

O.A. No. 807/2016 **(SB)**

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

Dated : 15.03.2019

Shri Thengre, Id. counsel holding for Shri G.G. Bade, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

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

Member (J)

dnk.

Dated – 15/03/2019.

O.A. No. 613/2015 **(SB)**

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

Dated : 15.03.2019

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

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

Member (J)

dnk.

Dated – 15/03/2019.

O.A. No. 963/2017 **(SB)**

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

Dated : 15.03.2019

MCA 04/2019 -

None for the applicant.

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

S.O. three weeks.

Member (J)

dnk.

Dated – 15/03/2019.

O.A. No. 492/2018 **(SB)**

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

Dated : 15.03.2019

Shri M. Yejajul, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1 to 4 and Shri A.P. Thakre, Id. counsel for R-5.

S.O. two weeks.

Member (J)

dnk.

Dated – 15/03/2019.

O.A. No. 678/2018 **(SB)**

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

Dated : 15.03.2019

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

2. The Id. P.O. files reply on behalf of R-1 to 3. It is taken on record. Copy is served on the applicant.

3. Since the pleadings are complete, the matter is admitted and be kept for final hearing.

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

S.O. after four weeks.

Member (J)

dnk.

Dated – 15/03/2019.

O.A. No. 726/2018 **(SB)**

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

Dated : 15.03.2019

C.A. 91/2019 -

Shri P.S. Wathore, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1 to 3 &5, Shri S.P. Chavhan, Id. counsel for R-9 and none for remaining respondents.

At the request of learned P.O.,
S.O. three weeks for filing reply in C.A.

Put up along with O.A.424/2018.

Member (J)

dnk.

Dated – 15/03/2019.

O.A. No. 424/2018 **(SB)**

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

Dated : 15.03.2019

Shri P.S. Wathore, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1 to 4 and Shri S.P. Chavhan, Id. counsel for R-5&6.

S.O. three weeks

Put up along with O.A. 726/2018.

Member (J)

dnk.

Dated – 15/03/2019.

O.A. No. 895/2018 **(SB)**

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

Dated : 15.03.2019

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

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

Member (J)

dnk.

Dated – 15/03/2019.

O.A. No. 982/2018 **(SB)**

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

Dated : 15.03.2019

Ms. A. Lanjewar, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. three weeks** for filing reply as a last chance.

Member (J)

dnk.

Dated – 15/03/2019.

O.A. No. 1026/2018 (SB)

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

Dated : 15.03.2019

Shri S.K. Thengri, Id. counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for the respondents.

At the request of Id. C.P.O., **S.O. three weeks** for filing reply as a last chance.

Member (J)

dnk.

Dated – 15/03/2019.

O.A. No. 46/2019 (SB)

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

Dated : 15.03.2019

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

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

S.O. 22/03/2019.

Member (J)

dnk.

Dated – 15/03/2019.

O.A. No. 100/2019 (SB)

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

Dated : 15.03.2019

Shri K.J. Khanorkar, Id. counsel
for the applicant and Shri S.A. Deo, Id.
CPO for the respondents.

The respondents are directed to
file their reply.

S.O. four weeks.

Member (J)

dnk.

Dated – 15/03/2019.

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

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

Dated : 15.03.2019

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

S.O. 29/03/2019 to comply the
order dated 11/01/2019 as a last chance.

Member (J)

dnk.

Dated – 15/03/2019.

O.A. No. 633/2016 **(SB)**

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

Dated : 15.03.2019

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

The Id. P.O. files reply on behalf of R-3. It is taken on record.

S.O. two weeks along with O.A.634/2016.

Member (J)

dnk.

Dated – 15/03/2019.

O.A. No. 634/2016 **(SB)**

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

Dated : 15.03.2019

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

S.O. two weeks along with
O.A.633/2016.

Member (J)

dnk.

Dated – 15/03/2019.

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

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

Dated : 15.03.2019

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

Closed for orders.

Member (J)

dnk.

Dated – 15/03/2019.

O.A. No. 522/2016 (SB)

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

Dated : 15.03.2019

Heard Shri M.I. Mourya, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. It appears that in O.A. 271/2015 the applicant had challenged his transfer. This Bench dismissed the application. The applicant challenged the decision in O.A.271/2015 in Writ Petition No.4132/2015 before the Hon'ble High Court and the Hon'ble High Court dismissed the Writ Petition by order dated 21/07/2015.

3. It appears that in the present matter the applicant is challenging same transfer order on the same ground, therefore, I do not see any merit in this application. Hence, the application stands dismissed with no order as to costs.

Member (J)

dnk.

Dated – 15/03/2019.

O.A.No. 159/2013

(D.B.)

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

Dated: 15th March 2019.

Leave note of Shri S.P.Palshikar, the
Id. Counsel for the applicant and Shri
H.K.Pande, the Id. P.O. for the Respondents.

S.O. next week.

Member(J)

Member(A)

Date:-15/03/2019.

aps.

O.A.Nos.492,493,525,529&542/2013(D.
B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated: 15th March 2019.**

Leave note of Shri S.P.Palshikar, the
Id. Counsel for the applicant and Shri
H.K.Pande, the Id. P.O. for the Respondents.

S.O. next week.

**Member(J)
Member(A)
Date:-15/03/2019.
aps.**

O.A.No. 17/2014

(D.B.)

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

Dated: 15th March 2019.

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

2. None appeared on 13.03.2019, 14.03.2019 and today too. It seems that the applicant as well as Id. Counsel for the applicant are not interested in prosecuting the O.A..

3. **Hence, dismissed in default.**

Member(J)

Member(A)

Date:-15/03/2019.

aps.

O.A.No. 37/2014

(D.B.)

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

Dated: 15th March 2019.

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

2. None appeared on 07/07/2015, 13.03.2019, 14.03.2019 and today too. It seems that the applicant as well as Id. Counsel for the applicant are not interested in prosecuting the O.A..

3. **Hence, dismissed in default.**

Member(J)

Member(A)

Date:-15/03/2019.

aps.

O.A.No. 236/2014

(D.B.)

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

Dated: 15th March 2019.

Shri A.D.Dangore, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the Respondents.

2. The Id. P.O. is directed to submit before this bench on the next date, whether Recruitment Rules are framed by the Government of Maharashtra for filling the Class-IV posts in the service of Government of Maharashtra and which is the authority competent to appoint the person on Class-IV posts and the procedure to be followed?

3. **S.O. next Friday.**

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

Member(J)

Member(A)

Date:-15/03/2019.

aps.

O.A.No. 844/2017

(D.B.)

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

Dated: 15th March 2019.

Heard Shri G.G.Bade, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the State. Await service of respondent nos. 2 to 5.

2. The S.L.P. is pending before the Hon'ble Apex Court. In this situation, it is suitable in the interest of justice to keep this matter pending till the decision in the S.L.P..

3. **S.O. eight weeks.**

Member(J)

Member(A)

Date:-15/03/2019.

aps.

O.A.No. 908/2018

(D.B.)

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

Dated: 15th March 2019.

Shri M.R.Rajgure, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the Respondents.

2. The matter is **admitted** and kept for final hearing.
3. The Id. P.O. waives notice for the respondents.
4. **S.O. four weeks.**

Member(J)

Member(A)

Date:-15/03/2019.

aps.

O.A.No. 26/2019

(D.B.)

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

Dated: 15th March 2019.

Leave note of Shri S.P.Palshikar, the
Id. counsel for the applicant. Shri
V.A.Kulkarni, the Id. P.O. for the
Respondents.

S.O. two weeks.

Member(J)

Member(A)

Date:-15/03/2019.

aps.

O.A.Nos.74,75,76,77,78,79&80/19

(D.B.)

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

Dated: 15th March 2019.

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

S.O. four weeks.

Member(J)

Member(A)

Date:-15/03/2019.

aps.

O.A.No. 142/2019

(D.B.)

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

Dated: 15th March 2019.

Heard Shri A.D.Girdekar, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State. Await service of R-2 & 3.

2. The Id. counsel for the applicant submitted that he will file the service affidavit during the course of the day.

3. At the request of Id. C.P.O., **S.O. three weeks to file reply on behalf of all the respondents.**

Member(J)

Member(A)

Date:-15/03/2019.

aps.

O.A.No. 644/2015

(D.B.)

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

Dated: 15th March 2019.

C.A.NO.42/2019:-

Heard Shri A.B.Bambal, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the Respondent nos. 1 & 2. None for the respondent nos. 3 to 7.

C.A. No. 42/2019 for early hearing is allowed.

2. It is the contention of the applicant that though respondent nos. 3 to 7 are juniors to the applicant, but they are promoted. We have perused the record, it appears that the applicant joined service as Talathi on 10/05/1993. The applicant did not pass the Revenue Qualifying Examination, therefore, after completion of 45 years of the age, he was exempted from passing the examination and this exemption was granted w.e.f. 01/07/2006.

3. We have perused the record of the respondent nos. 3 to 7, it appears that all the respondents have passed the examination, which was must for their promotion and they have passed the examination before the exemption was granted to the applicant for passing the examination.

4. We have also gone through the Rules framed by the Government of Maharashtra dated 19/10/1997, as per the Rule 3 for confirmation in the cadre of Talathi, passing of Revenue Qualifying Examination was must. Secondly, as per Rule 5 (clause b), the Talathi who fails to pass the examination, he would loose the seniority and the Junior Talathis who pass the examination, would be placed above the Talathi, who fails to pass the examination.

5. The Rule 7 says that, if Talathi is exempted from passing the examination later on he cannot say that as he is exempted from passing the examination, therefore, his earlier seniority be restored to him.

6. In view of this, legal position and as respondents have passed the Qualifying Examination before the applicant was exempted from passing the examination, therefore, we do not see any merit in the application. Hence, the following order:-

ORDER

The O.A. stands dismissed with no order as to costs.

Member(J)
Member(A)
Date:-15/03/2019.
aps.

O.A.No. 961/2018 (D.B.)

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

Dated : 15th March 2019.

C.A.No.92/2019:-

Heard Shri S.G.Karmarkar, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the Respondent nos. 1 to 5. None for the respondent nos. 6 & 7.

2. It is submitted by the Id. counsel for the applicant that during pendency of this matter, the respondents have promoted some employees who are junior to the applicant, and, therefore, it is necessary to amend the original application for claiming the suitable relief.

3. It is submitted by the Id. P.O. that he would file the reply to the amended O.A. in the interest of justice, the **C.A. No. 92/2019 is allowed.** The applicant is directed to effect the amendment during the course of the day.

4. The applicant is permitted to join the junior persons to him, those who are

promoted by the said promotion order. The applicant to supply the amended copy of the O.A. to the Id. C.P.O..

5. **S.O. two weeks.**

Member(J)

Member(A)

Date:-15/03/2019.

aps.

O.A.No. 390/2018 (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 15th March 2019.

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

2. The matter is **admitted** and kept for final hearing.
3. The Id. P.O. waives notice for the respondents.
4. **S.O. in due course.**

Member(J)
Member(A)
Date:-15/03/2019.
aps.

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

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 15th March 2019.

Shri G.G.Bade, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the Respondent nos. 1 to 4. None for the remaining respondents.

2. The O.A. was P.H. at that time, the Id. counsel for the applicant had made statement that he would point out that some persons junior to him were promoted, but he was neglected. The Id. counsel for the applicant has submitted pursis, which is at P.B., Pg. No. 267.

3. In this pursis, it is mentioned that Shri Adesh Vinayak Bageshwar was appointed in service on 25/03/1998 and he passed the examination as per the Rules of 1998 on 25/04/2003, Shri S.G.Rathod was appointed in service on 26/10/1994 and he passed the examination on 25/08/2003, Shri R.S.Date was appointed in service on 30/08/1996 and he passed the examination on 25/04/2003. It is

contention of the applicant that in the seniority list of all the employees were junior to him, as the applicant joined service in the year 1992.

4. We have gone through the Rules framed by the Government, dated 29/10/1997, the Rule no. 3 says that for confirmation of the Talathi in the Talathi cadre, he must pass the Departmental Examination as per the provisions of the Rules. Rule 5, Clause(b) says that the Talathi who fails to pass the examination shall lose the seniority in the cadre and all the Talathi who pass the examination before him, shall be placed above him in the seniority list.

5. There is no dispute about the fact, that the applicant was appointed in service in the year 1992. The applicant never passed the qualifying examination, but in the year 2010 as the applicant completed the age of 45 years, therefore, he was exempted from passing the Departmental Examination. In view of this matter, no doubt the junior employees were promoted, but the fact remains that, they all have passed the examination in the year

2003, too much before the applicant and effect of this was that they acquired seniority above the applicant as per the Rules.

6. The Id. P.O. has invited our attention to Rule 7, which says that if exemption is granted to Talathi who fails to pass the examination on the ground that he completed the age of 45 yrs., the effect is that he will not have right to claim his lost seniority. The proviso of Rule 7(2) of the Rules says that the seniority lost by Talathi in accordance to the provision of Clause "b" of Rule 5 shall not be restored.

7. In view of this legal position, we do not see any merit in the application. Hence, the following order:-

ORDER

The original application stands dismissed with no order as to costs.

Member(J)
Member(A)
Date:-15/03/2019.
aps.

O.A.Nos. 193 & 194/2018 (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 15th March 2019.**

Heard Shri A.P.Sadavarte, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the Respondent nos. 1 to 5. None for the respondent nos. 6 to 8.

2. The Id. P.O. requested two weeks time to file reply. **S.O. 02/04/2019 as a last chance.**

**Member(J)
Member(A)
Date:-15/03/2019.
aps.**

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

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 15th March 2019.

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

2. It appears that directions was given in O.A. No. 699/2017 decided on 27/04/2018, liberty was given to the applicant to submit representation and the respondent no. 1 was directed to consider the same representation. It appears that the representation was made by the applicant, the applicant was called by the Joint Police Commissioner, Nagpur. It further appears that no decision was taken as directed in O.A. No. 699/2017. The representation was to be decided by the respondent no. 1 i.e. State of Maharashtra.

3. The Id. P.O. is directed to seek instructions from the respondents, whether the representation was forwarded to the State of Maharashtra for the decision or not?

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

5. **Steno copy is granted.**

Member(J)

Member(A)

Date:-15/03/2019.

aps.

