

C.P. No. 16/2018 in O.A. No. 402/2014.
(D.B.)

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 18th April 2019.

C.P. No. 16/2018.

Heard Shri S.P. Palshikar, the learned Advocate for the applicant and Shri V.A. Kulkarni, learned P.O. for respondent No.1.

Await service of notice to R.2.

At the request of learned Advocate for the applicant, adjourned to 11.6.2019.

Joshi) (Justice A.H.
Chairman

Dt. 18.4.2019

pdg.

C.P. No.11/2019 in O.A. No. 395/2018.
(D.B.)

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 18th April 2019.

C.P. No. 11/2019.

Heard Shri S.P. Palshikar, the learned Advocate for the applicant and Shri A.M.Ghogre, learned P.O. for the respondent No.1.

Await service of notice to R.2.

At the request of learned Advocate for the applicant, adjourned to 25.4.2019.

Joshi) (Justice A.H.
Chairman

Dt. 18.4.2019

pdg.

C.P. No.12/2019 in O.A. No. 918/2018.
(D.B.)

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 18th April 2019.

C.P. No. 12/2019.

Heard Shri S.P. Palshikar, the learned Advocate for the applicant and Shri P.N.Warjekar, learned P.O. for the respondents.

C.P. stands disposed, since order is complied, with liberty to challenge adverse order dated 10.4.2019..

Joshi) (Justice A.H.

Chairman

Dt. 18.4.2019

pdg.

C.P. No.16/2017 in O.A. No. 260/2004.
(D.B.)

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 18th April 2019.

C.P. No.16 /2017.

Heard Shri S.A. Sahu, holding for Shri M.I. Dhattrak, the learned Advocate for the applicant and Shri M.I. Khan, learned P.O. for the respondents.

S.O. to 16.12.2019.

Joshi)

(Justice A.H.
Chairman

Dt. 18.4.2019

pdg.

C.P. No. 36/2017 in O.A. No. 487/2015.
(D.B.)

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 18th April 2019.

C.P. No. 36/2017.

Heard Shri V.B. Bhise, Adv. holding
for Shri R.V. Shiralkar, the learned Advocate

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

Learned Advocate for the applicant
states that the applicant is entitled to interest
by adding interest to unpaid amount. He,
therefore, prays for time for filing affidavit
alongwith copies of G.Rs to show the
entitlement. In view of prayer of learned
Advocate for the applicant, S.O. to 8.7.2019.

(Justice A.H.
Joshi)
Chairman

Dt. 18.4.2019

pdg.

C.P. No. 44/2018 in O.A. No. 49/2005.
(D.B.)

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 18th April 2019.

C.P. No. 44/2018.

Heard Shri S.P. Hedao, the learned Advocate for the applicant and Shri A.M. Ghogre, learned P.O. for the respondents.

At the request of learned P.O., S.O.
3.5.2019.

Joshi) (Justice A.H.
Chairman

Dt. 18.4.2019

pdg.

C.P. No. 08/2019 in O.A. No. 538/2016.
(D.B.)

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 18th April 2019.

C.P. No. 08/2019.

Heard Shri G.G. Bade, the learned Advocate for the applicants and Shri A.M. Ghogre, learned P.O. for the respondents.

At the request of learned Advocate for the applicant, adjourned to 15.7.2019 with liberty to file fresh service report of R.2.

Joshi) (Justice A.H.
Chairman

Dt. 18.4.2019

pdg.

O.A. No. 197/2017 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 18.04.2019

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

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

Member (J)

Member (A)

dnk.

O.A. No. 461/2017 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 18.04.2019

C.A. 162/2019 -

Heard Shri Digvijay Takwale, Id. counsel holding for S.S. Ghate, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

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

O.A.461/2017 -

S.O. 07/06/2019.

Member (J)

Member (A)

dnk.

O.A. No. 26/2019 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 18.04.2019

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

The learned CPO seeks further time to take instructions from the Government regarding the Tribunal's order dated 01/04/2019. At his request, **S.O. 24/04/2019.**

Member (J)

Member (A)

dnk.

O.A. No. 218/2012 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 18.04.2019

Ms. Archana Narad, Id. counsel holding for Smt. Kirti Satpute, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. Ms. Archana Narad, Id. counsel submits that the learned counsel for the applicant wants to withdraw the power in this O.A. and she will file pursis in this regard during the course of day.

The matter be kept on **25/04/2019**.

Member (J)

Member (A)

dnk.

O.A. No. 133/2013 **(DB)**

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 18.04.2019

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

2. As per the order dated 20th
June, 2016 the learned P.O. was
expected to file on record photo copies of
the decision on the basis of which
condition dated 21/07/2011 (Annex-R-1,
page 64) was issued.

3. The learned P.O. seeks further
one week's time to comply the same. At
his request, **S.O. 29/04/2019**.

Member (J)

Member (A)

dnk.

O.A. No. 53/2015 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 18.04.2019

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

S.O. in due course.

Member (J)

Member (A)

dnk.

O.A. No. 274/2018 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 18.04.2019

There is a leave note from Shri N.R. Saboo, Id. counsel for the applicant. Shri A.M. Khadatkar, Id. P.O. for the respondents.

S.O. After Vacation.

Member (J)

Member (A)

dnk.

O.A. No. 960/2018 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 18.04.2019

Shri S.P. Palshikar, 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.**
25/04/2019.

Member (J)

Member (A)

dnk.

O.A. No. 687/2015 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 18.04.2019

Shri S.G. Malode, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1 to 3. None for R-4 to 6.

2. Shri M.I. Khan, Id. P.O. submits that Shri V.A. Kulkarni, Id. P.O. who is appearing in this matter is not available today and hence he seeks one week time. At his request, **S.O. 25/04/2019**.

Member (J)

Member (A)

dnk.

O.A. No. 965/2018 **(DB)**

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 18.04.2019

MCA 31/2019 -

Heard Shri T. Deshpande, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the respondents.

For the reasons stated in the application, the MCA is allowed. The O.A. is restored to its original file.

O.A. 965/2018 –

Heard Shri T. Deshpande, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the respondents.

2. It is grievance of the applicants that their names were not included in the seniority for the reasons that the Government amended the rules vide Notification dated 2/8/2018. It is contended that as per the old rules the applicants were eligible for the promotion to the post of Clerk-cum-Typist as they were matriculate and they were possessing certificates of typing.

3. We have perused the Notification dated 2/8/2018. On perusal of this Notification, it seems that since the operation of this Notification the Class-IV employees to be promoted as Clerk-cum-Typist shall possess a degree. The legal position is settled that the eligibility criteria should be examined on the date of the promotion. Till today the applicants are not promoted and therefore the Notification dated 2/8/2018 is squarely applicable.

4. In case of **CMD/Chairman, Bharat Sanchar Nigam Limited and others Vs. Mishri Lal and others (2011) 14 SCC,739**, it is laid down by the Hon'ble Apex Court that under Article 309 of the Constitution of India, the Government has authority to amend the rules detrimental to the interest of the employees. Even the Government has authority to give retrospective effect to the amended rules.

5. In view of this settled legal position, we do not see any merit in this application. Hence, the following order –

ORDER

The application stands dismissed with no order as to costs.

Member (J)

Member (A)

dnk.

O.A. No. 726/17 with C.A.549/17 **(SB)**

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

Dated : 18.04.2019

Shri S.M. Bhagde, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1 to 3 and none for R-4.

At the request of Id. counsel for the applicant, **S.O., 07/06/2019.**

Member (J)

dnk.

O.A. No. 73/2017 (SB)

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

Dated : 18.04.2019

Shri G.G. Bade, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 to 4 and Shri A.Y. Kapgate, Id. counsel for R-5.

At the request of Id. P.O., **S.O.**
26/04/2019.

Member (J)

dnk.

O.A. No. 04/2016 (SB)

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

Dated : 18.04.2019

C.A. 161/2019 -

Heard Shri Digvijay Takwale, Id. counsel holding for Shri S.S. Ghate, Id. counsel for the applicant and Shri S.A. Sanis, Id. P.O. for the respondents.

2. For the reasons stated in the application, the C.A.No. 161/2019 is allowed.

O.A. 04/2016 –

The matter be kept for final hearing on **07/06/2019**.

Member (J)

dnk.

O.A. No. 604/2017 **(SB)**

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

Dated : 18.04.2019

C.A. 287/2018 -

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

S.O. 29/04/2019.

Member (J)

dnk.

O.A. No. 994/2018 **(SB)**

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

Dated : 18.04.2019

C.A. 146/2019 -

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

S.O. After Vacation.

Put up along with other connected
matter.

Member (J)

dnk.

O.A. No. 995/2018 **(SB)**

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

Dated : 18.04.2019

C.A. 147/2019 -

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

S.O. After Vacation.

Put up along with other connected
matter.

Member (J)

dnk.

O.A. No. 112/2019 (SB)

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

Dated : 18.04.2019

None for the applicant. Shri S.A. Deo, Id. CPO for R-1&2. None for R-3.

At the request of Id. CPO, **S.O.**
After Vacation for filing reply of R-1&2.

Member (J)

dnk.

O.A. No. 701/2015 (SB)

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

Dated : 18.04.2019

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

2. The learned P.O. submitted that one week time is required to seek the instructions from the respondents about compliance of the order dated 04/02/2019.

3. **S.O. 26/04/2019.**

Member (J)

dnk.

O.A. Nos. 08/2016 **(SB)**

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

Dated : 18.04.2019

None for the applicant. Shri M.I. Khan, Id. P.O. for R-1 to 3. None for R-4.

None appeared for the applicant since long. Today also none appeared for the applicant. Hence, the O.A. stands dismissed in default. No order as to costs.

Member (J)

dnk.

O.A. Nos. 10/2016 **(SB)**

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

Dated : 18.04.2019

None for the applicant. Shri M.I. Khan, Id. P.O. for R-1 to 3. None for R-4.

None appeared for the applicant since long. Today also none appeared for the applicant. Hence, the O.A. stands dismissed in default. No order as to costs.

Member (J)

dnk.

O.A. Nos. 86/2018 **(SB)**

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

Dated : 18.04.2019

Shri S.M. Khan, 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.**
29/04/2019.

Member (J)

dnk.

O.A. Nos. 873/2018 **(SB)**

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

Dated : 18.04.2019

Shri V.D. Raut, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1 to 3 and Shri N.W. Almelkar, Id. counsel for R-4&5.

S.O. 25/04/2019.

Member (J)

dnk.

Rev. St. 784/18 in O.A. No. 428/18 **(SB)**

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

Dated : 18.04.2019

**C.A.No. 144/2019 in Rev. St.No.
784/2018 in O.A.428/2018**

Heard Shri S.K. Thengri, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

2. It is brought my notice that in O.A.No.428/2018 there was prayer made by the applicant for the back wages and the O.A. came to be dismissed on 30/07/2018 observing that in Writ Petition No. 4669/2005 decided on 11/03/2010 submission was made by the applicant to give up his claim for the back wages. Thereafter, the order was challenged by the applicant in SLP before the Hon'ble Apex Court and the SLP came to be dismissed. Ultimately, the applicant was reinstated in service with continuity, but without back wages. The order passed in O.A.428/2018 was again challenged by the applicant before the Hon'ble High Court and in Writ Petition No.7996/2018

decided on 29/11/2018 the Hon'ble High Court confirmed the order passed in O.A.428/2018. In these circumstances, the applicant has only remedy to approach the Hon'ble Apex Court as the same prayer was examined and dismissed by this Bench and that order came to be confirmed by the Hon'ble High Court, therefore, there is no question to review the order and strictly speaking the matter is not covered under the term review.

3. In view of this discussion, I do not see any merit in this proceeding itself. Consequently, the C.A.No.144/2019 stands dismissed. No order as to costs.

Member (J)

dnk.

O.A.No.263/2018
(D.B.)

Coram: Shri Shree Bhagwan,
Member(A)
Dated : 18th April 2019.

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

2. The Id. P.O. filed the affidavit-in-reply on behalf of the respondents and annexed copy of Judgment of Principle Bench, MAT in O.A. No. 274/2018 dated 15.01.2019. It is taken on record. Copies are served to the other side. The Id. counsel for the applicant desires time to study the same.

3. The Id. P.O. submits that Judgment of Principle Bench, MAT is squarely covers the issue involved in this O.A.. As pointed out by Id. counsel for the applicant, the office is directed to put up this O.A. along with those 10-11 O.As. whose issues are similar and pending in the MAT, Nagpur Bench. The Id. counsel for the applicant further submits that the Id. C.P.O. is dealing with the case. The Id. P.O. is directed to

check with the office of Id. C.P.O. that those O.As. are related to the similar O.A. and if yes, than place all the matters on 25.04.2019.

4. **S.O. 25.04.2019.**

5. **Put up before regular D.B..**

Member(A)
Date:-18/04/2019.
aps.

O.A.No.727/2018 (D.B.)

**Coram: Shri Shree Bhagwan,
Member(A)**

Dated : 18th April 2019.

Heard Shri T.J.Patil, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the State. Await service of respondent no. 2.

2. It was pointed out by Id. counsel for the applicant that respondent no. 2 name needs correction. There is no post of Upper Commissioner, Tribal Development, Amravati. There is a post of Additional Commissioner, Tribal Development, Amravati. Hence, necessary amendment be carry out today itself and issue fresh notice to the amendment respondent.

3. Issue fresh notice to R-2, returnable on after summer vacation. 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. After Summer Vacation.**

Member(A)
Date:-18/04/2019.
aps.

O.A.No.49/2019 (D.B.)

**Coram: Shri Shree Bhagwan,
Member(A)**

Dated : 18th April 2019.

Heard Shri T.S.Deshpande, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the State. Await service of respondent no. 2.

2. The Id. counsel for the applicant submits that he will collect the notice today itself and serve the same. **S.O. After Summer Vacation.**

Member(A)
Date:-18/04/2019.
aps.

O.A.Nos. 126 &
189/2015(S.B.)

Coram: Shri B.P.Patil, Member(J)

Dated : 18th April 2019.

There is a leave note of Shri N.R.Saboo, the Id. Counsel for the applicant. Shri H.K.Pande, the Id. P.O. for the respondents.

2. **S.O. one week.**

Member(J)

Date:-18/04/2019.

aps.

O.A.No.
814/2015(S.B.)

Coram: Shri B.P.Patil, Member(J)
Dated : 18th April 2019.

There is a leave note of Shri N.R.Saboo, the Id. Counsel for the applicant. Shri H.K.Pande, the Id. P.O. for the respondent nos. 1 & 2. None for the respondent no. 3.

2. **S.O. one week.**

Member(J)
Date:-18/04/2019.
aps.

O.A.No.
814/2015(S.B.)

Coram: Shri B.P.Patil, Member(J)
Dated : 18th April 2019.

There is a leave note of Shri N.R.Saboo, the Id. Counsel for the applicant. Shri H.K.Pande, the Id. P.O. for the respondent nos. 1 & 2. None for the respondent no. 3.

2. **S.O. one week.**

Member(J)
Date:-18/04/2019.
aps.

O.A.No.
657/2015(S.B.)

Coram: Shri B.P.Patil, Member(J)
Dated : 18th April 2019.

Shri A.C.Dharmadhikari, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. At the request of Id. counsel for the applicant, **S.O. 01st Week of June 2019.**

Member(J)
Date:-18/04/2019.
aps.

O.A.No.
747/2015(S.B.)

Coram: Shri B.P.Patil, Member(J)
Dated : 18th April 2019.

Shri M.R.Khan, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. At the request of Id. counsel for the applicant, **S.O. 29/04/2019 as a last chance.**

Member(J)
Date:-18/04/2019.
aps.