

Rev. A. 01/19 in O.A. No. 178/2016 **(SB)**

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

Dated : 07.03.2019

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

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

Member (J)

dnk.

O.A.No. 220/2012

(D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 07th March 2019.**

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

S.O. tomorrow i.e. 08/03/2019.

**Member(J)
Member(A)
Date:-07/03/2019.
aps.**

O.A.No. 245/2012

(D.B.)

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

Dated: 07th March 2019.

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

S.O. tomorrow i.e. 08/03/2019.

**Member(J)
Member(A)
Date:-07/03/2019.
aps.**

O.A.No. 540/2013

(D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 07th March 2019.**

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

The P.O. filed the correspondence i.e. letter no. 'kkrfu [kkrfu@kiz@2019@542] fnukd 07-03-2019] by which it appears that the grievances of the applicant is redressed.

S.O. tomorrow i.e. 08/03/2019.

**Member(J)
Member(A)
Date:-07/03/2019.
aps.**

O.A.No. 566/2013

(D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 07th March 2019.**

None for the applicant. Shri A.M.Khadatkar, the Id. P.O. for the Respondent nos. 1 to 3. None for the remaining respondents.

S.O. tomorrow i.e. 08.03.2019.

**Member(J)
Member(A)
Date:-07/03/2019.
aps.**

O.A.No. 593/2013

(D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 07th March 2019.**

None for the applicant. Shri A.M.Khadatkar, the Id. P.O. for the Respondent nos. 1 to 3, Shri G.K.Bhusari, the Id. Counsel for the respondent no. 5 and Shri G.M.Shitut, the Id. Counsel for the respondent no. 6. None for the remaining respondents.

S.O. two weeks.

**Member(J)
Member(A)
Date:-07/03/2019.
aps.**

O.A.No. 623/2013

(D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 07th March 2019.**

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

S.O. tomorrow i.e. 08/03/2019.

**Member(J)
Member(A)
Date:-07/03/2019.
aps.**

O.A.No. 663/2013

(D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 07th March 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.

S.O. tomorrow i.e. 08/03/2019.

**Member(J)
Member(A)
Date:-07/03/2019.
aps.**

O.A.No. 700/2013

(D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 07th March 2019.**

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

S.O. tomorrow i.e. 08/03/2019.

**Member(J)
Member(A)
Date:-07/03/2019.
aps.**

O.A.No. 710/2013

(D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 07th March 2019.**

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

The Id. P.O. is directed to file copy of promotion of the applicant of the year 2014.

S.O. tomorrow i.e. 08/03/2019.

**Member(J)
Member(A)
Date:-07/03/2019.
aps.**

O.A.No. 223/2013

(D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 07th March 2019.

C.P.No.28/2018:-

Ms. R.Pande, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

2. The Id. P.O. filed the Government G.R. No. U; kf; d&2017@i z d z 415@l o k&3] f n u k d 13-02-2019- It is taken on record. Copy is served to the other side.

3. In Government G.R. No. U; kf; d&2017@i z d z 415@l o k&3] f n u k d 13-02-2019 in para no. 5, the compliance has been done. However, time has not prescribed. The respondents are directed to comply the para no. 5 of the order **within four weeks** from the date of this order.

4. **S.O. four weeks.**

5. **Steno copy is granted.**

Member(J)
Member(A)
Date:-07/03/2019.
aps.

O.A.No. 445/2010

(D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 07th March 2019.**

Shri V.B.Bhise, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the Respondents.

2. At the request of Id. counsel for the applicant, **S.O. two weeks.**

**Member(J)
Member(A)
Date:-07/03/2019.
aps.**

O.A.No. 494/2014

(D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 07th March 2019.**

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

Closed for orders.

**Member(J)
Member(A)
Date:-07/03/2019.
aps.**

O.A.No. 96/2019

(D.B.)

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

Dated : 07th March 2019.

C.A.No.81/2019:-

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

2. Notice on C.A. to R-2 to 4 be issued returnable in **two weeks**.

3. Shri M.I.Khan the learned P.O. waives notice for respondent no.1. Hamdast granted.

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 the O.A.

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 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.

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. two weeks.**

Member(J)

Member(A)

Date:-07/03/2019.

aps.

O.A.Nos. 459 & 503/2017

(D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 07th March 2019.

Heard Shri V.B.Bhise, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the Respondents.

2. As per the directions in previous order, the Id. P.O. filed the G.R. No. [chilhlh&2012@i;d:332@12@16&c\]](#) [fnukd](#) 18-05-2013 & G.R. No. [,I-vkj-0gh&2011@i;d:284@12\]](#) [fnukd](#) 21-10-2011- Both the G.Rs. are placed in the O.A. No. 459/2017. It is taken on record. Copy is served to the other side.

3. **S.O. 12/03/2019.**

Member(J)
Member(A)
Date:-07/03/2019.
aps.

O.A.No. 249/2016 (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 07th March 2019.**

Heard Shri S.P.Palshikar, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the Respondents.

2. As per the request of Id. P.O., **S.O.**
12/03/2019.

Member(J)
Member(A)
Date:-07/03/2019.
aps.

O.A.No. 500/2015 (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 07th March 2019.**

Heard Shri S.N.Gaikwad, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the Respondents.

2. As per the request of Id. P.O., **S.O.**
two weeks.

Member(J)
Member(A)
Date:-07/03/2019.
aps.

O.A.No. 113/2015 (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 07th March 2019.**

Heard Shri P.S.Sahare, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the Respondents at the length.

2. It is brought to the notice that the persons whose seniority is likely to be affected by the decision, which will be passed in the Original Application, are not joined in the O.A.. The Id. counsel for the applicant is informed that he may apply to add all those interested persons as a parties in the matter.

3. Three weeks time is given to the Id. counsel for the applicant to move application for the amendment and addition of the parties.

4. **S.O. three weeks.**

**Member(J)
Member(A)
Date:-07/03/2019.**

aps.

O.A.No. 288/2017 (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 07th March 2019.**

Heard Shri N.D.Thombre, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the Respondents.

2. The Id. P.O. filed reply on behalf of the respondent no. 3. It is taken on record. Copy is supplied to the other side. The Id. counsel for the applicant seeks time to file Rejoinder, if any.

3. **S.O. 22/03/2019.**

**Member(J)
Member(A)
Date:-07/03/2019.
aps.**

O.A.No. 607/2015 (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 07th March 2019.**

Shri G.G.Bade, 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.

2. At the request of Id. P.O., **S.O. one week.**

**Member(J)
Member(A)
Date:-07/03/2019.
aps.**

O.A.No. 760/2014 (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 07th March 2019.**

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

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

**Member(J)
Member(A)
Date:-07/03/2019.
aps.**

O.A.No. 932/2018 (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 07th March 2019.**

Shri S.C.Deshmukh, the Id. counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the Respondent nos. 1 & 2 and Shri S.R.Bhongade, the Id. counsel for the respondent nos. 3 to 6.

2. The matter is **admitted** and kept for final hearing.

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

4. **S.O. 18/03/2019.**

**Member(J)
Member(A)
Date:-07/03/2019.
aps.**

O.A.No. 893/2018 (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 07th March 2019.

Shri S.G.Jagtap, the Id. counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the Respondent nos. 1 to 4 and Ms. V.V.Tiwari, the Id. counsel for the respondent nos. 5 to 8.

2. The matter is **admitted** and kept for final hearing.
3. The Id. P.O. waives notices for the respondent nos. 1 to 3.
4. **S.O. 22/03/2019.**
5. *I.R. is continued till next date of hearing.*

Member(J)
Member(A)
Date:-07/03/2019.
aps.

O.A.No. 194/2017 (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 07th March 2019.**

C.A.No.437/2017:-

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

For order on 13/03/2019.

**Member(J)
Member(A)
Date:-07/03/2019.
aps.**

O.A.No. 206/2017 (D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 07th March 2019.

C.P.No.52/2018:-

Shri V.B.Bhise, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State. Await service of respondent nos. 2 to 4.

The Id. P.O. is directed to file the reply within four weeks. **S.O. four weeks.**

Member(J)
Member(A)
Date:-07/03/2019.
aps.

O.A.No. 806/2018 (D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 07th March 2019.

C.P.No.60/2018:-

Shri G.G.Bade, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the Respondent nos. 1 to 3. Await service of the respondent no. 4.

2. The Id. P.O. filed the document vide no. 1872@vklFk@i ki dl@ukx%xtl/@2019] fnukd 06-03-2019] by which it appears that order passed by this Tribunal dated 11/10/2018 has been complied.

3. In view of this, **the C.P. stands disposed of.**

Member(J)
Member(A)
Date:-07/03/2019.
aps.

O.A.No. 532/2017 (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 07th March 2019.

C.P.No.03/2019:-

Leave note of the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State. Await service of the respondent nos. 2 to 4.

2. Shri S.D.Ukey is appearing for respondent nos. 2 to 4. However, Vakalatnama is not filed. Shri S.D.Ukey is directed to file the vakalatnama on behalf of the respondent nos. 2 to 4.

3. The respondents are directed to file the reply. **S.O. three weeks.**

Member(J)
Member(A)
Date:-07/03/2019.
aps.

O.A.No. 434/2015 (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 07th March 2019.**

C.P.No.48/2019:-

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

2. It is submitted by the Id. Counsel for the applicant that identical matters i.e. O.A. Nos. 290/2013, 304/2014, 305/2014, 306/2014 and 307/2014 are decided by this Bench vide order dated 18/01/2018. We are satisfied that as the issue involved in this application and the decided applications are the same, therefore, we direct that in terms of the order passed in the Original Applications which are mentioned above, this application i.e. **O.A. No. 434/2015 alongwith the C.A.48/2019 stands disposed of with no order as to costs.**

**Member(J)
Member(A)**

Date:-07/03/2019.
aps.

O.A.No. 160/2019 (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 07th March 2019.

Shri S.M.Pande, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the State.

2. Issue notice to R-2 to 6, returnable on 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.**

Member(J)

Member(A)

Date:-07/03/2019.

aps.

O.A.Nos. 617 & 618/2014 (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 07th March 2019.**

C.P.Nos.09 & 19/2017:-

None for the applicant. Shri V.A.Kulkarni, the Id. P.O. for the Respondents. None for the respondent no. 4 in O.A. No. 618/2014. Shri Abhijeet Parihar, the Id. Counsel for the respondent no. 2 in O.A.No.617/2014.

2. The Id. Counsel for the respondent no. 4 was filed affidavit. It is submitted on behalf of the respondents that the order passed in the O.A. is complied and, therefore, there is no substance in the contempt petition. The Id. Counsel for the applicant is absent, though the affidavit is placed on record on 10/11/2017, till today there is no counter reply filed by the applicant. Similarly, the documents which are filed on 10/11/2017 are also not disputed by the applicant till today.

In view of the above facts, **the Contempt Petition stands disposed of.**

Member(J)
Member(A)
Date:-07/03/2019.
aps.

O.A.No. 49/2005 (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 07th March 2019.**

C.P.No. 44/2018:-

Heard Shri S.P.Hedao, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the Respondents.

The respondents are directed to make enquiry with the office of the A.G., as why the office is not sanctioning the pension case of the applicant and submit their information before this bench within two weeks. **S.O. two weeks.**

**Member(J)
Member(A)
Date:-07/03/2019.
aps.**

O.A.No. 114/2017 (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 07th March 2019.**

C.P.No. 45/2018:-

Heard Shri Jaiswal holding for Shri N.R.Saboo, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the Respondents.

2. It is submitted that the bill was submitted to the Treasury but objection was raised by the Treasury. The objection will be remove and, therefore, two weeks time is required.

3. **S.O. two weeks.**

**Member(J)
Member(A)
Date:-07/03/2019.
aps.**

O.A.No. 573/2007 (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 07th March 2019.**

C.P.No. 54/2018:-

Heard Shri V.B.Bhise holding for Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the Respondents.

2. The Id. P.O. has filed following documents as submitted by respondent no.

3:-

(a) letter no. d{A&3@vklFk@3821@2018&2019] fnukd 05-03-2019-

(b) letter no. d{A&3@vklFk@i Su-@3756@2018&2019] fnukd 01-03-2019-

(c) letter no. tkod dz3756] fnukd 01-03-2019-

(d) zerox copy of the cheque of amount 04,18,918/- dated 22/02/2019 of Axis Bank.

3. By these documents it appears that the respondents have calculated amount due to be paid to the applicant and issued

cheque. However, applicant has not approached to collect the cheque.

4. The Id. Counsel for the applicant is directed to ask the applicant to visit the concerned office of the respondents and collect the cheque. As per the documents it also appears that respondents have prepared the service book and it has been sent to pay fixation office, Amravati. After pay fixation, pension paper will be submitted to A.G. office.

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

Member(J)

Member(A)

Date:-07/03/2019.

aps.

O.A.No. 520/2018 (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 07th March 2019.

Heard Shri S.C.Deshmukh, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the Respondents.

2. The Id. Counsel for the applicant filed the office order no. GAD/SC-Gen/File-52/2013-2014/2332 dated 17/02/2014 and Id. C.P.O. filed the writ petition no. 3344/2017 in the High Court of Mumbai bench at Aurangabad.

3. The Id. Counsel for the applicant is directed to place on record the G.Rs. on which he is relied upon.

4. **S.O. 25.03.2019.**

Member(J)
Member(A)
Date:-07/03/2019.
aps.

O.A. No.164/2019.

(S.B.)

(Raju M.Anandpawar V/ State and two others)

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

Dated : 7th March 2019.

Heard Shri N.S. Warulkar, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondent No. 1. Shri A.V. Band, Adv. for R.2. None for R.3.

2. The Ld. CPO waives notice for respondent No.1. The Ld. counsel for respondent No.2 waives notice for the said respondent.

3. The Ld. counsel for the applicant submits that he will serve respondent No.3.

4. Vide impugned order dated 28.2.2019 (A-2), the applicant has been transferred from the post of Block Development Officer, Panchayat Samiti, Chandrapur to the post of Sub-District Programme Coordinator, (MGECS), Distt. Bhandara on a vacant post and his place

the respondent No.3 Shri D.P. Sapate has been transferred. The Ld. counsel for the applicant submits that the applicant has not yet been relieved from his post at Chandrapur and the respondent No.3 has not yet joined at a transferred place and the same is admitted by respondent No.2.

5. It is stated that the applicant was actually due for transfer in the last annual general transfers of 2018 which order was issued on 28.5.2018. But he was not transferred and on the contrary, he was granted one year extension. Said extension period has yet to expire. The applicant is due for superannuation on 13.11.2019. He has, therefore, requested that in the meantime, he may be retained at Chandrapur. Since the applicant has not yet been relieved from Chandrapur nor respondent No.3 has joined there, the impugned order in respect of the applicant and the respondent No.3 only is stayed till further orders.

6. In the meantime, issue notice to respondent No. 3 returnable in three weeks.

7. Shri S.A. Deo, the learned C.P.O. waives notice for the respondent No. 1. Hamdast granted.

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

9. 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.

10. 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.

11. 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.

12. 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.

13. S.O. **three weeks.**

Vice-
Chairman(J)

Dt. 7.3.2019.
pdg.

O.A. No.565/2018. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 7th March 2019.

Heard Shri A.S. Deshpande, the Ld. counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents.

At the request of the Ld. P.O., S.O. **one week** as a most last chance.

Vice-
Chairman(J)

Dt. 7.3.2019.

pdg.

O.A. No.689/2018.

(S.B.)

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

Dated : 7th March 2019.

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

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

For filing rejoinder, if any, S.O. **two weeks.**

Vice-
Chairman(J)

Dt. 7.3.2019.

pdg.

O.A. No.889/2018. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 7th March 2019.

Heard Shri J. Duhilani, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents.

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

Vice-
Chairman(J)

Dt. 7.3.2019.

pdg.

O.A. No.99/2019.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 7th March 2019.

C.A.No. 80/2019.

Heard Shri R.K. Mishra, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents 1 to 5. None for R.6.

Ld. CPO seeks time to file reply.
Granted.

S.O. **18.3.2019.**

Vice-
Chairman(J)

Dt. 7.3.2019.

pdg.

O.A. No.117/2019.

(S.B.)

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

Dated : 7th March 2019.

Heard Shri S.N. Gaikwad, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondent Nos. 1 to 3. None for R.4.

Ld. Ld. counsel for the applicant submits that he has been instructed by the applicant to withdraw the O.A and seeks permission accordingly. Permission is granted. O.A. stands disposed of as withdrawn with no order as to costs.

S.O.

Vice-
Chairman(J)

Dt. 7.3.2019.

pdg.

O.A. No.163/2019. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 7th March 2019.

C.A. No. 85/2019.

Heard Shri N.B. Rathod, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondent No.1.

2. The applicant is Assistant Commissioner, Animal Husbandry. Vide impugned order dated 27.2.2019, the applicant has been transferred from Nagpur to Tiroda, Distt. Gondia. It is stated that the transfer is on account of administrative exigency. The applicant was serving at Nagpur since 31.5.2017 and has not completed his tenure and, therefore, it is mid-term and mid-tenure transfer. However, it is admitted by the

learned counsel for the applicant that the applicant has been relieved from the post, though forcefully. It is also stated that the applicant has taken action against the doctor who was practising without having qualification and, therefore, action has been taken with *malafide* intention. Since the applicant has already been relieved, there is no question of granting stay, if order is illegal same can be cancelled. However for that purpose, reply of respondents is necessary.

3. Hence, issue notice to other respondents returnable in **two weeks**.

4. Shri S.A. Deo, the learned C.P.O. waives notice for the respondent No.1. Hamdast granted.

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. **two weeks.**

C.A. No. 84/2019.

1. For the reasons stated in the application, application for amendment is

allowed. Amendment be incorporated forthwith.

2. Issue notice to the added respondent returnable in **two weeks.**

3. Shri S.A. Deo, the learned C.P.O. waives notice for the respondent No.1. Hamdast granted.

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. **two weeks.**

Vice-
Chairman(J)

Dt. 7.3.2019.

pdg.

O.A. No.143/2019. (S.B.)

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

Dated : 7th March 2019.

Heard Shri Sachin Khandekar, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents 1 to 3. None for R.4.

The Ld. counsel for the applicant submits that he has been instructed to withdraw the O.A. He submits that he will file pursis to that effect also. He has also filed a copy of pursis and undertakes to file original. The said copy is marked A-X for identification. In view of request of Ld. counsel for the applicant, permission is granted to withdraw the O.A. O.A. stands disposed of as withdrawn with no order as to costs.

Vice-

Chairman(J)

Dt. 7.3.2019.

pdg.

O.A. No.162/2019.

(S.B.)

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

Dated : 7th March 2019.

Heard Shri A.P. Tathod, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondent No.1.

2. Issue notice to the other respondent Nos. 2 to 5 returnable in **three weeks.**

3. Shri S.A. Deo, the learned C.P.O. waives notice for the respondent No.1. Hamdast granted.

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)

Dt. 7.3.2019.

pdg.

O.A. No. 948/2018. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 7th March 2019.

Heard Dr. B.K. Meshram, the applicant in person and Shri A.M. Ghogre, the learned P.O. for the respondent Nos.1 to 3. Shri A. Parihar, Adv. for R.4.

2. The applicant has been served with a copy of reply filed by respondent No.2. Adv. for R.4 seeks time to file reply. Granted as a last chance.

3. At the request of Shri A. Parihar, Adv. for R.4, S.O. **three weeks.**

Vice-
Chairman(J)

Dt. 7.3.2019.

pdg.

O.A. No. 784/2018.

(S.B.)

(N.M. Khodwe V/s State and 4)

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

Dated : 7th March 2019.

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

2. The applicant has claimed the following reliefs in this O.A.:-

(i) That the declaration of external period from 26.7.1990 to 27.8.2008 to be internal service period.

(ii) That the direction to the respondents to draw the salary and consequential allowances for the period from 26.7.1990 to 27.8.2008.

(iii) That the direction to the respondents to modify its order vide A-10 to be regularized for all purposes instead of pension only.

3. Earlier the applicant's claim was partly allowed by the Additional Director General of Police (M.S.), Mumbai by passing following order:-

“वियंचा/एन.एम. खोडवे यांना दिनांक २८.७.१९९० ते दिनांक २६.८.२००८ पर्यंतच्या सेवाबाह्य कालावधीसाठी त्यांना सेवेतून कमी केले नसते तर जे पूर्ण वेतान त्यांना मिळाले असते त्यांच्या ५०% टक्के वेतन व त्यावर अनुद्नेय असलेले भत्ते महाराष्ट्र नागरी सेवा (पदग्रहण, अवधी,स्वीयेत्तर सेवा निलंबन, बडतर्फ आणि सेवेतून कमी करणे इत्यादी काळातील प्रदाने) नियम १९८१ च्या नियम ७० (४) नुसार त्यांना द्यावेत. मात्र याबाबत प्रत्यक्ष थकबाकी ही सेवेत पुनःस्थापीत केल्याच्या दिनांकाच्या लगतपूर्वी तीन वर्षांच्या कालावधीपुरतेच मर्यादित राहिल. तसेच सेवेतील गैरहजेरीचा कालावधी सेवानिवृत्त वेतनाचे प्रयोजन सोडून इतर कोणत्याही प्रयोजनासाठी कर्तव्यकाळ म्हणून गणण्यात येऊ नये.”

4. Against the said order, the applicant preferred an appeal (A-20) on 3.10.2017. However, no decision has been taken on the said appeal till today. The Ld. counsel for the applicant submits that the application can be disposed of, if directions are issued to the Government to take a decision on the appeal (A-20) within a stipulated period and in view

thereof, the CPO was directed to take instructions as to within how many days appeal will be decided.

5. On instructions, the Ld. CPO submits that the Government has received an appeal in the month of December 2017 and this will be decided within two months. I view thereof, following order is passed:-

ORDER

- (i) O.A. stands disposed of with directions to the respondent No.1 to take a decision on the appeal preferred by the applicant on 30.10.2017 (A-20) within a period of two months from the date of this order.
- (ii) Decision shall be communicated to the applicant in writing.

- (iii) It is needless to state that the applicant will be at liberty to challenge any decision that may be taken in the appeal.
- (iv) Decision may be taken as per rules and regulations and on its own merits.
- (v) No order as to costs.

Vice-
Chairman(J)

Dt. 7.3.2019.
pdg.