

O.A. No. 159/2019 **(SB)**

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

Dated : 08.03.2019

Heard Shri S.K. Thengri, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1.

2. The learned CPO on behalf of R-1 submitted that three weeks' time is required to submit reply. In this matter the applicant is claiming relief of revocation of suspension. In my view such interim relief can be granted only in rarest of the rare case, therefore, I direct that notice be issued to R-2 to 10, returnable in after **three 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. after three weeks.**

Member (J)

dnk.

O.A. No. 1001/2018 **(SB)**

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

Dated : 08.03.2019

Heard Shri S.K. Thengri, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1&7. Await service of R-2 to 6 and 8 to 10.

S.O. after three weeks.

Member (J)

dnk.

Dated – 08/03/2019.

O.A. No. 53/2019 (SB)

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

Dated : 08.03.2019

Heard Shri S.K. Thengri, 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.

Dated – 08/03/2019.

O.A. No. 159/2019 **(SB)**

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

Dated : 08.03.2019

Heard Shri S.K. Thengri, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1.

2. The learned CPO on behalf of R-1 submitted that three weeks' time is required to submit reply. In this matter the applicant is claiming relief of revocation of suspension. In my view such interim relief can be granted only in rarest of the rare case, therefore, I direct that notice be issued to R-2 to 10, returnable in after **three 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.

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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. after three weeks.**

Member (J)

dnk.

O.A. No. 1001/2018 **(SB)**

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

Dated : 08.03.2019

Heard Shri S.K. Thengri, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1&7. Await service of R-2 to 6 and 8 to 10.

S.O. after three weeks.

Member (J)

dnk.

Dated – 08/03/2019.

O.A. No. 53/2019 **(SB)**

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

Dated : 08.03.2019

Heard Shri S.K. Thengri, 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.

Dated – 08/03/2019.

O.A. No.92/2018.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 8th March 2019.

Heard Shri Manoj Jaiswal, Adv. holding for Shri N.R. Saboo, 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 of R. 1 and 2, it is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant.

S.O. **three weeks** for filing rejoinder, if any.

Vice-
Chairman(J)

Dt. 8.3.2019.

pdg.

O.A. No.867/2018. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 8th March 2019.

C.A. No.54/2019.

Heard Shri M.M. Sudame, the Ld. counsel for the applicants and Shri P.N. Wajujar, the learned P.O. for the respondents.

2. This application for interim direction is filed on behalf of applicant No.8, an Assistant Professor in the Department of Orthopaedic in Govt. Medical College, Gondia He was admittedly appointed on temporary basis. He is claiming directions that the appointment order may be issued in his favour. However, since the applicant No.1 is now not in service, as his term has

expired, no interim direction in respect of applicant No.8 can be given. So far as the other applicants are concerned, it is stated that they have been appointed on temporary basis, the term of the applicants is going to expire at the end of March 2019 also and, therefore, they apprehend that their services will be terminated after completion of their term.

3. On perusal of record, it seems that time and again the Government so many Assistant Professors on temporary basis for a particular place with clear understanding that their services were temporary in nature and they may be terminated at the end of the period for which they are terminated or till regular persons are appointed in their place. The Govt. has issued various G.Rs from which it seems that there is a great paucity of Assistant Professors and that in order to meet the administrative difficulty and to meet the health problems of the people at large, the Govt. has taken decisions from time to time to appoint the Assistant Professors on an *ad hoc* basis. Since the temporary Assistant Professors were obtaining continuation from this Tribunal and the

High Court, the Govt. has taken a decision to form a constituted Committee to appoint the Assistant Professors. Admittedly, the applicants have been appointed by such a Committee constituted by the Act. In such circumstances, it cannot be said that the appointments of applicants are totally without application of mind. At the most, it can be said that powers to appoint the Assistant Professors seem to have been delegated, though for a temporary period. Without going into the merits of the case, at this juncture, it will be necessary to see as to whether the respondents are in a mood to terminate the services of all the applicants after their period of appointment, as mentioned in their respective orders of appointment. It is also necessary to seek instructions as to whether the Govt. is ready to continue the appointments of the applicants or to issue fresh appointment orders to them by giving technical break till regular persons are appointed in place of the applicants. Ld. P.O. is, therefore, requested to take instructions in this regard and to state as to whether the respondents are ready to continue the

applicants, though temporarily, for a further period also. The Govt. shall also state as to within how many days the process for regular appointment by the competent authority will be undertaken. A short affidavit may be filed in this regard.

S.O. 20.3.2019.

Steno copies be provided to both parties.

Vice-
Chairman(J)

Dt. 8.3.2019.

pdg.

O.A. No.115/2018. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 8th March 2019.

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

2. The Ld. P.O. has filed reply of R. 1, 2 and 4, it is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant.

3. Since the applicant's claim was forwarded to the Director of Public Health, Mumbai vide Annexure A-7 on 12.10.2018, no decision was taken on it. The Ld. P.O. was requested to take instructions as to within how many days necessary orders would be passed on such proposal. The Ld, P.O. has placed on record an affidavit of respondent Nos. 1, 2 and 4 alongwith documents and submits that the Assistant Director of Health Services, Mumbai recommended that the applicant is not entitled to interest on the delayed payment and, therefore, interest is not admissible to the applicant. Even though, it seems to be a proposal, the respondents are coming with

a case that the said proposal is legal and have been accepted by the Government. The Ld. counsel for the applicant, therefore, wants to amend the O.A. and wants to challenge the Annexure R-5 and a proposed decision taken by the Govt. In view thereof, S.O. **two weeks** for filing amendment application.

Vice-
Chairman(J)

Dt. 8.3.2019.

pdg.

O.A. No.978/2018.

(S.B.)

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

Dated : 8th March 2019.

Heard Shri G.G. Bade, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents.

The Ld. P.O. has filed reply of R. 2 and 3, it is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant.

S.O. **three weeks** for filing rejoinder, if any.

Vice-Chairman(J)

Dt. 8.3.2019.

pdg.

O.A. No.906/2018. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 8th March 2019.

Heard Shri A. Shriwas, 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 of R. 2, it is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant. He submits that reply of other respondents is not necessary.

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

Vice-Chairman(J)

Dt. 8.3.2019.

pdg.

O.A. No.297/2018. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 8th March 2019.

None for the applicant. Shri V.A. Kulkarni, the learned P.O. for the respondent No.1.

Await service of notice to R. 2 and 3.

S.O. **four weeks**

Vice-Chairman(J)

Dt. 8.3.2019.

pdg.

O.A. No.682/2018. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 8th March 2019.

Heard Mrs. P.T. Joshi, the Ld. counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondent No.1. None for R.2 and 3.

S.O. **two weeks** as a last chance for filing reply.

Vice-Chairman(J)

Dt. 8.3.2019.

pdg.

O.A. No.998/2018. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 8th March 2019.

Heard Shri S.A. Sahu, the Ld. counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondent No.1.

2. The applicant has been kept under suspension on 7.10.2011. He was working as Incharge Medical Superintendent, Group-A in Sub-District

Hospital, Pandharkawada . It is stated that since the applicant was in custody under Prevention of Corruption Act case for more than 48 hours, he was kept under suspension. It is stated that no charge-sheet has yet been served on the applicant and the applicant is still under suspension and even the suspension allowance has not been paid to the applicant from July 2018.

3. The respondents are directed to pay the suspension allowance to the applicant as per the rules within a period of one month from the date of this order.

4. In the meantime, issue notice to the respondent Nos. 2 to 5 returnable in **four weeks.**

5. Shri H.K. Pande, the learned P.O. waives notice for the respondent No.1. Hamdast granted.

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

7. 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.

8. 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.

9. 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.

10. 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.

11. S.O. **four weeks.**

Vice-Chairman(J)

Dt. 8.3.2019.

pdg.

O.A. No.118/2019. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 8th March 2019.

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

S.O. **two weeks** for filing reply.

Vice-Chairman(J)

Dt. 8.3.2019.

pdg.

O.A. No.165/2019.

(S.B.)

Coram:Shri J.D. Kulkarni,

Vice-Chairman (J)
Dated : 8th March 2019.

Heard Shri S.M. Khan, the Ld. counsel for the applicant and Shri S.A. Deo, the learned CP.O. for respondent No.1.

2. Issue notice to respondent Nos. 2 & 3 returnable on **11th March 2019.**

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. **11th March 2019.**

Vice-Chairman(J)

Dt. 8.3.2019.

pdg.

O.A. No.144/2019.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 8th March 2019.

Heard Shri G.G. Bade, the Ld. counsel for the applicant and Shri S.A. Deo, the learned CP.O. for the respondents.

2. The applicant is a Health Assistant working at Primary Health Centre, Alegaon, Tehsil Patur and his wife is serving as a Nurse in Govt. Medical College, Akola. His son is taking education in 12th standard and, therefore, the applicant filed representation on 10.1.2018. In view of G.R. dated 9.4.2018, the applicant and his wife may be posted at one and the same place. His representation, however has not been considered.

3. It seems that the applicant has filed representation to the Assistant Director of Health Services, Akola (R.5) and the respondent No.5 forwarded the same to the Government. The Government accordingly considered the representation of various persons, so also the recommendation by the Joint Director of Health Services, Pune (R.3) and issued the order of transfer in respect of 13 persons on 11.2.2019 as per Annexure A-6. However, applicant's case has not been considered.

4. The Ld. counsel for the applicant seeks permission to withdraw the O.A. with liberty to file fresh representation to the competent authority i.e. the Joint Director of Health Services, Pune (R.3) and further requested that his representation may be considered by the Joint Director of Health Services, Pune (R.3) at the time of Annual General Transfers of 2019. In view of this, liberty to withdraw the O.A. is granted to the applicant. Hence, the following order:-

ORDER

- (i) The O.A. stands disposed of as withdrawn with no order as to costs.
- (ii) The applicant will be at liberty to file fresh representation to the Joint Director of Health Services, Pune (R.3) as regards his transfer in view of G.R. dated 9.4.2018 whereby guidelines have been issued to adjust the husband and wife at one and the same place, as far as possible.
- (iii) Such a representation, if filed within a week from today, may be considered as per its own merits by the respondent No.3 at the time of Annual General Transfers of 2019.

Vice-Chairman(J)

Dt. 8.3.2019.

pdg.

O.A.No. 783/2017 (S.B.)

**Coram: Shri Shree Bhagwan,
Member (A)**

Dated : 08th March 2019.

Heard Shri P.S.Patil, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the Respondents.

2. The Id. Counsel for the applicant has filed additional affidavit at P.B. Pg. Nos. 31 to 33. It is taken on record. Copy is served to the other side.

3. As per the additional affidavit of applicant's at Pg. No. 31, the applicant's designation shown as Junior Receptionist on his pay slip on August 2011. However, as per the P.B., Pg. No. 32, applicant's

designation shown as Karkoon on the pay slip of December 2018.

4. As per the Annexure-A-2, the applicant was transferred from Amravati to Badnera along with the post. However, the same order was cancelled by Annexure-A-3 and he was transferred back to Amravati. However, as per the impugned order at Annexure-A-7, P.B., Pg. No. 24, the order dated 28/06/2017 at Annexure-A-3 was stayed. So, applicant continued at Badnera. However, by pay slip, it appears that the order on P.B., Pg. No. 19 (Annexure-A-2) that transferring the applicant along with the post is not substantiated by pay slips of August 2011 and December 2018.

5. In view of this, the Id. P.O. is directed to take necessary instructions and file reply that as on today the applicant is working on the post of Junior Receptionist or as Karkoon.

6. **S.O. 19.03.2019.**

Member(A)

Date:-08/03/2019.

aps.

O.A.Nos. 220/2012 & 700/2013 (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 08th March 2019.

Heard Shri Patil, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the Respondents.

The Id. Counsel for the applicant submitted that similar matters are dismissed by M.A.T., Principle Bench, Mumbai and those orders are challenged in High Court in W.P. in which stay is granted. The Id. Counsel for the applicant also submits that he require two weeks time to produced the same before the Tribunal, the material order passed by the Hon'ble High Court in the said writ petition.

S.O. two weeks.

Member(J)
Member(A)
Date:-08/03/2019.
aps.

O.A.No. 245/2012

(D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 08th March 2019.**

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

None for the applicant on 07/12/2015, 08/12/2015, 06/03/2019 & 07/03/2019 too. It appears that the applicant as well as Id. Counsel for the applicant are not interested in prosecuting the O.A.

Hence dismissed in default.

**Member(J)
Member(A)
Date:-08/03/2019.
aps.**

O.A.No. 897/2012

(D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 08th March 2019.**

None for the applicant. Shri
M.I.Khan, the Id. P.O. for the Respondents.

As requested by Id. P.O., **S.O. two
weeks.**

**Member(J)
Member(A)
Date:-08/03/2019.
aps.**

O.A.No. 540/2013

(D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 08th 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 incharge Principle, I.T.I., Khamgaon, by which it appears that the applicant has been taken on the establishment and hence the grievances of the applicant is redressed.

Hence, O.A. become infructuous,
O.A. is disposed of with no order as to costs.

Member(J)
Member(A)
Date:-08/03/2019.
aps.

O.A.No. 566/2013

(D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 08th March 2019.**

Shri G.G.Bade, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the Respondent nos. 1 to 3. None for the remaining respondents.

At the request of Id. Counsel for the applicant, **S.O. 13/03/2019 as a last chance.**

**Member(J)
Member(A)
Date:-08/03/2019.
aps.**

O.A.No. 623/2013

(D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 08th March 2019.**

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

None for the applicant on 06/03/2019, 07/03/2019 and today also. It appears that the applicant as well as Id. Counsel for the applicant are not interested in prosecuting the O.A.

Hence dismissed in default.

**Member(J)
Member(A)
Date:-08/03/2019.
aps.**

O.A.No. 663/2013

(D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 08th 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.

None for the applicant on 06/03/2019, 07/03/2019 and today also. It appears that the applicant as well as Id. Counsel for the applicant are not interested in prosecuting the O.A.

Hence dismissed in default.

Member(J)
Member(A)
Date:-08/03/2019.
aps.

O.A.No. 710/2013

(D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 08th March 2019.**

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

The Id. P.O. placed on record letter no. d{&13@vLFk@ey&2@i;d# 158@13&14@2705@13&14] fnukd 25-02-2014 by Additional P.C.C.F. (administration), Maharashtra State Nagpur by which it appears that applicant has been promoted and nothing survives in this O.A..

Hence, O.A. become infructuous, the **O.A. is disposed of with no order as to costs.**

**Member(J)
Member(A)
Date:-08/03/2019.
aps.**

O.A.No. 796/2013

(D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 08th March 2019.**

Shri S.Majid, 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 submitted that the applicant has taken all the papers from him, therefore, he submits the pursis to this effect. The applicant is absent. We do not find any reason to adjourned the matter.

Hence, dismissed in default.

**Member(J)
Member(A)
Date:-08/03/2019.
aps.**

O.A.Nos. 732 & 716/2017 (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated: 08th March 2019.**

C.A.No.83/2019:-

Shri A.S.Deshpande, the Id. counsel for the applicant, Shri V.A.Kulkarni, the Id. P.O. for the Respondent nos. 1 & 2 and Shri V.B.Gawali, the Id. counsel for the respondent nos. 3 to 10.

C.A. No. 83/2019 is allowed.

As per the request of Id. counsel for the applicant, both the matters i.e. O.A. No.716 & 732/2017 were heard together.

S.O. 26/03/2019.

**Member(J)
Member(A)
Date:-08/03/2019.
aps.**

O.A.St.No. 1875/2018

(D.B.)

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

Dated : 08th March 2019.

C.A.No.368/2018:-

None for the applicant. Shri
V.A.Kulkarni, the Id. P.O. for the State.
Await services of respondent nos. 2 to 7.

S.O. four weeks to file service
affidavit.

Member(J)

Member(A)

Date:-08/03/2019.

aps.

O.A.No. 66/2013

(D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 08th March 2019.**

None for the applicant. Shri M.I.Khan, the Id. P.O. for the Respondent nos. 1 to 4. None for the respondent no. 5.

The Id. P.O. filed the reply on behalf of the respondent nos. 2 to 4. It is taken on record. He further submits that he will serve the copy to the other side.

S.O. two weeks.

**Member(J)
Member(A)
Date:-08/03/2019.
aps.**

O.A.No. 448/2014 (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 08th March 2019.**

None for the applicant. Shri A.P.Potnis, the Id. P.O. for the Respondent nos. 1 to 4. None for the remaining respondents.

S.O. three weeks.

Later on:-

The Id. counsel for the applicant present and requested for 15/03/2019.

S.O. 15/03/2019.

**Member(J)
Member(A)
Date:-08/03/2019.
aps.**

O.A.No. 472/2017 (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 08th March 2019.

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

The Id. counsel for the applicant has produced that the O.A. No. 610/2017 is pending before the MAT, Principle Bench and the same issue is involved in this O.A. also. So, he is requesting to transfer the O.A. No. 472/2017 to MAT, Mumbai Principle Bench and to be heard along with the O.A. No. 610/2017. The request is granted and the Registry is directed to transfer the O.A.No. 472/2017 to MAT, Mumbai Principle Bench.

Member(J)
Member(A)
Date:-08/03/2019.
aps.

O.A.No. 202/2018 (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 08th March 2019.**

Shri Jaiswal holding for Shri S.S.Sarda, the Id. counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the Respondents.

As submitted by Id. P.O., matter is **admitted** and kept for final hearing.

The Id. P.O. waives notices for the respondent nos. 1 & 2.

S.O. in due course.

**Member(J)
Member(A)
Date:-08/03/2019.
aps.**

O.A.No. 242/2018

(D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 08th March 2019.

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

2. The Id. counsel for the respondent no. 3 has produced the copy of the order passed by the Government letter no. Mh, yb&2009@%136@2009%en{Ark&3} dated 23.10.2018. In this order, it is mentioned that Departmental Enquiry was initiated vide memorandum no. fm, yb&2009@763@%136@09%en{Ark&3} dated 23.07.2013, under Rule 8 of the M.C.S. (Discipline and Appeal) Rules, 1979. The same enquiry and the chargesheet dated 23.07.2013 are challenged by the applicant. As per this order, the Government has taken a decision exercising powers under Rule 6 of the M.C.S. (Discipline and Appeal) Rules, 1979 and the Government has withdrawn all the charges against the applicant.

3. In view of this position, so far as prayer no. 1 of the paragraph 9, there is no point to pass any order. So far as prayer no. 2 is concerned, it is relating to payment of gratuity. As another D.E. is pending against the applicant no direction can be issued regarding gratuity etc.

4. Hence, **the O.A. stands disposed of with no order as to costs.**

Member(J)

Member(A)

Date:-08/03/2019.

aps.

O.A.No. 272/2018 (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 08th March 2019.**

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

S.O. two weeks.

**Member(J)
Member(A)
Date:-08/03/2019.
aps.**

O.A.No. 970/2018 (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 08th March 2019.**

None for the applicant. Shri S.A.Sainis, the Id. P.O. for the State. Await service of respondent nos. 2 to 4.

The Id. P.O. submits that he has received the parawise reply. He seeks more time to file it on record.

S.O. two weeks.

**Member(J)
Member(A)
Date:-08/03/2019.
aps.**

O.A.No. 1007/2018 (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 08th March 2019.**

Shri S.C.Deshmukh, the Id. Counsel
for the applicant and Shri M.I.Khan, the Id.
P.O. for the respondents.

The Id. P.O. seeks two weeks time to
file reply. **S.O. two weeks.**

**Member(J)
Member(A)
Date:-08/03/2019.
aps.**

O.A.No. 33/2019

(D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 08th March 2019.**

Shri A.P.Sadavarte, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondent nos. 1 & 3 to 5. Await service of respondent no. 2.

The Id. P.O. seeks three weeks time to file reply. **S.O. three weeks.**

In order dated 29/01/2019, I.R. granted in para no. 3, the same is continued till filing of the reply.

**Member(J)
Member(A)
Date:-08/03/2019.
aps.**

O.A.No. 60/2019

(D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 08th March 2019.**

Shri P.A.Kadu, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

The Id. P.O. seeks three weeks time to file reply. **S.O. three weeks.**

**Member(J)
Member(A)
Date:-08/03/2019.
aps.**

O.A.No. 63/2013

(D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 08th March 2019.

Heard Shri G.K.Bhusari, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the Respondents.

2. It is submitted that on 29/08/2012, representation was made by the applicant for his promotion and that representation is forwarded to Commissioner & Registrar, Cooperative Society, Maharashtra State, Pune along with the letter no. fol fu@vklFk@th, eMkoj@6718@12] dated 30/08/2012.

3. It is further submitted that the representation is not yet decided and it would suffice, if direction is issued to decide this representation within stipulated period.

4. We disposed of this original application giving liberty to file fresh application subject to the decision of the representation. The respondents are

directed to decide the representation **within three months** from the date of this order. .

5. Hence, **O.A. is disposed of with no order as to costs.**

Member(J)
Member(A)
Date:-08/03/2019.
aps.

O.A.No. 436/2017 (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 08th March 2019.

Heard Ms. M.Chandurkar, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the Respondents.

2. The Id. P.O. filed Government letter no. vLFk&2016@i:dz:124@i:dz:124@b&6] fnukd 22-09-2016 by Deputy Secretary, which is marked Exh. "X" for the purpose of identification along with the Minutes of Meeting. The same is taken on record. Copy is served to the other side.

3. The Id. Counsel for the applicant is directed to go through the same and file the Rejoinder, if necessary.

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

5. **Matter be treated as P.H.**

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

Date:-08/03/2019.

aps.

O.A.No. 516/2018

(D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and**

Shri A.D.Karanjkar, Member(J)

Dated : 08th March 2019.

Heard Smt. M.Dongare, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the Respondents.

The Id. Counsel for the applicant as well as Id. P.O. are directed to produced Rules and Regulations prevalent at the time of applicant's appointment and file on record.

S.O. 22/03/2019.

Member(J)

Member(A)

Date:-08/03/2019.

aps.

O.A.No. 58/2019

(D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 08th March 2019.**

Heard Shri Bharat Kulkarni holding for Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri D.M.Kakani, the Id. Spl. Counsel for the Respondents.

The Id. Spl. Counsel has received the paper receipt today only. He wants two weeks time to go through it.

S.O. two weeks.

**Member(J)
Member(A)
Date:-08/03/2019.
aps.**