

O.A. No. 750/2015 (SB)

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

Dated : 11.01.2019

Heard Shri Bharat Kulkarni, learned counsel for the applicant and Shri P.N. Warjurkar, learned P.O. for the respondents.

2. It is submission of the applicant that he has not received wages from 1-4-2015, therefore, direction be issued to the respondents to pay the wages to the applicant.

3. It is contention of the respondents that since 1-4-2015 the applicant was not in service of the respondent No.2, but he was on the pay roll of out sourcing agency "Snehal Educated Unemployed Multipurpose Co-operative Society Tumsar Dist. Bhandara." It is submitted that the out sourcing agency has paid the wages to the applicant and the respondents are not liable to pay the wages. In view of these submissions, in my view in order to resolve the

controversy, it is necessary in the interest of justice to direct the respondent No.2 to produce the record to the effect that the out sourcing agency has paid wages to the applicant from 1-4-2015. The respondent can collect this documentary evidence from the out sourcing agency and produce the same before this Bench. The respondent No.2 to comply this direction within 3 weeks.

S.O. two weeks.

Member (J).

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

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

Dated : 11.01.2019

Heard Shri D.B. Walthare, learned counsel for the applicants and Shri A.M. Khadatkar, learned P.O. for the respondents.

2. It is contention of the applicants that pay of deceased Namdeo Marotrao Zalpure was not correctly fixed so also his pension. The respondents have justified the pay fixation placing reliance on the Government Resolution dt. 8-3-1999. The respondents have placed on record photo copy of the G.R. 8-3-1999 but it is illegible. Similarly in order to examine the contentions it is necessary to peruse the service book of the deceased. In absence of the service book and legible copy of the G.R. dt. 8-3-1999 it is not

possible to decide that contentions, therefore, the P.O. is directed to produce service book of the deceased and legible copy of the G.R. 8-3-1999 within 3 weeks.

S.O. three weeks.

Member (J).

O.A.No.13/2019. (S.B.)

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

Dated : 11th January 2019.

Heard Shri M.I. Dhattrak, learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondent/ State.

2. The applicant was posted as Chief Officer, Municipal Council, Hinganghat, District Wardha on 9.1.2018 and vide order dated 9.1.2019, it has been intimated to him that he is being transferred and relieved immediately. He is also asked to wait for posting. In the order itself, it is mentioned that it has been issued as per the provisions of Section 4 (4) & 4 (5) of the Maharashtra Government Servants Regulation of Transfers

and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as the "Transfer Act of 2005"). The respondent No.1 has also filed caveat application in this case. Considering this fact, whether the order is in contravention of the provisions of Transfer Act of 2005 or not will have to be considered on merit.

3. Issue notice to Caveator Nos.1 and 2 returnable in **two weeks.**

4. Shri P.N. Warjekar, the learned P.O. waives notice for the respondents / State. 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 **seven 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. 11.1.2019.

pdg.

O.A.No.610/2017. (S.B.)

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

Dated : 11th January 2019.

Heard Shri G.G. Bade,
learned counsel for the applicant

and Shri S.A. Sainis, the learned
P.O. for the respondent

At the request of the learned
counsel for the applicant, S.O.
15.1.2019.

Vice-
Chairman(J)

Dt. 11.1.2019.

pdg.

O.A.No.939/2017. (S.B.)

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

Dated : 11th January 2019.

Heard Shri G.G. Bade,
learned counsel for the applicant
and Shri S.A. Sainis, the learned
P.O. for the respondent

At the request of the learned
counsel for the applicant, S.O.
15.1.2019.

Vice-

Chairman(J)

Dt. 11.1.2019.

pdg.

O.A.No.08/2018.

(S.B.)

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

Dated : 11th January 2019.

Heard Shri Krishna
Manwatkar, Adv. holding for Shri A.
Ramteke, learned counsel for the
applicant and Shri P.N. Warjekar,
the learned P.O. for the respondent

At the request of the learned
counsel for the applicant, S.O.
four weeks.

Vice-
Chairman(J)

Dt. 11.1.2019.

pdg.

O.A.No.694/2017. (S.B.)

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

Dated : 11th January 2019.

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

2. The disciplinary authority vide order dated 19.9.2013 was pleased to pass the following order in the departmental enquiry:-

“मी संजीव दयाल, पोलीस महासंचालक, महाराष्ट्र राज्य, मुंबई याद्वारे पो. हवा./१६७० शामराव बबन चव्हाण व पो. शी./११७६ भाऊराव वामन मोहाडे यांना खालील नमूद केल्यानुसार त्यांच्या नावासमोर दर्शविण्यात आलेली शिक्षा अंतिम आदेशात कायम करित आहे.

१. पो. हवा./१६७०, शामराव बबन चव्हाण-
“त्यांच्या वेतानातून १ (एक)
वेतनवाढ एवढी रक्कम दरमहा १ (एक)
वर्षाकरिता कपात करणे.

२. पो. शि./११७६, भाऊराव वामन मोहडे-
“त्यांच्या वेतानातून १ (एक)
वेतनवाढ एवढी रक्कम दरमहा १ (एक)
वर्षाकरिता कपात करणे.

सदर शिक्षेने कासुरदार हे व्यथित
होत असतील तर हे आदेश मिळाल्याच्या
दिनांकापासून ६० दिवसाचे आत ते
शासनास अपील करू शकतात.”

3. Against the said order, the
applicant has filed an appeal and
he appellate authority vide order
dated 24.8.2015 was pleased to
modify the order of punishment into
censure. The relevant order is as
under:-

“त्यानुषंगाने अपिलार्थी श्री. भाऊराव
मोहोड, पोलीस शिपाई /११७६ अकोला जिल्हा
पोलीस दल यांना “त्यांच्या वेतनातून एक (१)
वेतनवाढ एवढी रक्कम दरमहा एक (१)
वर्षाकरिता कपात करणे” या शिक्षेएवजी “सक्त

ताकीद” ही शिक्षा देण्याचा निर्णय अपिलीय प्राधिकारी यांनी दिला आहे. सदर निर्णयावर संबंधितांनी आवश्यक ती कार्यवाही करावी.”

4. In consequence of the said order, the S.P., Akola passed the impugned order dated 19.10.2015 and treated the suspension period of the applicant from 22.7.2007 to 25.2.2008 as duty period only for the purpose of pension and the applicant was held not entitled to pay and allowances during that period. It seems that against this order, the applicant has preferred representation to the Special Inspector General of Police, Amravati and the Director General of Police, Mumbai on 13.1.2016 and 28.7.2016 respectively, but no cognizance was taken and, therefore, the applicant has filed this O.A.

5. It seems that neither the Special Inspector General of Police,

Amravati nor the Director General of Police, Mumbai has taken any cognizance on the representation of the applicant. The Ld. counsel for the applicant submits that the application can be disposed of if directions are issued to the Special Inspector General of Police, Amravati to consider the representation of the applicant within a stipulated period. O.A., therefore, stands disposed of with directions to the Special Inspector General of Police, Amravati to pass necessary order on the representation of the applicant dated 13.1.2016, at Page Nos. 24 and 25 (both inclusive). The applicant be given an opportunity to hear at the time of passing order and necessary order shall be passed **within four weeks** from the date of this order.

6. No order as to costs.

Vice-
Chairman(J)

Dt. 11.1.2019.

pdg.

O.A.No.604/2017.

(S.B.)

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

Dated : 11th January 2019.
C.A. 287/2018.

Heard Shri V.P. Karhade, the
learned counsel for the applicant and Shri

V.A.Kulkarni, the learned P.O. for the respondents.

Vide order dated 12.12.2018, it was directed that the Special Officer shall be appointed to monitor verification of pension case so as to give relief to the applicant within 30 days. The respondents are directed to file an affidavit of the said Special Officer and about the action taken by him while monitoring the case. Affidavit shall be submitted on Tuesday and the Officer appointed shall be resent before this Tribunal.

S.O. 15.1.2019.

Vice-Chairman(J)

Dt. 11.1.2019.

pdg.

O.A.No.876/2017.

(S.B.)

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

Dated : 11th January 2019.
M.C.A. 31/2018.

Heard Shri Sunil Pande, Adv. holding for Shri M.M. Sudame, the learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

The learned counsel for the original applicant seeks time to file reply to the MCA.

S.O. **two weeks.**

Vice-
Chairman(J)

Dt. 11.1.2019.

pdg.

O.A.No.610/2018.

(S.B.)

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

Dated : 11th January 2019.

Heard Shri A.P. Sadavarte, the learned counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents 1 to 5. None for R.6. Shri Gaikwad, Adv. for R.7.

The learned P.O. has filed reply affidavit of R. 3 and 4, it is taken on record and a copy of which is supplied to the learned counsel for the applicant. Reply of other respondents is not necessary.

Ld. Adv. for R.7, however, seeks time.

The applicant will be at liberty to file rejoinder, if any.

S.O. **one week.**

Vice-
Chairman(J)

Dt. 11.1.2019.

pdg.

O.A.No.644/2018.

(S.B.)

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

Dated : 11th January 2019.

Heard Shri A.P. Sadavarte, the learned counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents 1 to 5.

The learned P.O. has filed reply affidavit of R. 2 to 4, it is taken on record and a copy of which is supplied to the learned counsel for the applicant. Reply of other respondents is not necessary.

The applicant will be at liberty to file rejoinder, if any.

S.O. **one week.**

Vice-
Chairman(J)

Dt. 11.1.2019.

pdg.

O.A.No.683/2018.

(S.B.)

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

Dated : 11th January 2019.

Heard Shri G.G. Bade, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

2. At the request of the learned counsel for the applicant, issue fresh notice to respondent No.4 returnable within four weeks.

3. Shri P.N. Warjekar, the learned P.O. waives notice for the respondent No.1. Hamdast granted.

4. Ld. P.O. seeks time to file reply of R. 1 to 3. 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 **seven 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.

S.O. **four weeks.**

Vice-

Chairman(J)

Dt. 11.1.2019.

pdg.

O.A.No.781/2018.

(S.B.)

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

Dated : 11th January 2019.

Heard Shri V.K. Gulhane, the learned counsel for the applicant and Shri

H.K. Pande, the learned P.O. for the respondents.

The learned counsel for the applicant submits that he has filed service affidavit of all the respondents.

Ld. P.O. seeks two weeks' time.

S.O. **two weeks.**

Vice-

Chairman(J)

Dt. 11.1.2019.

pdg.

O.A.No.782/2018.

(S.B.)

Coram:Shri J.D. Kulkarni,

Vice-Chairman (J)

Dated : 11th January 2019.

Heard Shri V.K. Gulhane, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

2. Ld. P.O. has filed reply on behalf of R.4 i.e. Collector, Latur, it is taken on record and a copy of which is supplied to the learned counsel for the applicant.

3. The applicant was appointed as a Peon in the office of Collector, Akola on 26.3.2010 and was promoted to the post of Jr. Clerk vide order dated 14.8.2013. Vide order dated 28.8.2014, the Govt. transferred the applicant to Latur District i.e. out of Division. However, the Collector, Latur has shown inability to accommodate the applicant for want of post. The applicant, therefore, continued to work in Akola District at Balapur.

4. The applicant filed a letter dated 8.11.2017 and requested that he may be accommodated in Latur District where the vacancy of Clerk was available and since his

request was not considered, he has filed this O.A.

5. The Collector, Latur (R.4) in his affidavit in reply has shown willingness to accommodate the applicant in Latur District. The Collector, Latur also intimated the said thing in writing letter dated 5.6.2018 to the Government. From the aforesaid facts, it is now clear that the applicant can be accommodated in Latur District. The O.A., therefore, stands disposed of with directions to respondent No.1 to consider the request of the applicant for transfer to Latur District and pass necessary order within one month from the date of this order. No order as to costs.

Vice-

Chairman(J)

Dt. 11.1.2019.

pdg.

O.A.No.953/2018.

(S.B.)

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

Dated : 11th January 2019.

None for the applicant. Shri P.N. Warjekar, the learned P.O. for the respondents.

The applicant has challenged the suspension order dated 10.4.2018 and submits that the said order be quashed and set aside. The Ld. P.O. on last occasion has placed on record the order dated 14.11.2011 which is marked "X" for identification, from which it seems that the suspension has been revoked and the applicant has been reinstated in service. In view thereof, nothing survives in the O.A. Hence, the O.A. stands disposed of as infructuous.

Vice-Chairman(J)

Dt. 11.1.2019.

pdg.

O.A.No.968/2018.

(S.B.)

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

Dated : 11th January 2019.

None for the applicant. Shri P.N. Warjekar, the learned P.O. for the respondents.

S.O. **four weeks** for filing reply by Ld. P.O.

Vice-Chairman(J)

Dt. 11.1.2019.

pdg.

O.A.No.969/2018.

(S.B.)

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

Dated : 11th January 2019.

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

S.O. **16.1.2019** for taking
instructions with O.A.
No.538/2018.

Vice-
Chairman(J)

Dt. 11.1.2019.

pdg.

O.A.No.170/2015.

(S.B.)

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

Dated : 11th January 2019.

Shri Sk. Majid, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

At the request of the Ld. counsel for the applicant, S.O.

24.1.2019.

Vice-
Chairman(J)

Dt. 11.1.2019.

pdg.

O.A.No.723/2017.

(S.B.)

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

Dated : 11th January 2019.

Shri A.P. Sadavarte, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

The Ld. P.O. submits that he wants to file additional affidavit.

The Ld. counsel for the applicant submits that he will take instructions from the applicant whether to withdraw the O.A. or not.

S.O. 16.1.2019.

Vice-
Chairman(J)

Dt. 11.1.2019.

pdg.

O.A.No.702/2015.

(S.B.)

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

Dated : 11th January 2019.

Shri S.N. Gaikwad, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

At the request of Ld. P.O.,
S.O. **next week.**

Vice-
Chairman(J)

Dt. 11.1.2019.

pdg.

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

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 11th January 2019.

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

Shri G.G.Bade, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

On review application, the Id. P.O. wants three weeks time to file reply. At his request, **S.O. three weeks.**

Member(J)
Member(A)
Date:-11/01/2019.
aps.

O.A.No. 203/2016. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 11th January 2019.

M.C.A.No. 44/2018:-

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

From the record, it seems that in M.C.A.44/2018 in para no. 2, Government had directed, Director, Medical Education & Drugs Department (Original Respondent no. 2) to constitute the committee for regularization of services of respondents (Original Applicants) vide G.R. No. dz U; k; ki 0115@i z dz 38@15@o f dk&4] fnukd 07-12-2015 and according to the terms and conditions mentioned in the G.R. No. dz U; k; ki 0115@i z dz 38@15@o f dk&4] fnukd 23-07-2015-

However, Id. P.O. does not aware that, whether committee is constituted and whether any meeting of the committee has taken place as per the order of MAT in O.A. No. 203/2016, dated 10/08/2018?

Following paras of the Order is below:-

"1. The O.A. stands disposed of with directions to respondent Nos. 1 & 2 to take a decision on the recommendation made by the Dean, Shri Vasantnao Naik Govt. Medical College & Hospital, Yavatmal dated 05.01.2016 (A-10) and also considering the pronouncements in W.P.No. 246/2015 by the Hon'ble High Court of Bombay and O.A. No. 199/2016 by this Tribunal as referred to above.

2. Necessary decision on merits of the case shall be taken within three months from the date of this order and the same shall be communicated to the applicant in writing."

Hence, the Director Medical Education & Drugs Department is directed to take necessary action immediately and **decide the applicant regularization within four weeks** from the date of this order.

S.O. four weeks.

Member(J)
Member(A)
Date:-11/01/2019.
aps.

O.A.No. 578/2017. (D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 11th January 2019.

C.A.No. 394/2018:-

Shri K.S.Malokar, the Id. Counsel for
the applicant and Shri H.K.Pande, the Id.
P.O. for the respondents.

As requested by Id. counsel for the
applicant, **S.O. one week.**

*Put up this matter along with the
O.A.684/2018.*

Member(J)
Member(A)
Date:-11/01/2019.
aps.

O.A.No. 807/2017. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 11th January 2019.**

Shri A.A.Dhawas, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

The Id. P.O. pointed out that Hon'ble High Court Mumbai, Bench at Nagpur vide writ petition no. 8230/2018 and Hon'ble High Court Mumbai, Bench at Aurangabad vide writ petition no. 5487/2018. The order of MAT has been stayed and same issue is involved in the present O.A. No. 807/2017.

Since, the matter is cease with the Hon'ble High Court, the same will be heard after decision of the Hon'ble High Court.

S.O. in due course.

**Member(J)
Member(A)
Date:-11/01/2019.
aps.**

O.A.No. 141/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 11th January 2019.**

None for the applicant. Shri V.A.Kulkarni, the Id. P.O. for the State. Await service of respondent nos. 2, 3 & 5.

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

The Id. P.O. waives notices for the respondent nos. 1 to 4.

S.O. in due course.

Put up this matter along with the O.A. No. 142/2018.

**Member(J)
Member(A)
Date:-11/01/2019.
aps.**

O.A.No. 142/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 11th January 2019.**

None for the applicant. Shri V.A.Kulkarni, the Id. P.O. for the respondent nos. 1 & 3. Await service of respondent no. 2.

The Id. P.O. filed the reply on behalf of the respondent no. 3. The same is taken on record. He submits that he will serve the copy to the other side.

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

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

S.O. in due course.

*Put up this matter along with the
O.A. No. 141/2018.*

**Member(J)
Member(A)
Date:-11/01/2019.**

aps.

O.A.No. 185/2018. (D.B.)

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

Dated : 11th January 2019.

C.A.No.165/2018:-

Heard Shri M.G.Burde, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

The respondent no. 3, The Deputy Director, Public Health Department, Nagpur is directed to take necessary action as per the letter no. d/c-@'Ap'N@inHjrh@30248&50@18] fnukd 03-12-2018 and submit the compliance report through Id. P.O. to this Tribunal within two weeks.

S.O. two weeks.

**Member(J)
Member(A)
Date:-11/01/2019.
aps.**

O.A.No. 431/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 11th January 2019.**

Shri G.G.Bade, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

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

Later on:-

The Id. P.O. submits the reply on behalf of the respondent no. 3. It is taken on record. He further submits that he will serve the copy to the other side.

S.O. four weeks.

**Member(J)
Member(A)
Date:-11/01/2019.
aps.**

O.A.No. 684/2018. (D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 11th January 2019.

C.A.Nos.256 & 395/2018:-

Shri K.S.Malokar, the Id. Counsel for
the applicant and Shri H.K.Pande, the Id.
P.O. for the respondents.

As requested by Id. counsel for the
applicant, **S.O. one week.**

*Put up this matter along with the
O.A.578/2017.*

Member(J)
Member(A)
Date:-11/01/2019.
aps.

O.A.No. 508/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 11th January 2019.**

Shri S.M.Vaishnav holding for Shri P.N.Shende, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

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

**Member(J)
Member(A)
Date:-11/01/2019.
aps.**

O.A.No. 722/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 11th January 2019.**

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

The Id. P.O. submits that he will file the reply within one week. At his request, **S.O. one week for reply.**

**Member(J)
Member(A)
Date:-11/01/2019.
aps.**

O.A.No. 05/2019. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 11th January 2019.

C.A.No.07/2019:-

Heard Shri S.M.Vaishnav, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State.

2. **The C.A. No. 07/2019 for Jt. O.A. is allowed.**

3. The Id. counsel for the applicant filed order copy of Hon'ble High Court, Mumbai, Bench at Nagpur in writ petition no. 3958/2018, para no. 4, it is mentioned as below:-

"Till then ad-interim relief in terms of prayer clause (iii)"

4. However, the copy of the writ petition is not filed on record. The Id. counsel for the applicant is directed to first file the copy of the writ petition on record.

5. The applicants are challenging the notifications issued by the Government

enhancing the Educational Qualification for the promotion. It is contention of the applicant, that considering the Educational Qualification the seniority list is prepared and there names are deleted. If any such situation, the department is not restrained from filling the posts by promotion, great prejudice will cause to the applicants. Hence, the department is given liberty to fill the posts by promotion but it shall be subject to the outcome of the decision in this original application.

6. Issue notice to R-2 & 3, returnable on Two Weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

8. 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.

9. 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.

10. 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.

11. 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.

12. **S.O. two weeks.**

Member(J)

Member(A)

Date:-11/01/2019.

aps.

O.A.No. 32/2012. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 11th January 2019.**

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

In the last hearing i.e. 09/01/2019, none for the applicant. Today i.e. 11/01/2019 also nobody appears for the applicant. It seems that the applicant and his counsel is not interested in prosecuting the O.A.

Hence, dismissed in default.

**Member(J)
Member(A)
Date:-11/01/2019.
aps.**

O.A.No. 34/2012. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 11th January 2019.**

None for the applicant. Shri P.N.Warjurkar, the Id. P.O. for the respondents.

In the last hearing i.e. 09/01/2019, none for the applicant. Today i.e. 11/01/2019 also nobody appears for the applicant. It seems that the applicant and his counsel is not interested in prosecuting the O.A.

Hence, dismissed in default.

**Member(J)
Member(A)
Date:-11/01/2019.
aps.**

O.A.No. 127/2012. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 11th January 2019.

Shri V.N.Morande, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

The Id. P.O. has submitted letter no. U; k; i&2012@i:dz:159@l dk&2] fnukd 04-12-2018 at P.B., Pg. No. 58. By which it seems that, Department is in the process of amending the Rules and meanwhile Department has cancelled the Advertisement. Respondents are now directed to amend the Rules and thereafter as mentioned in the letter no. U; k; i&2012@i:dz:159@l dk&2] fnukd 04-12-2018] they may fill the posts by fresh recruitment.

With the above directions, **the O.A. is disposed of with no order as to costs.**

Member(J)
Member(A)
Date:-11/01/2019.
aps.

O.A.No. 140/2012. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 11th January 2019.**

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

Yesterday, the Id. counsel for the applicant requested to withdraw the O.A.. However, he has been directed to file pursis for the same. As submitted by Id. P.O., he desires one week time to file pursis on record.

S.O. one week.

**Member(J)
Member(A)
Date:-11/01/2019.
aps.**

O.A.No. 255/2012. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 11th January 2019.**

Shri G.N.Khanzode, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

The Id. counsel for the applicant pleads that he is not able to contact his client. At his request, **S.O. two weeks.**

**Member(J)
Member(A)
Date:-11/01/2019.
aps.**

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

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 11th January 2019.**

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

The matter is on today's board i.e. 11/01/2019, none for the applicant as well as previous date i.e. 09/01/2019, that day also none for the applicant.

Hence, it seems that the applicant is not interested in prosecuting the matter. The matter is **dismissed in default.**

Later on :-

Shri P.S.Wathore, the Id. counsel appeared and as per his request, one week time. **S.O. one week.**

**Member(J)
Member(A)
Date:-11/01/2019.
aps.**

