. for early hearing is allowed.

O.A.533/2018 –

The matter be kept for final hearing **after four weeks.**

Member (J)

dnk.

O.A. No. 483/2018 **(SB)**

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

Dated : 03.12.2018

Shri Y.P. Kaslikar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. three weeks** for filing reply as a last chance.

Member (J)

dnk.

O.A. No. 345/2018 **(SB)**

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

Dated : 03.12.2018

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

At the request of Id. P.O., **S.O. one week** for filing reply.

Member (J)

dnk.

O.A. No. 938/2017 **(SB)**

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

Dated : 03.12.2018

C.A. 362/2018

Heard Shri M. Rajkondwar, Id. counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1 to 3 and shri A.R. Kelele, Id. counsel holding for Shri D.M. Karnik, Id. counsel for R-4.

2. It is submission of the applicant that he is challenging the order passed on 20/07/2016 by which the LFKkfud rdkj fuokj.k l ferh, Nagpur punished the applicant to pay fine Rs.50,000/- to the complainant for his misconduct involving in sexual harassment. It is submitted that after this order the applicant retired from the service and now he received order dated 21/05/2018 from the Desk Officer, Government of Maharashtra. It is contention of the applicant on the basis of the same facts for which he is already punished the Department has now decided to initiate inquiry against him under Rule 27 (2) of the Maharashtra

Civil Services (Pension) Rules, 1982 (In short "Pension Rules"). In this background the applicant is intending to amend the O.A. to challenge this proposed action of the department.

3. It is submission of the learned P.O. that as the applicant is intending to challenge the proposed departmental inquiry, then the applicant shall file O.A. before the Division Bench as a Single Bench has no jurisdiction to entertain that application.

4. After hearing both the sides, it is clear that the applicant is already punished for the misconduct and for the same misconduct, the department is now intending to initiate the proceeding under Rule 27 (2) of the Pension Rules, therefore the applicant has every right to challenge it and in order to avoid the two sets of judicial proceedings, the legality of all the orders can be examined in one proceeding. Therefore, the applicant is permitted to amend the O.A. After amending the O.A., the matter can be placed before the Division Bench.

5. The applicant is at liberty to amend the O.A. forthwith and supply the amended copies to the respondents.

6. In view thereof, the C.A. stands disposed of with no order as to costs.

O.A. 938/2017 –

Put up before D.B.

S.O. four weeks.

Member (J)

dnk.

O.A. No. 589/2017 **(SB)**

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

Dated : 03.12.2018

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

Closed for orders along with O.A.605/2017 with C.A. 183/2018.

Member (J)

dnk.

O.A. No. 605/17 with C.A.183/18 **(SB)**

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

Dated : 03.12.2018

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

Closed for orders along with O.A.589/2017.

Member (J)

dnk.

O.A. No. 591/2015 **(SB)**

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

Dated : 03.12.2018

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

The learned counsel for the applicant submits that his senior Advocate is busy in the High Court and therefore he seeks further time. At his request, **S.O. one week.**

Member (J)

dnk.

O.A. No. 807/2016 (SB)

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

Dated : 03.12.2018

Shri P.P. Khaparde, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. one week** to produce documents on record.

Member (J)

dnk.

O.A. No. 439/2018 (SB)

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

Dated : 03.12.2018

Shri Y.P. Kaslikar, Id. counsel holding for shri A.P. Tathod, Id. counsel for the applicant and shri S.A. Sainis, Id. P.O. for the respondents.

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

Member (J)

dnk.

O.A. No. 556/2017 (SB)

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

Dated : 03.12.2018

Heard Shri Y.P. Kaslikar, Id. counsel for the applicant and shri V.A. Kulkarni, Id. P.O. for the respondents.

2. The Id. P.O. has produced the letter dated 21st September,2018 written by the District Superintendent, Agriculture Department, Amravati to the CPO, MAT, Nagpur. It is submitted that the applicant is already receiving the pension and he has also received the amount of GIS and DCRG and earlier leave encashment amount, GPF and other amounts were already paid to the applicant and now nothing is due.

3. The learned counsel for the applicant submitted that the suitable order may be passed. As all the benefits are received by the applicant, the O.A. stands disposed of with no order as to costs.

Member (J)

dnk.

O.A.No. 33/2014. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 03rd December 2018.

None for the applicant. Shri H.K.Pande, the Id. P.O. for the respondents.

The applicant in O.A. No. 33/2014 has filed a pursis to withdraw the O.A. on 20/11/2017. However, from the record it seems that signature on P.B., Pg. No. 8 and signature on pursis has some different. Nobody has certify also.

However, the applicant is allowed to withdraw the O.A.. **Hence, the O.A. is disposed of with no order as to costs.**

Member(J)
Member(A)
Date:-03/12/2018.
aps.

O.A.No. 315/2016. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 03rd December 2018.**

Shri N.P.Chaware holding for Shri M.V.Mohokar, the Id. counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent no. 4.

The Id. counsel for the applicant submits that he will file the Rejoinder today. The Id. P.O. submits that since the pleadings are completed. Hence the O.A. is **admitted** and kept for final hearing.

The Id. P.O. waives notices for the respondent nos. 1 to 3.

S.O. two weeks.

**Member(J)
Member(A)
Date:-03/12/2018.
aps.**

O.A.No. 110/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 03rd December 2018.

Shri A.S.Nikose, the Id. counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondent nos. 1 to 4. None for the respondent nos. 5 & 6.

The Id. P.O. submits that reply of respondent no. 4 is also covers the reply for respondent no. 2. The Id. counsel for the applicant submits that he has got the reply just now. He requires two weeks time to file Rejoinder. He is directed to supply the copy of the Rejoinder in advance to the Id. P.O..

S.O. two weeks for Rejoinder.

**Member(J)
Member(A)
Date:-03/12/2018.
aps.**

O.A.Nos. 686 & 704/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 03rd December 2018.**

Shri A.M.Borkar, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondent nos. 1 & 3. Leave note of respondent no. 2. None for the respondent no. 4.

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

**Member(J)
Member(A)
Date:-03/12/2018.
aps.**

O.A.No. 793/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 03rd December 2018.**

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

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

**Member(J)
Member(A)
Date:-03/12/2018.
aps.**

O.A.No. 800/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 03rd December 2018.**

Shri S.E.Raghorde, the Id. counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the respondent nos. 1 to 4 and Shri B. Mandhare holding for Shri U.K.Bisen, the Id. counsel for the respondent no. 5.

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

**Member(J)
Member(A)
Date:-03/12/2018.
aps.**

O.A.Nos. 917 & 918/2017. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 03rd December 2018.**

Shri Y.P.Kaslikar, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondent nos. 1 & 2. None for the respondent no. 3.

The Id. counsel for the applicant seeks time to file Rejoinder. At the request of Id. P.O. the matter is **admitted** and kept for final hearing. The Id. counsel for the applicant is further directed to supply the copy of the rejoinder in advance to the Id. P.O..

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

S.O. in due course.

**Member(J)
Member(A)
Date:-03/12/2018.
aps.**

O.A.No. 400/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 03rd December 2018.

Shri D.N.Mathur, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

The Id. P.O. has filed the copy of the email by which it appears that chargesheet was served on 24/04/2018. The chargesheet was served under section 8 is valid. The Id. counsel desires to file Rejoinder and argue the matter afterwards.

The Id. counsel for the applicant pleaded two weeks time to file Rejoinder.

S.O. two weeks.

Member(J)
Member(A)
Date:-03/12/2018.
aps.

O.A.No. 927/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 03rd December 2018.

Shri M.A.Vaishnav, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. The Id. Counsel for the applicant submits that the applicant was promoted from C2 to C1 in 2016. However, as of now his name does not appear neither in C2 nor in C1 lists. It seems that the applicant is reverted without following any procedure.

3. The Id. Counsel for the applicant desires to file affidavit regarding promotion process. He seeks time for the same. S.O. 12/12/2018. He is further directed to remove all the objections.

4. Issue notice to R-2 to 4, returnable on 12-12-2018. 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. 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. 12/12/2018.**

Member(J)

Member(A)

Date:-03/12/2018.

aps.

O.A.No. 664/2015. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 03rd December 2018.**

Shri Kale holding for Shri S.K.Tambde, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

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

**Member(J)
Member(A)
Date:-03/12/2018.
aps.**

O.A.No. 590/2017. (D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 03rd December 2018.

Shri A.R.Ingole, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

The Id. P.O. submits that because of respondent no. 2 head-quarter is at Pune. He seeks further two weeks time to file affidavit-in-reply in which he clarify all the points according to the order dated 25/10/2018.

At the request of Id. P.O., **S.O.**
17/12/2018.

Member(J)
Member(A)
Date:-03/12/2018.
aps.

O.A.No. 281/2015. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 03rd December 2018.**

Shri G.G.Bade, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondent no. 1. Leave note of respondent nos. 2 to 5.

The Id. P.O. pointed out that due to leave note of respondent nos. 2 to 5. The matter should be listed after a week time. **S.O. one week.**

**Member(J)
Member(A)
Date:-03/12/2018.
aps.**

O.A.No. 754/2015. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 03rd December 2018.

C.A.Nos.381 & 466/2016

Heard Shri V.A.Kothale, the Id. counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondents.

It seems that the order was passed in D.E. in 18/12/2013, the applicant retired in July 2017. However, in between, the Id. Counsel for the applicant pointed out that the applicant never been posted as ASI. However, on P.B., Pg. No. 33 in clause no. 4.2, the same was mentioned. The applicant was promoted to API according the order no. ~~il~~ @4@7@10@ink&ikmifu rs l i kfu@ikmifu rs l i kfu@1@2012] dated 26/05/2011.

The Id. P.O. is directed to get the fact, whether this para of order i.e. para no. 4.2 of P.B., Pg. No. 34 was complied and what happened? Whether the applicant took the promotion or he was denied for

the promotion? He seeks two weeks for the same.

S.O. two weeks.

To be treated as P.H.

Member(J)
Member(A)
Date:-03/12/2018.
aps.

O.A.No. 714/2011. (D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 03rd December 2018.

Heard Shri U.N.Vyas, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

The matter was heard on last date on 19/11/2018, it was pointed out that what is the total number of vacancy in open category and whether the same is filled or not? It is submitted that the candidate at waitlist no. 3 has already joint at Police Force in subsequent examination. It is also submitted that candidate at waitlist no. 2 has also joint in subsequent examination of Police Force. The problem is only with the applicant no. 1, whether he joins the force or not?

For the above same instructions, the Id. P.O. requires two weeks time. At his request, **S.O. 19/12/2018.**

To be treated as P.H.

Member(J)
Member(A)
Date:-03/12/2018.
aps.