

O.A. No. 350/2018 (SB)

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

Dated : 12.12.2018

Heard Shri N.D. Thombre, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1 to 3. None for R-4.

2. In para-7 of the reply it is mentioned that the process is going on to re-examine case of the applicant whether he should be allowed to re-join the service, therefore the respondents to complete the process within 8 weeks.

3. In the meantime, the matter is admitted and be kept for final hearing.

4. The learned P.O. waives notice for R-1 to 3.

S.O. 8 weeks.

Member (J)

dnk.

O.A. No. 870/2018 **(SB)**

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

Dated : 12.12.2018

C.A.343/2018 -

Heard S.M. Khaire, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

2. By this C.A., the applicants are seeking leave to sue jointly. For the reasons stated in the C.A., leave to sue jointly as prayed for is granted, subject to the applicants paying requisite court fees, if not already paid. C.A. stands disposed of accordingly.

O.A. 870/2018 –

S.O. four weeks for filing reply.

Member (J)

dnk.

O.A. No. 969/2018 (SB)

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

Dated : 12.12.2018

C.A.378/2018 -

Heard Bharat Kulkarni, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for the State.

2. By this C.A., the applicants are seeking leave to sue jointly. Same reliefs are claimed by the applicants on the basis of the Judgment of Hon'ble High Court. For the reasons stated in the C.A., leave to sue jointly as prayed for is granted, subject to the applicants paying requisite court fees, if not already paid. C.A. stands disposed of accordingly.

O.A. 969/2018 –

Heard Bharat Kulkarni, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for the State.

2. Issue notice to R-2 to 5, returnable **in four 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. four weeks.**

Member (J)

dnk.

O.A. No. 867/2018 **(SB)**

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

Dated : 12.12.2018

C.A.342/2018 -

Heard Ms. A.M. Sudame, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for the respondents.

2. By this C.A., the applicants are seeking leave to sue jointly. For the reasons stated in the C.A., leave to sue jointly as prayed for is granted, subject to the applicants paying requisite court fees, if not already paid. C.A. stands disposed of accordingly.

O.A. 867/2018 –

S.O. four weeks for filing reply.

Member (J)

dnk.

O.A. No. 844/2018 (SB)

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

Dated : 12.12.2018

Heard Shri Sunil Pande, Id. counsel holding for Shri R.M. Mardikar, Id. counsel for the State.

2. The pursis is filed on 4/12/2018 informing that the amount of Rs.1,06,524/- is credited in the account of the applicant in Canara Bank at Bhandara, therefore there is no reason to prosecute this O.A.

3. In view of the Pursis, the O.A. stands disposed of as withdrawn with no order as to costs.

Member (J)

dnk.

O.A. No. 834/2018 (SB)

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

Dated : 12.12.2018

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

The learned P.O. seeks three weeks time to file reply.

At the request of Id. P.O., **S.O.**
After Vacation for filing reply.

Member (J)

dnk.

O.A. No. 558/2018 **(SB)**

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

Dated : 12.12.2018

Ms. A.M. Sudame, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

The learned P.O. seeks two weeks time to file reply.

At the request of Id. P.O., **S.O.**
After Vacation for filing reply.

Member (J)

dnk.

O.A. No. 521/2018 (SB)

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

Dated : 12.12.2018

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

The learned P.O. files reply on behalf of R-2. It is taken on record. Copy is served to the Id. counsel for the applicant. The learned P.O. submits that it is not necessary reply of respondent no.3.

S.O. After Vacation for filing rejoinder if any.

Member (J)

dnk.

O.A. No. 463/2018 (SB)

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

Dated : 12.12.2018

None for the applicant.

Shri P.N. Warjurkar, Id. P.O. for
R-1 to 3. Await service of R-4.

S.O. After Vacation.

Member (J)

dnk.

O.A. No. 338/2017 **(SB)**

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

Dated : 12.12.2018

C.A. 271/2018

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

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

O.A.338/2017 –

The matter be kept for hearing **in due course.**

Member (J)

dnk.

O.A. Nos. 633 & 634 of 2016 **(SB)**

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

Dated : 12.12.2018

Heard Shri N.S. Warulkar, Id.
counsel for the applicants and Shri A.M.
Ghogre, Id. P.O. for the respondents.

With the request of both the sides,
S.O. After Vacation.

Member (J)

dnk.

O.A. No. 632/2016 **(SB)**

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

Dated : 12.12.2018

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

For orders.

Member (J)

dnk.

O.A. No. 838/2018 (SB)

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

Dated : 12.12.2018

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

It is submitted that the proposal to pay GPF amount to the applicant is already forwarded to the AG Office, Nagpur and proposal to pay transfer allowance is also forwarded and it will take some time. In this background the respondent no.4 is directed to monitor the proposal forwarded to the AG for early payment of the said amounts.

S.O. five weeks.

Member (J)

dnk.

O.A. No. 674/2016 **(SB)**

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

Dated : 12.12.2018

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

The learned P.O. submitted that he has to seeks instructions from the department regarding second time bound promotion given to Shri Patil on the establishment of Commissionerate, Amravati.

S.O. one week.

Member (J)

dnk.

O.A. No. 92/2016 with CAs.552/17 &
331/18 **(SB)**

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

Dated : 12.12.2018

Heard Shri P.S. Gawai, Id. counsel
for the applicant, Shri A.M. Ghogre, Id.
P.O. for R-2&3 and Shri R.V. Shiralkar,
Id. counsel for R-1.

Closed for orders.

Member (J)

dnk.

O.A. No. 409/2017 **(SB)**

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

Dated : 12.12.2018

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

Closed for orders.

Member (J)

dnk.

O.A. No. 521/2017 (SB)

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

Dated : 12.12.2018

Heard Shri N.D. Thombre, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1&2. None for R-3&4.

The learned counsel for the applicant submitted that he require sometime to verify some facts. At this request, **S.O. After Vacation. (PH).**

Member (J)

dnk.

O.A. No. 649/2017 (SB)

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

Dated : 12.12.2018

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

The Id. counsel for the applicant submits that Shri S.P. Palshikar, Id. counsel is busy in the High Court and therefore he seeks further time. At his request, **S.O. After Vacation.**

Member (J)

dnk.

O.A. No. 08/2018 **(SB)**

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

Dated : 12.12.2018

Heard Shri A. Ramteke, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1&2.

2. Issue notice on merit to R-3 returnable in **four weeks**. 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. In the meantime, the applicant is directed to supply the copy of amended application and documents to the respondent nos. 1&2.

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

Member (J)

dnk.

O.A.No. 695/2015. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 12th December 2018.**

Shri Manwatkar holding for S.N.Gaikwad, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondent nos. 1 & 2. None for the respondent no. 3.

At the request of Id. counsel for the applicant, **S.O. after winter vacation.**

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

O.A.No. 687/2015. (D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 12th December 2018.

C.A.No.210/2018:-

Shri S.G.Malode, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent nos. 4 to 6.

The C.A. No. 210/2018 is allowed.

The Id. counsel for the applicant is permitted to place some documents on record and supply the same to the Id. P.O..

S.O. after winter vacation.

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

O.A.No. 329/2016. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 12th December 2018.**

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

The Id. P.O. has already filed the reply on behalf of the respondent no. 4 on 21/09/2016. However, the Id. counsel for the applicant submits that reply of respondent no. 1 is required. The Id. P.O. is directed to get the reply of atleast the respondent no. 2.

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

The Id. P.O. is further directed to supply the copy of the same to the Id. counsel for the applicant and if necessary, he may file Rejoinder.

S.O. in due course.

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

Date:-12/12/2018.
aps.

O.A.Nos. 02 & 03/2013. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 12th December 2018.

Shri D.T.Shinde, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent nos. 4, 5 & 7.

As per the order dated 05/12/2018, the Id. P.O. has filed pay scale of 4th, 5th & 6th Pay Commission. It is requested to supply the same to the Id. Counsel for the applicant. However, the Id. P.O. also invited attention on P.B., Pg. No. 129 dated 28/01/2015, by which it appears that the respondent no. 7 i.e. Shri P.B.Hanwate has been reverted by this order dated 28/01/2015. Similarly, one Shri Dilip Ramchandra Barahate has also been reverted and he came to be retired from the post of Helper on attaining the age of superannuation by the order dated 30/11/2017.

The Id. P.O. pointed out that there is no promotional opportunity available from

Class-IV to Class-III i.e. Group-D to Group-C in such case the promotion should be given and this relates to the G.R. of 1995 which he will be placed on record during the next hearing.

The Id. P.O. submits that in reply the department has submitted that the promotion from the post of Helper to Rigmen to some other respondents were wrongly given which they have reverted back that should also be taken into consideration which is at P.B., Pg. No. 129.

The Id. P.O. is directed to file on record the G.R. of 1995 which pertains that the post of helper is not a promotional avenue. He will file the same in the next date of hearing.

S.O. After Winter Vacation.

Member(J)

Member(A)

Date:-12/12/2018.

aps.

O.A.No. 948/2017. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 12th December 2018.**

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

The Id. P.O. filed the affidavit-in-reply on behalf of the respondent no. 1. The same is taken on record. Copy is served to the other side.

At the request of Id. Counsel for the applicant, **S.O. After Winter Vacation.**

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

O.A.No. 829/2016. (D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 12th December 2018.

C.A. No.13/2017:-

Shri Chavhan holding for Shri A.P.Tathod, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

At the request of Id. Counsel for the applicant, **S.O. After Winter Vacation.**

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

O.A.No. 456/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 12th December 2018.**

Shri G.Belsare, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the State.

As per the order dated 27/11/2018, the Id. Counsel for the applicant was directed to correct the respondents. The correction has not been done till today. Accordingly the notices have also not been collected.

S.O. after winter vacation.

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

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

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 12th December 2018.

Shri S.M.Vaishnav, the Id. counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the State.

The Id. Counsel for the applicant has not collected notices till now as per the order dated 03/12/2018. However, he submits that he will collect the notice during the course of the day.

The Id. Counsel for the applicant wants to file C.A.. He is allowed for the same.

S.O. 17/12/2018.

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

O.A.No. 264/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 12th December 2018.**

Ms. A.Sudame, the Id. counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the Respondents.

The Id. Counsel for the applicant submits that it is not necessary to file Rejoinder. However, the Id. P.O. submits that reply was already filed.

Hence, the matter is **admitted** and kept for final hearing in due course of time.
S.O. in due course.

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

O.A.No. 396/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 12th December 2018.**

Shri N.D.Thombre, the Id. counsel for the applicant, Shri H.K.Pande, the Id. P.O. for the Respondent nos. 1 to 4 and Shri P.S.Wathore, the Id. Counsel for the respondent no. 5.

The Id. Counsel for the respondent no. 5 has been suspended and Departmental Enquiry has been started. So, the grievance of the applicant has been redressed.

However, the Id. Counsel for the applicant has invited our attention to the applicant's representation to Deputy Director, Health Services, Nagpur dated 22/10/2018 at P.B., Pg. No. 289 (Annexure-A-1). The respondent no. 3 i.e. the Deputy Director, Health Services, Nagpur region is to decide the applicants representation relates to 22/10/2018 **within four weeks** from the date of this order and file the

compliance report to the Tribunal through the Id. P.O..

There is nothing survives against the respondent nos. 5 & 6. **So, both the respondents should be discharged from this O.A.**

The applicant nos. 2 & 3 may approach to the Deputy Director, Health Services, Nagpur by way of representation and respondent no. 3 is directed to decide the same within a four weeks from the date of receipt of the representations. If they are not satisfied with the decision of the respondent no. 3, the applicants may approach this Tribunal.

S.O. after five weeks.

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

O.A.No. 267 to 269/2011. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 12th December 2018.**

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

None appeared at 11/12/2018 and today also. It appears that the applicant is not interested in prosecuting the O.A. So, matter is Dismissed in Default.

Later On:-

The Id. Counsel for the applicant appeared and appolized for his absence. The Id. Counsel for the applicant submits the copy of Hon'ble High Court Judgment in writ petition no. 2946/1997 delivered on 19/07/2012. The same is taken on record. Copy is served to the other side.

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

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

aps.

O.A.No. 846/2012. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 12th December 2018.**

C.A.No.258/2018:-

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

The Id. Counsel for the applicant submits that his applicant appeared in the office of the Commissioner of Police, Nagpur on 26/11/2018 and did all the formalities of pension papers. However, the Id. P.O. submits that he received the copy day before yesterday. He also submits that in the coming days the proposal will be submitted to the A.G. office for necessary action.

S.O. eight weeks.

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

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

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 12th December 2018.**

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

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

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