

O.A.St.No.937/2018 (SB)

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

Dated : 12.03.2019

C.A.140/2018 -

Mrs. D.S. Charlewar, Id .counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1 and Ms. Supriya Deshmukh, Id. counsel holding for Shri A.M. Kukday, Id. counsel for R-2. Await service of R-3.

2. The learned counsel for the applicant submits that she will file service affidavit of R-3 and for that purpose she seeks time.

3. The learned counsel for respondent no.2 submits that she will file reply during the course of day.

4. The learned P.O. also seeks time to file reply. Time is granted.

5. **S.O. 26/03/2019.**

Vice-Chairman (J).

dnk.

dated :- 12/03/2019.

O.A.No.939/2018 (SB)

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

**Dated : 12.03.2019
C.A.141/2018 -**

Mrs. D.S. Charlewar, Id .counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1 and Ms. Supriya Deshmukh, Id. counsel holding for Shri A.M. Kukday, Id. counsel for R-2. Await service of R-3&4.

2. The learned counsel for the applicant submits that she will file service affidavit of R-3&4 and for that purpose she seeks time.

3. The learned counsel for respondent no.2 submits that she will file reply during the course of day.

4. The learned P.O. also seeks time to file reply. Time is granted.

5. **S.O. 26/03/2019.**

Vice-Chairman (J).

dnk.
dated :- 12/03/2019.

O.A.No.618/2017 (SB)

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

Dated : 12.03.2019

Shri A.D. Girdekar, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1&2, Shri S.N. Gaikwad, Id. counsel for R-4. Await service of R-2.

At the request of Id. P.O. as well as learned counsel for R-4, **S.O. four weeks** for filing reply.

Vice-Chairman (J).

dnk.
dated :- 12/03/2019.

O.A.No.158/2018 (SB)

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

Dated : 12.03.2019

C.A. 56/2019

Shri N.C. Phadnis, Id. counsel for the applicants and Shri V.A. Kulkarni, Id. P.O. for the respondents.

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

O.A.158/2018 –

The matter be kept for final hearing at admission stage in the **last week of March, 2019.**

Vice-Chairman (J).

dnk.
dated :- 12/03/2019.

O.A.No.197/2018 (SB)

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

Dated : 12.03.2019

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

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

Vice-Chairman (J).

dnk.
dated :- 12/03/2019.

O.A.No.818/2018 (SB)

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

Dated : 12.03.2019

Smt. K.N. Saboo, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1. Await service of R-2&3.

At the request of Id. counsel for the applicant, **S.O. two weeks** for filing service affidavit.

Vice-Chairman (J).

dnk.
dated :- 12/03/2019.

O.A.No.984/2018 (SB)

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

Dated : 12.03.2019

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

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

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

Vice-Chairman (J).

dnk.
dated :- 12/03/2019.

O.A.No.92/2019 (SB)

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

Dated : 12.03.2019

Smt. K.N. Saboo, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1. Await service of R-2&3.

The learned counsel for the applicant submits that she will file service affidavit of R-2&3 within a week and for that purpose she seeks time. At her request, **S.O. one week.**

Vice-Chairman (J).

dnk.

dated :- 12/03/2019.

O.A.No.12/2019 (SB)

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

Dated : 12.03.2019

Heard Shri S.N. Gaikwad, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1 to 4. None for R-5&6.

2. The learned counsel for the applicant submits that all the respondents are served.

3. In prayer clause (ii) it was stated that the applicant's transfer from Primary Health Centre, Ashthi to Trauma Care Centre, Wani be cancelled. However, subsequently that order has been modified and the applicant has been posted at Karanja Ghadge. The second prayer is that the respondent no.6 has been posted at Karanja Ghadge in place of applicant and therefore said order be cancelled. Today the learned P.O. has placed on record the communication dated 11/02/2019 which is marked Exh-X for the purposes of identification from which it seems that the respondent no.6

has been posted at Wardha and therefore the applicant can be very well accommodated continue at Karanja Ghadge and as such the grievance of the applicant has been redressed. The learned counsel for the applicant therefore submits that the application may be disposed of.

4. In view thereof, the O.A. stands disposed of accordingly with no order as to costs.

Vice-Chairman (J).

dnk.
dated :- 12/03/2019.

O.A.No.45/2019 (SB)

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

Dated : 12.03.2019

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

2. The learned P.O. seeks time to file reply.

3. In this case the applicant has been kept under suspension vide order dated 31/01/2015 since the criminal case under Prevention of Corruption Act was filed against him. Admittedly, the said special case no.12/2015 has been disposed of finally by the Special Court, Buldana vide Judgment dated 24/05/2018 and the applicant has been acquitted from all charges. Admittedly, no departmental inquiry is pending against the applicant and therefore the suspension order should have been revoked *sue motu*. However, nothing has been done. The applicant has filed representation on 3/9/2018 and the copy of which is also forwarded to the Deputy Director of Public

Prosecution, Mumbai (R/2). However no decision has been taken on the representation. Prima facie there seems to be no reason as to why the suspension shall continue. The learned counsel for the applicant has placed reliance on the Judgment in Civil Appeal no.1912/2015 decided on 16/02/2015 by the Hon'ble Apex Court in case of **Ajay Kumar Choudhary Vs. Union of India (UOI) and ors.**, wherein guidelines have been issued as regards continuation of suspension. Prima facie it seems that there is no reason to keep the applicant under suspension. However, since the representation is yet to be decided, the O.A. stands disposed of with direction to respondent no.1 to take decision on the applicant's representation dated 3/9/2018 within two weeks from the date of this order, failing which the suspension stands revoked without reference to this order. No order as to costs.

Vice-Chairman (J).

dnk.
dated :- 12/03/2019.

O.A.No.170/2019 (SB)

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

Dated : 12.03.2019

Heard Shri D.M. Kakani, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The applicant who is Assistant Superintendent in the Rural Hospital at Sihora has been transferred in the office of District Civil Surgeon, General Hospital, Nagpur, a newly created post. However, vide communication dated 13/2/2019 it has been stated by the Dy. Director of Health Services, Nagpur to the Director of Health Service, Mumbai that one Smt. P.N. Maudekar is already serving on that post since 6/12/2018 and therefore the post is not vacant. The applicant therefore could not join at Nagpur and continued at Sihora.

3. The learned counsel for the applicant submits that one Shri P.S. Ramteke is promoted from the post of Assistant Superintendent from Nagpur and that post is lying vacant and therefore

the applicant can be accommodated in that post. The learned CPO is therefore requested to take instructions in this regard and to make a statement.

4. In the meantime, issue notice to R-2 and 3, returnable in **two weeks**. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

6. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

7. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

8. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

9. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

10. **S.O. two weeks.**

Vice-Chairman (J).

dnk.
dated :- 12/03/2019.

O.A.No.171/2019 (SB)

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

Dated : 12.03.2019

Heard Shri M.M. Sudame, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The applicant has challenged the order of transfer dated 08/03/2019 whereby he has been transferred from the post of Deputy Engineer, Rural Water Supply, Sub Division, Nandura, District Buldana to Gangakhed, District Parbhani. It is stated that even though it is mentioned that the applicant has been transferred on his request, the applicant never shown willingness for such transfer. Admittedly, the applicant was overdue at Nandura. It is also stated that the Election Commission has issued some directions whereby the transfers have been prohibited due to ensuing Lokshabha Election. However all these points will have to be considered on merits. The learned CPO has also taken

objection of jurisdiction of this Tribunal. The said point however is kept open.

3. The learned counsel for the applicant also invited my attention to the representation filed by him on 10/03/2019 (Annex-A-4,P-25) whereby he has requested for cancellation of the transfer order. He submits that in the meantime the respondents may be directed to consider the said representation. In view thereof, the respondent nos. 1 and 3 to take necessary decision on the said representation if necessary within a period of three weeks.

4. In the meantime, issue notice to R-2 to 5, returnable **in three weeks**. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

6. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be

taken up for final disposal at the stage of admission hearing.

7. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

8. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

9. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

10. **S.O. three weeks.**

Vice-Chairman (J).

dnk.

dated :- 12/03/2019.

O.A.Nos. 03 & 04/2017. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 12th March 2019.**

Adv. M.N.Jogi, the Id. counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

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

**Member(J)
Member(A)
Date:-12/03/2019.
aps.**

**O.A.Nos.705,706,707& 708/2018.
(D.B.)**

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated: 12th March 2019.**

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

In O.A. No. 707/2018, the Id. P.O. filed the reply on behalf of the respondent nos. 2 & 3. It is taken on record. Copy is served to the other side.

In O.A. Nos. 705 & 708/2018, the Id. P.O. desires time to file reply.

S.O. 19/03/2019.

**Member(J)
Member(A)
Date:-12/03/2019.
aps.**

O.A.No. 640/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 12th March 2019.**

Shri P.A.Jibhkate, the Id. counsel for the applicant, Shri P.N.Warjurkar, the Id. P.O. for the respondent nos. 1 to 3 and Shri Abhijeet Parihar, the Id. counsel for the respondent nos. 4 & 5.

The Id. P.O. submits that he has received the parawise comment, still he desires two weeks time to file reply.

S.O. two weeks.

**Member(J)
Member(A)
Date:-12/03/2019.
aps.**

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

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 12th March 2019.

Smt. Dashputre, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the State. Await service of respondent no. 2.

The Id. counsel for the applicant submits that she will file service affidavit within one week. After filing of service affidavit, the Id. P.O. is directed to file reply within two weeks.

S.O. 02/04/2019.

Member(J)
Member(A)
Date:-12/03/2019.
aps.

O.A.No. 58/2014. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 12th March 2019.

Shri G.G.Bade, the Id. counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

2. Issue notice to R-2 to 8, 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:-12/03/2019.

aps.

O.A.St.No. 2666/2017. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 12th March 2019.**

C.A.No.493/2017:-

Shri G.G.Bade, the Id. counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

The Id. counsel for the applicant desires to file one Judgment given by Principle Bench of MAT on record.

S.O. two weeks.

**Member(J)
Member(A)
Date:-12/03/2019.
aps.**

O.A.No. 554/2016. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 12th March 2019.

C.A.No.386/2017:-

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

The Id. P.O. has cited Judgment of **Hon'ble Supreme Court in case of State of Madhya Pradesh Vs. Ramesh Kumar Sharma, reported in AIR 1994 Supreme Court 845**, but it dispute the claim of Id. counsel for the applicant. The Id. counsel for the applicant desires some time to file certain Judgment.

S.O. 18.03.2019.

Member(J)
Member(A)
Date:-12/03/2019.
aps.

O.A.No. 253/2016. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 12th March 2019.**

Smt. Saboo, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

The Id. counsel for the applicant desires time to file pursis after receiving communication from client.

S.O. one week.

**Member(J)
Member(A)
Date:-12/03/2019.
aps.**

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

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 12th 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.

The Id. P.O. has placed on record the statement of the witnesses recorded in the enquiry. The Id. counsel for the applicant needs time to study the statements.

S.O. 18.03.2019.

Member(J)
Member(A)
Date:-12/03/2019.
aps.

O.A.No. 792/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 12th March 2019.**

None for the applicant. Shri S.A.Deo, the Id. C.P.O. for the State. Await service of respondent nos. 2 & 3. None for the respondent no. 4.

During last hearing, the Id. C.P.O. pleaded that the O.A. is immature.

S.O. two weeks.

**Member(J)
Member(A)
Date:-12/03/2019.
aps.**

O.A.No. 929/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 12th March 2019.**

Shri A.G.Ambetkar, the Id. counsel
for the applicant and Shri A.P.Potnis, the Id.
P.O. for the Respondents.

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

**Member(J)
Member(A)
Date:-12/03/2019.
aps.**

O.A.No. 82/2019. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 12th March 2019.**

Shri M.V.Joshi, the Id. counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State.

The Id. Counsel for the applicant seeks time to serve the notice, **S.O. two weeks.**

**Member(J)
Member(A)
Date:-12/03/2019.
aps.**

O.A.No. 960/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 12th March 2019.**

C.A.Nos.89 & 90/2019:-

Shri S.P.Palshikar, the Id. counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the Respondents.

The C.A.No. 89/2019 for amendment and C.A. No. 90/2019 are allowed.

The Id. Counsel for the applicant carry out the amendment within a week time.

S.O. 25/03/2019.

**Member(J)
Member(A)
Date:-12/03/2019.
aps.**

O.A.No. 331/2007. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 12th March 2019.**

M.C.A.No.41/2018:-

Shri S.R.Bhongade, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the Respondents.

The Id. Counsel for the applicant submitted that the order passed by this Tribunal dated 13/02/2019 is complied, therefore, **M.C.A. is allowed** and the O.A. is restored to its original record.

S.O. 27/03/2019.

**Member(J)
Member(A)
Date:-12/03/2019.
aps.**

O.A.No. 861/2012. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 12th March 2019.**

M.C.A.No.12/2019:-

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

It seems that the O.A. was dismissed in default on 08/02/2019 and application for restoration was submitted on 28/02/2019. As it is bona fide desire of the applicant to prosecute for the application. In the interest of justice, the O.A. be restored to file. The parties are directed to advance their arguments on 27/03/2019.

S.O. 27/03/2019.

**Member(J)
Member(A)
Date:-12/03/2019.
aps.**

O.A.No. 07/2013. (D.B.)

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

Dated : 12th March 2019.

M.C.A.No.18/2019:-

Heard Shri M.V.Mohokar, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the Respondents.

It is submitted by the Id. Counsel for the applicant that the O.A. was fixed for hearing on 15/02/2019, on that day, the Id. Counsel for the applicant was on leave, but leave note was not submitted before this Bench and consequently as none appeared, the O.A. was dismissed in default. It is further submitted that absence was not intentional, therefore, in the interest of justice, matter be restored to its original file.

After hearing Id. P.O., it seems that there is a substance in the contention raised by the applicant. Hence, the M.C.A. No. 18/2019 is allowed. The O.A. be restored to file and be fixed for hearing on 26/03/2019.

S.O. 26/03/2019.

Member(J)
Member(A)
Date:-12/03/2019.
aps.

O.A.St.No. 288/2019. (D.B.)

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

Dated : 12th March 2019.

C.A.No.57/2019:-

Heard Ms. V.V.Tiwari, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State.

2. It is submitted on behalf of the applicant that as Mother of the applicant was suffering from "*acute gastroenteritis*", he was unable to contact legal practitioner to know whether he was entitled to claim any relief as per the law. It is further submitted that as applicant was unable to contact the lawyer in time, therefore, 69 days delay is caused and in the interest of justice, it be condoned. We are satisfied with the reason given as satisfactory. Hence, **C.A. is allowed**, delay is condoned.

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

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

5. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

6. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

7. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

8. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall

stand dismissed without reference to Tribunal and papers be consigned to record.

9. **S.O. four weeks.**

Member(J)
Member(A)
O.A.No. 700/2017. (D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 12th March 2019.

None for the applicant. Shri M.I.Khan, the Id. P.O. for the Respondents. Shri W.G.Paunikar, the Id. Counsel for the applicant in O.A. No. 967/2018.

The O.A. is **admitted** and kept for final hearing.

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

S.O. 09/04/2019.

Put up this matter along with the O.A. Nos. 967/2018 & O.A. No. 151/2016.

Member(J)
Member(A)
Date:-12/03/2019.
aps.

O.A.Nos. 151/2016 & 967/2018.
(D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated: 12th March 2019.**

Shri W.G.Paunikar, the Id. Counsel
for the applicant in O.A. No. 967/2018.
None for the applicant in O.A. No.
151/2016. Shri M.I.Khan, the Id. P.O. for the
Respondents.

S.O. 09/04/2019.

*Put up this matter along with the
O.A. No. 700/2017.*

**Member(J)
Member(A)
Date:-12/03/2019.
aps.**

O.A.No. 625/2018. (D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 12th March 2019.

Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the Respondents.

The O.A. is **admitted** and kept for final hearing.

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

S.O. 01/04/2019.

Member(J)
Member(A)
Date:-12/03/2019.
aps.

O.A.No. 938/2017. (D.B.)

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

Dated : 12th March 2019.

Rev.No.18/2019:-

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

2. It is submitted that inadvertently, it is mentioned in para no. 2 of the Tribunal order dated 05/02/2019, that the applicant has filed an appeal before the respondent no. 2. In fact such appeal is not filed, therefore, eight days time be given to the applicant to present such appeal and directions be given to the authority to decide the appeal within two months from the date of this prosecution.

3. In view of this prayer, the application is allowed. The applicant is at liberty to present the appeal before the respondent no. 2 **within eight days** and the respondent no. 2 shall decide the appeal **within two months** from the date of the presentation of the appeal. It is also

observed that the decision taken by the Department to proceed with the disciplinary action against the applicant be kept in abeyance till the decision on the appeal of the applicant.

4. Hence, Review Application No. 18/2019 is disposed of.

Member(J)

Member(A)

Date:-12/03/2019.

aps.

O.A.No. 687/2017. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 12th March 2019.**

Heard Shri D.M.Surjuse, the Id. Counsel for the applicant, Shri H.K.Pande, the Id. P.O. for the Respondent nos. 1 & 2. None for the respondent nos. 3 to 6.

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

**Member(J)
Member(A)
Date:-12/03/2019.
aps.**

O.A.Nos. 459 & 503/2017. (D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 12th March 2019.

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the Respondents.

It is apparent from the fixation of seniority list, that the candidates who were promoted after the applicant are placed above the applicant. It seems that the applicant was promoted in the year 2006, but the candidates promoted in the year 2014 were also placed above the applicant in the seniority list. We think, it is necessary to hear on which basis such seniority was fixed and, therefore, we direct the responsible officer working in the administration department to clarify the position.

S.O. 27/03/2019.

Steno copy is granted.

Member(J)
Member(A)
Date:-12/03/2019.
aps.
O.A.No. 370/2016. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated: 12th March 2019.**

Heard Shri A.P.Tathod, the Id. Counsel for the applicant, Shri V.A.Kulkarni, the Id. P.O. for the Respondent nos. 1 to 4 and Shri D.B.Walthore, the Id. Counsel for the respondent no. 5.

2. It is brought to notice of this tribunal that vide Anexure-A-14, P.B., Pg. No. 30, letter was written by the Joint Director, Health Services, Maharashtra State, Mumbai to the Principle Secretary, Public Health Department, Mantralaya, Mumbai. In this letter, it was mentioned that the Rules to fill the posts of "*Medical Record Officer, Group-B*" were drafted in Marathi as well as in English and were submitted to the Government for the approved.

3. The Id. P.O. is directed to seek information from the Government as to what decision is taken by the Government regarding the contents of this letter.

4. **S.O. two weeks.**

5. **Steno copy is granted.**

Member(J)

Member(A)

Date:-12/03/2019.

aps.

O.A.No. 844/2016. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 12th March 2019.**

None for the applicant. Shri
V.A.Kulkarni, the Id. P.O. for the
Respondents.

S.O. four weeks.

**Member(J)
Member(A)
Date:-12/03/2019.
aps.**

O.A.No. 261/2016. (D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 12th March 2019.

Shri P.J.Mehta, the Id. Counsel for the applicant, Shri M.I.Khan, the Id. P.O. for the Respondent nos. 1 to 3 and Shri C.Dashgupta holding for Shri B.D.Pandit, the Id. Counsel for the respondent no. 4.

The Id. Counsel for the respondent no. 4 submitted that Shri Pandit is unable to appear before this bench due to death of his mother, he is busy in the ceremony. At the request of respondent no. 4, **S.O. 03/04/2019.**

Member(J)
Member(A)
Date:-12/03/2019.
aps.