

O.A. No. 170/2015 **(SB)**

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

**Dated : 13.12.2018**

**C.A.310/2018-**

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

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

**O.A.170/2015 –**

The matter be kept for hearing in **2<sup>nd</sup> week of January,2019.**

**Member (J)**

dnk.

O.A. No. 412/2017 (SB)

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

**Dated : 13.12.2018**

**C.A.277/2017-**

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondent nos. 1&2.

2. It is submitted that no definite information was given by the respondents to the applicant regarding her request for the family pension is turned down. It is submitted that the cause is continuing one, therefore in the interest of justice, the application is required to be allowed.

3. It is submission of learned P.O. that immediately after the death of Suryabhan Niradkar application was submitted by the applicant to claim family pension and the request was turned down by the Authority. My attention is invited to the copy of the letter received from the AG, Nagpur dated 30/10/2008. It is claimed that copy of this letter was

received by the applicant from the AG and therefore the applicant was aware that her claim was turned down. According to the learned P.O., there is inordinate delay, therefore application is liable to be rejected.

4. It seems that the applicant is claiming family pension. It is her contention that though letter dated 30/10/2008 was written by the AG to the Police Commissioner, Nagpur but she has never received such letter from the AG and till filing of the application she was not aware about the rejection of her request. Considering the nature of the proceeding and the settled legal position that the Court and judicial authorities shall be liberal while deciding the application for condonation of delay. I think it suitable to allow this application. In view of this, the C.A. for condonation of delay is allowed.

**O.A.412/2017** –

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondent nos. 1&2.

2. Issue notice to R-3 to 4, returnable **after 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. **S.O. after four weeks.**

**Member (J)**

dnk.

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

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

**Dated : 13.12.2018**

**C.A.399/2017-**

Heard Shri A.D. Girdekar, Id. counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1 to 3 and Shri P.P. Deshmukh, Id. counsel for R-4.

2. It appears that before approaching this Tribunal the applicant made several representations to the respondent authorities and expressed the grievances and as no action was taken, therefore delay is caused. The applicant is claiming the higher pay scale of Deputy Engineer by filing the O.A. The legal position is settled that in stead of dismissing the matter at the threshold, it shall be suitable to decide the matter on merits, therefore the C.A. is allowed. The delay is condoned.

**O.A.618/2017 –**

Heard Shri A.D. Girdekar, Id. counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1 to 3 and Shri P.P. Deshmukh, Id. counsel for R-4.

2. Issue notice to R-2 to 4, returnable in **after 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. after four weeks.**

**Member (J)**

dnk.



O.A. No. 973/2018 (SB)

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

**Dated : 13.12.2018**

Heard Shri A.C. Dharmadhikar, learned counsel for the applicant and Shri P.N. Warjurkar, learned P.O. for the State.

2. It is submission of the learned counsel for the applicant that only to safeguard the interests of respondent no.4 who was not willing to join after his successive transfers, all of a sudden the applicant is transferred to remote place where no facilities are available and in place of the applicant the respondent no.4 is posted.

3. It is submitted that the applicant is President of the Forest Rangers Employees' Association of Maharashtra and Circular is issued by the Additional Principal Chief Conservator of Forests on 29/07/2008 to post the office bearers of the Association at the place adjoining to highway or any city. It is submitted that before transferring the applicant in the mid of the session, he was not given opportunity to submit his options and therefore this is apparently unfair exercise of the jurisdiction by the Transferring

Authority. The submissions made on behalf of the applicant are supported by the documents filed with O.A. It seems that the applicant is yet not relieved from the post and considering the circumstances, I am satisfied that this is a fit case to grant interim relief till the respondents submit their reply. Therefore, the impugned order of transfer dated 11/12/2018 is hereby stayed only to the extent of the applicant and respondent no.4 till the respondents file their reply.

4. Issue notice to R-2 to 4, returnable **After Vacation**. Learned 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. After Vacation.**  
Steno copy is granted.

**Member (J)**

dnk.

O.A. No. 297/2018 **(SB)**

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

**Dated : 13.12.2018**

None for the applicant.

Shri A.M. Khadatkar, Id. P.O. for R-1. Await service of R-2 and 3.

The Id. P.O. files separate reply on behalf of R-4&5. Same are taken on record.

The applicant to file service affidavit of R-2&3.

**S.O. four weeks.**

**Member (J)**

dnk.

O.A. No. 359/2018 (SB)

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

**Dated : 13.12.2018**

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondent nos. 1 to 4.

2. At the request of learned counsel for the applicant, issue fresh notice to R-5 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 Id. P.O. seeks time to file reply of R-2&3. Time is granted.

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

**Member (J)**

dnk.

O.A. No.372/18 with CAs.289&302 of 2018  
**(SB)**

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

**Dated : 13.12.2018**

Heard Shri S.C. Joshi, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. The learned P.O. submitted that vide order dated 30/10/2018 the applicant is promoted and now he is transferred and posted at Pusad as Assistant Commissioner, Live Stock Development Department and in view of this, the learned counsel for the applicant submitted that the applicant is not willing to prosecute the O.A. as well as C.As.

3. Hence, the O.A. and all the CAs. pending for hearing stand disposed of with no order as to costs.

**Member (J)**

dnk.

O.A. No. 480/2018 (SB)

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

**Dated : 13.12.2018**

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

2. The learned counsel for the applicant submitted that vide letter dated 04/10/2018 it is informed by the Chief Secretary of Government of Maharashtra to the Director of Health Services, Mumbai that the reliefs which are claimed by the applicant in the O.A. are extended and in view of this letter the applicant is not willing to prosecute the O.A. Hence, the O.A. stands disposed of with no order as to costs.

**Member (J)**

dnk.



O.A. No. 552/2018 (SB)

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

**Dated : 13.12.2018**

Shri R.S. Kurekar, Id. counsel for  
the applicant and Shri A.M. Khadatkar, Id.  
P.O. for the respondents.

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

**Member (J)**

dnk.

O.A. No. 583/2018 **(SB)**

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

**Dated : 13.12.2018**

Shri P.J. Vairagade, Id. counsel holding for Shri H.D. Dangre, 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.**  
**After Vacation** for filing reply.

**Member (J)**

dnk.

O.A. No. 703/2018 **(SB)**

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

**Dated : 13.12.2018**

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

2. The learned counsel for the applicant submitted that the applicant has instructed him to withdraw this application, therefore the O.A. stands disposed of as withdrawn with no order as to costs.

**Member (J)**

dnk.

O.A. No. 836/2018 **(SB)**

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

**Dated : 13.12.2018**

None for the applicant. Shri S.A. Deo, Id. CPO for R-1&2. Shri Y.J. Sheikh, Id. counsel appears for respondent no.3.

2. At the request of Id. CPO as well as Id. counsel for respondent no.3, **S.O. four weeks** for filing reply.

**Member (J)**

dnk.

O.A. No. 878/2018 **(SB)**

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

**Dated : 13.12.2018**

None for the applicant. Shri S.A.  
Deo, Id. CPO for the respondents.

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

**Member (J)**

dnk.

O.A. No. 637/2016 **(SB)**

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

**Dated : 13.12.2018**

Heard Shri G.C. Khond, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

**Heard. Admit.**

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

**S.O. in due course.**

Put up along with O.A.638/2016

**Member (J)**

dnk.

O.A. No. 638/2016 **(SB)**

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

**Dated : 13.12.2018**

Heard Shri G.C. Khond, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

**S.O. in due course.**

Put up along with O.A.637/2016

**Member (J)**

dnk.

O.A. No. 328/2015 (SB)

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

**Dated : 13.12.2018**

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

2. The departmental inquiry is pending. The learned P.O. submitted that the departmental inquiry would be completed within a short period. Under these circumstances instead of prosecuting this application, the applicant can wait till decision of the departmental inquiry and if relief not granted to him, again he may approach this Tribunal.

3. With this observation, the O.A. stands disposed of with no order as to costs.

**Member (J)**

dnk.



O.A. No. 559/2016 **(SB)**

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

**Dated : 13.12.2018**

None for the applicant.

Shri S.A. Sainis, Id. P.O. for the  
respondents.

**S.O. in due course.**

**Member (J)**

dnk.

O.A.No. 545/2008. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**  
**Dated : 13<sup>th</sup> December 2018.**

**C.A.No.546/2017:-**

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 submits that he will file complete order of MAT within a weeks time. **S.O. one week.**

**Member(J)**  
**Member(A)**  
**Date:-13/12/2018.**  
aps.

O.A.No. 524/2013. (D.B.)

**Coram:** Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)  
**Dated :** 13<sup>th</sup> December 2018.

**C.P.No.18/2018:-**

None for the applicant. Shri S.A.Sainis, the Id. P.O. for the respondent no. 5. None for the respondent nos. 1 to 4.

As per the request of Id. P.O., **S.O.**  
**After Winter Vacation.**

Member(J)  
Member(A)  
Date:-13/12/2018.  
aps.

O.A.No. 356/2015. (D.B.)

**Coram:** Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)  
**Dated :** 13<sup>th</sup> December 2018.

**C.P.No.51/2018:-**

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

As per the request of Id. P.O., **S.O.**  
**After Winter Vacation.**

Member(J)  
Member(A)  
Date:-13/12/2018.  
aps.

O.A.No. 554/2018. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)  
Dated : 13<sup>th</sup> December 2018.**

Shri H.S.Chawhan, the Id. counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the respondent nos. 1 & 2 and Shri A.B.Mahajan, the Id. counsel for the respondent no. 3.

As per the request of Id. P.O., one week time to file reply of respondent no. 2.  
**S.O. 10/01/2019 as a last chance.**

**Member(J)  
Member(A)  
Date:-13/12/2018.  
aps.**

O.A.No. 223/2013. (D.B.)

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

Dated : 13<sup>th</sup> December 2018.

C.P.No.28/2018:-

Ms. R.Pande, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State.

2. The Id. P.O. submits that the proposal has been submits to the Government. However, order is awaited. The Id. counsel for the applicant is directed to place on record the legible copy of P.B., Pg. No. 61.

3. Issue Notice to the respondent Nos. 2 & 3 returnable in **Four Weeks** under Rule 8 of the MAT (Contempt of Courts) Rules, 1996 as to why they should not be proceeded for committing contempt of this Tribunal's order and as to why they shall not be punished under the Contempt of Court Act.

4. Shri A.M.Khadatkar, the learned P.O. waives notice for respondent No. 1. Hamdast granted.

5. S.O. four weeks.

**Member(J)**  
**Member(A)**  
**Date:-13/12/2018.**  
aps.



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

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

**Dated : 13<sup>th</sup> December 2018.**

**C.P.No.52/2018:-**

Shri V.B.Bhise, the Id. counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State.

It appears that the Id. counsel for the applicant has not mentioned properly about the respondent no. 3 and also he is not pointed out that who has not complied the order of the Tribunal. So, he should make suitable amendment in the C.P. and pointed out that who has not follows the order.

With these directions, C.P. is listed after vacation. **S.O. after winter vacation.**

**Member(J)  
Member(A)  
Date:-13/12/2018.  
aps.**

O.A.No. 687/2014. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**  
**Dated : 13<sup>th</sup> December 2018.**

**C.P.No.17/2017:-**

Shri A.C.Dharmadhikari, the Id. counsel for the applicant, Shri H.K.Pande, the Id. P.O. for the respondent nos. 1 to 3 and Smt. Khadekar, the Id. counsel for the respondent nos. 4 & 5. None for the respondent no. 6.

The difference of 32 months related to 4<sup>th</sup> Pay Commission amount Rs.26150/- has been paid and receipt has been placed on record by respondent nos. 4 & 5. Copy of the same is supplied to the other side.

However, the Id. counsel for the applicant desires to seek instructions from the applicant, **S.O. after winter vacation.**

**Member(J)**  
**Member(A)**  
**Date:-13/12/2018.**  
aps.

O.A.No. 616/2016. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**  
**Dated : 13<sup>th</sup> December 2018.**

**C.P.No.34/2018:-**

Shri M.R.Rajgure, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the Respondents.

The Id. P.O. has placed on record letter dated 30/11/2012 by Zilla Parishad, Buldhana. In the last communication, it appears that GIS has been paid. However, at Sr. Nos. 2 & 3 items are yet to be paid for which it mentioned in the last line that it will be paid upto 31/12/2018.

In view of this, the Id. P.O. is directed to file affidavit in the next date about the progress of payment. **S.O. after winter vacation.**

**Member(J)**  
**Member(A)**  
**Date:-13/12/2018.**  
aps.



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

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)  
Dated : 13<sup>th</sup> December 2018.**

**C.P.No.44/2018:-**

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

The Id. P.O. filed the affidavit-in-reply on behalf of the respondent nos. 1, 3 & 4. The same is taken on record. Copy of the same is supplied to the other side.

The Id. P.O. has attached two papers in the affidavit-in-reply at Pg. No. 64 the amount of Rs.15,070/- and at Pg. No. 65 the amount of Rs.3018/-.

However, the Id. counsel for the applicant desires to get details of all the arrears monthwise of the above said amount.

The Id. P.O. is directed to take from the department and supply the same to the Id. counsel for the applicant. Pension

proposal is sent to the A.G. office vide letter no. : X. A@I dkfuorht@12063&64] dated 04/12/2018 by Medical Superintendent, Government Medical College and Hospital, Nagpur at Pg. No. 66 (Annexure-R-5). The Id. P.O. is further directed to supply the details **within fifteen days** from the date of this order and regarding pension, matter will be heard after eight weeks. **S.O. eight weeks.**

**Member(J)**

**Member(A)**

**Date:-13/12/2018.**

aps.

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

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**  
**Dated : 13<sup>th</sup> December 2018.**

**C.P.No.54/2018:-**

Shri R.V.Shiralkar, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the State.

2. The Id. Counsel for the applicant is directed to correct the respondent no. 2 i.e. the prefix "Chief" should be added to the respondent no. 2.

3. On P.B., Pg. No. 21, C.C.F. (H.R.M.) vide letter no. d{&10%v%1@vklFll@fopk@i zdt 10%18&19%@396@18&19] dated 18/06/2018 has directed C.C.F. (Territorial, Amravati) to comply the order passed by this Tribunal as earliest. We are failed to understand that why order is not complied and Divisional Forest Officer, Amravati Division has not complied the order no. d{&10%v%1@vklFll@fopk@i zdt 10%18&19%@396@18&19] dated 18/06/2018 on P.B., Pg. No. 21 by C.C.F.(H.R.M.),

Nagpur. They are directed to comply the order **within four weeks** from the date of this order. Meanwhile, the Id. P.O. is directed to take instructions from the department and file the progress report. Issue notice to the corrected respondents.

4. Issue Notice to the respondent Nos. 2 & 3 returnable in **four weeks** under Rule 8 of the MAT (Contempt of Courts) Rules, 1996 as to why they should not be proceeded for committing contempt of this Tribunal's order and as to why they shall not be punished under the Contempt of Court Act.

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

6. S.O. **four weeks**.

**Member(J)**

**Member(A)**

**Date:-13/12/2018.**

aps.



**O.A.No. 698/2018. (D.B.)**

**Coram: Shri Shree Bhagwan,**  
**Member (A) and**  
**Shri A.D.Karanjkar, Member(J)**  
**Dated : 13<sup>th</sup> December 2018.**

**C.P.No.58/2018:-**

Shri G.G.Bade, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

As pointed out by Id. C.P.O., that there is no deliberate contempt to the order. However, after hearing both the sides, we decide to pass the following orders.

The respondent no. 3 in O.A.698/2018 i.e. The Sub Divisional Officer, Amravati is directed to forward the representation of the applicant dated 03/09/2018 at P.B., Pg. No. 07 of C.P. at Annexure-A-2 to the Collector, Amravati, who has authority to transfer the applicant. The Collector, Amravati is directed to decide the representation of the applicant dated 03/09/2018 **within three months** from the date of this order.

With the above directions, **the C.P.**  
**is disposed of.**

**Member(J)**  
**Member(A)**  
**Date:-13/12/2018.**  
aps.

**O.A.No. 796/2018. (D.B.)**

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

**Dated : 13<sup>th</sup> December 2018.**

**C.P.No.59/2018:-**

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

2. The applicant was suspended on 15/11/2017 and order of the Tribunal was passed on 11/10/2018.

3. In O.A. No. 35/2018, Principal Bench of MAT, Mumbai, the Hon'ble Chairman has delivered the Judgment on 11/09/2018, in this Judgment Hon'ble Chairman in para no. 23 has clearly observed :- *"This Tribunal took a view in Shri Naresh Alwandar Polani Vs. State of Maharashtra, O.A.611 of 2017, by order dated 23/10/2017, relying on the Judgment of Hon'ble Supreme Court in the case of Ajay Kumar Choudhary Vs. Union of India & Ors, (2015) 7 SCC 291 and also in view of observations contained in Dr. Narender*

*Omprakash Bansal Vs. The State of Maharashtra & Ors., W.P.11987/2015 as follows:-*

*“9. It is now well settled by virtue of judgment in Ajay Kumar Choudhary (supra) that notwithstanding the language as may have been employed in the conditions of service, now it is not open to the Government to continue the suspension beyond three months as a mandatory rule of precedent.”*

4. In this background suspension for so long is not justified. Suspension period is now more than 25 months. However, the Id. P.O. submits that he will seek instructions from the department.

5. Issue Notice to the respondent Nos. 2 & 3 returnable in **four weeks** under Rule 8 of the MAT (Contempt of Courts) Rules, 1996 as to why they should not be proceeded for committing contempt of this Tribunal's order and as to why they shall not be punished under the Contempt of Court Act.

6. Shri A.M.Ghogre, the learned P.O. waives notice for respondent No.1. Hamdast granted.

7. S.O. four weeks.

**Member(J)**

**Member(A)**

**Date:-13/12/2018.**

aps.

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

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**  
**Dated : 13<sup>th</sup> December 2018.**

Shri S.Meshram, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. The Id. Counsel for the applicant is relied upon the MAT, Nagpur Bench Judgment in O.A. No. 175/2009, which is taken on record. Copy of the same is supplied to the other side. At the same time, the Id. Counsel for the applicant has relied upon the communication of 19/06/2017 on P.B., Pg. No. 22. The Id. Counsel for the applicant is directed to supply the same copy to the Id. C.P.O..

3. The Id. C.P.O. is directed to take reply and also make clarification in reply about para no. 2 of the communication dated 19/06/2017 from the department.

4. Issue notice to R-2 to 4, returnable on Four 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. Four Weeks.**

**Member(J)**

**Member(A)**

**Date:-13/12/2018.**

aps.



**O.A.No. 971/2018. (D.B.)**

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**  
**Dated : 13<sup>th</sup> December 2018.**

Shri R.V.Shiralkar, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. The applicant was put under suspension vide order no. , e, Q, I & 1712@i z d i 36@Q&8] dated 14/03/2012 at P.B., Pg. No. 11 (Annexure-A-1) and D.E. was started vide order no. j k g ; k @ v d k - 2 @ f o p k @ d k f o @ 1972 @ 2012] dated 17/09/2012 at P.B., Pg. No. 30 (Annexure-A-3). The Id. Counsel for the applicant pointed out that D.E. has not been completed till now. Even after submission of many representations by the applicant progress of D.E. is not satisfactory. Out of 108 witnesses listed in D.E. just one has been examined till now. Even, cross examination is pending. The applicant retired on 30/09/2016. The Id. C.P.O. is yet to take instructions from the department.

3. Issue notice to R-2 to 4, returnable on Four Weeks. Learned C.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)**

**Date:-13/12/2018.**

aps.

O.A.No. 614/2017. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)  
Dated : 13<sup>th</sup> December 2018.**

Shri R.V.Shiralkar, the Id. counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the Respondent nos. 1 & 2 and Shri N.B.Rathod, the Id. Counsel for the respondent no. 3.

The Id. P.O. has placed on record communication dated 28/11/2018 at P.B., Pg. No. 28 by Under Secretary, Public Health Department. The Id. P.O. submits that he needs more one week time. Meanwhile, file is submitted to the G.A.D. for relaxation and the same is pending.

In view of the above, **S.O. After Winter Vacation.**

**Member(J)  
Member(A)  
Date:-13/12/2018.  
aps.**

O.A.No. 424/2018. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**  
**Dated : 13<sup>th</sup> December 2018.**

**C.P.No.40/2018:-**

Shri P.S.Wathore, the Id. counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State.

The Id. Counsel for the applicant submits that contempt petition is against the Status- quo order and subsequently he has being suspended and for that he has filed C.P. While hearing O.A. regarding suspension, issue of transfer will be kept open. **Hence C.P. is disposed of.**

**Member(J)**  
**Member(A)**  
**Date:-13/12/2018.**  
aps.

O.A.No. 749/2016. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**  
**Dated : 13<sup>th</sup> December 2018.**

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

Matter was heard last time on 06/12/2018 and it was mentioned that there are 3 G.Rs.. The first one is G.R. No. [Lh,u,l&1087@499@d-ua12@16&v](#)] fnukd 04-03-1991] G.R. No. [Lokl d&1413@i:dz228@16@v](#)] fnukd 28-02-2014 and G.R. No. [L dh. &1003@i:dz&16@2003@13&v](#)] fnukd 19-11-2003-

Out of the above three G.Rs., which G.R. is applicable today for the nominees of Freedom Fighter or any other policy issued by the Government. The Id. P.O. is requested to take instructions. **S.O. 18/12/2018.**

**Member(J)**  
**Member(A)**  
**Date:-13/12/2018.**  
aps.



O.A.No. 644/2013. (D.B.)

Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)  
Dated : 13<sup>th</sup> December 2018.

C.A.No.210/2018:-

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

Both the parties seek time. S.O.  
18/12/2018.

Member(J)  
Member(A)  
Date:-13/12/2018.  
aps.



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

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)  
Dated : 13<sup>th</sup> December 2018.**

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

The Id. P.O. submits that he has received the legible copies of documents today only. **S.O. 18/12/2018.**

**Member(J)  
Member(A)  
Date:-13/12/2018.  
aps.**

O.A.No. 843/2015. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)  
Dated : 13<sup>th</sup> December 2018.**

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

The Id. Counsel for the applicant submits that similar matter bearing O.A. No. 214/2007 has been decided in CAT, Nagpur Bench and he desires to take certified copy of the Judgment and file the same on record. **S.O. After Winter Vacation.**

**Member(J)  
Member(A)  
Date:-13/12/2018.  
aps.**