

O.A. No. 920/2018 (SB)

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

Dated : 27.02.2019

Shri J.S. Deshmukh, Id. counsel
for the applicant, Shri A.M. Khadatkar, Id.
P.O. for R-1 to 3 & 6, none for R-4 and
Shri B.N. Jaipurkar, Id. counsel for R-5.

At the request of Id. P.O., **S.O.**
04/04/2019 for filing reply.

Vice-Chairman (J).

dnk.

dated :- 27/02/2019.

O.A. No. 622/2018 **(SB)**

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

Dated : 27.02.2019

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

At the request of Id. P.O., **S.O.**
04/04/2019 for filing reply.

Vice-Chairman (J).

dnk.

dated :- 27/02/2019.

O.A. No. 906/2018 (SB)

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

Dated : 27.02.2019

Shri R.K. Joshi, 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. one week** for filing reply.

Vice-Chairman (J).

dnk.

dated :- 27/02/2019.

O.A. No. 493/2018 (SB)

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

Dated : 27.02.2019

Heard Shri M. Yejajul, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1 to 4. None for R-5.

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

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

In the meantime, the applicant is at liberty to file rejoinder, if any.

S.O. in due course.

Vice-Chairman (J).

dnk.

dated :- 27/02/2019.

O.A. No. 432/2017 (SB)

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

Dated : 27.02.2019

Shri S.A. Sainis, Id. P.O. for the applicants (Original respondents) and shri S.P. Chavhan, Id. counsel holding for Shri N.D. Thombre, Id. counsel for the respondent (Original applicant).

At the request of Id. counsel for the respondent (Original applicant), **S.O. One week.**

Put up along with O.A.799/2017 & 498/2017.

Vice-Chairman (J).

dnk.

dated :- 27/02/2019.

O.A. No. 498/2017 (SB)

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

Dated : 27.02.2019

Shri A.M. Ghogre, Id. P.O. for the applicants (Original respondents) and shri S.P. Chavhan, Id. counsel holding for Shri N.D. Thombre, Id. counsel for the respondent (Original applicant).

At the request of Id. counsel for the respondent (Original applicant), **S.O. One week.**

Put up along with O.A.799/2017 & 432/2017.

Vice-Chairman (J).

dnk.

dated :- 27/02/2019.

O.A. No. 799/2017 **(SB)**

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

Dated : 27.02.2019

Shri S.P. Chavhan, Id. counsel holding for Shri N.D. Thombre, 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. One week.**

Put up along with O.As.432/17 & 498/17.

Vice-Chairman (J).

dnk.

dated :- 27/02/2019.

O.A. No. 631/2016 (SB)

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

Dated : 27.02.2019

Shri A.D. Girdekar, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1 and Mrs. N.A. Palshikar, Id. counsel for R-2 to 4.

At the request of Id. counsel for the applicant, **S.O. 28/02/2019**.

Vice-Chairman (J).

dnk.

dated :- 27/02/2019.

O.A. No. 129/2019 (SB)

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

Dated : 27.02.2019

Heard Shri S.V. Bhutada, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The applicant has challenged the impugned order of transfer dated 20/02/2019 whereby he has been transferred from the post of Sub Divisional Officer, Warora, District Chandrapur to Deputy Election Officer, Bhandara. The order itself shows that the same has been issued in view of the instructions given by the Election Commission of India and concerned with the election work as many as 12 Officers are transferred by the office. The learned counsel for the applicant submits that the applicant has been posted at Warora since 05/08/2016 and has not yet completed three years and as per the directions of the Election Commission those Officers who are completing three years of posting on or before 31/05/2019

have to be considered for transfer. It is further stated that the applicant's case does not fall within purview of instructions given by the Election Commission of India as per the letter dated 16/01/2019. The another ground is that the applicant is due for retirement in November,2019.

3. The learned CPO invited my attention one representation filed by the applicant itself whereby he has filed representation prior to his transfer for posting at Nagpur on the ground of illness of his wife. The learned CPO submitted that Bhandara is nearer to Nagpur than Warora and therefore it will not cause any prejudice to the applicant. Though the applicant has not completed three years, he has completed two years and six months at Warora and since the transfer order is issued in view of the directions of Election of 2019 and number of the officers are also transferred in view of the directions of the Election Commission of India it will not be proper at this stage to interfere in the order of transfer.

4. In the meantime, issue notice to R-2 returnable in **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.**

Vice-Chairman (J).

dnk.

dated :- 27/02/2019.

O.A. No. 756/2015 (SB)

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

Dated : 27.02.2019

Heard Shri R.S. Suryawanshi, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The applicant in this case has challenged the order dated 19/05/2015 issued by respondent no.5. It is regarding the recovery of the amount for excess stay in the quarter allotted to the applicant.

3. The learned counsel for the applicant submits that the said excess amount has already been recovered from the applicant's retiral benefits and therefore the applicant does not want to prosecute the application and it may be disposed of. Hence, the following order-

ORDER

The O.A. stands disposed of
with no order as to costs.

Vice-Chairman (J).

dnk.

dated :- 27/02/2019.

O.A. No. 753/2018 (SB)

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

Dated : 27.02.2019

Shri N.R. Saboo, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1 to 5 and Shri M.K. Bhosale, Id. counsel for R-6.

2. The learned counsel for the applicant files rejoinder. It is taken on record. Copies are served to the other sides.

S.O. Next week. (P.H.)

Vice-Chairman (J).

dnk.

dated :- 27/02/2019.

O.A. No. 394/2018 (SB)

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

Dated : 27.02.2019

Heard Shri M.A. Sable, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1 to 3. None for R-4.

2. The learned counsel for the applicant seeks permission to withdraw the O.A. Permission is granted as prayed for.

3. In view thereof, the O.A. stands disposed of as withdrawn. No order as to costs.

Vice-Chairman (J).

dnk.

dated :- 27/02/2019.

O.A. No. 347/2018 (SB)

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

Dated : 27.02.2019

Heard Shri M.A. Sable, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1 to 3. None for R-4&5.

2. The applicant who is Assistant Teacher has claimed for direction to non applicant nos. 2 and 3 to transfer his services at Nagpur in the District & Training Institute, Nagpur on the vacant post of respondent no.4 as per mutual request.

3. The learned counsel for the applicant submits that he may be permitted to withdraw the O.A. with permission to file fresh representation in this regard, since he wants that representation shall be considered at the time of annual general transfers of 2019. In view thereof, the permission is granted to withdraw the O.A. and hence the following order –

ORDER

- (i) The O.A. stands disposed of as withdrawn.
- (ii) The applicant will be at liberty to file fresh representation for transfer at Nagpur and same may be considered at the time of annual general transfers of 2019 as per its own merit.
- (iii) No order as to costs.

Vice-Chairman (J).

dnk.

dated :- 27/02/2019.

O.A. No. 542/2017 (SB)

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

Dated : 27.02.2019

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

2. Dr. Milind B. Ganvir, Assistant Director (Malaria), Health Services, Nagpur on behalf the respondents is personally present.

3. The learned P.O. files reply-affidavit on behalf of R-1 to 3. It is taken on record. Copy is supplied to the learned counsel for the applicant.

4. Heard both the sides and the matter is **closed for orders**.

Vice-Chairman (J).

dnk.

dated :- 27/02/2019.

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

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

Dated : 27.02.2019

None for the applicant. Heard Shri P.N. Warjurkar, Id. P.O. for respondent nos. 1 to 3 and Shri G.K. Bhusari, Id. counsel for respondent no.4.

2. On the last date i.e. 18/02/2019 the learned counsel for the applicant had placed on record copy of the representation dated 15/01/2019 (Page no.102) and he requested that the applicant be posted in the office of Social Forestry at Ramtek. The applicant's name was also recommended for Ramtek.

3. The learned P.O. was requested to take instructions as to whether the respondents are ready to accommodate the applicant at Ramtek.

4. The learned P.O. has placed on record the copy of the order dated 22/02/2019 (Page no.103) from which it seems that the applicant's transfer at

Saleghat has been modified and now the applicant has been transferred to Ramtek as requested by him and the said post is going to be vacant on 28/02/2019. Therefore it seems that the grievance of the applicant has been redressed and nothing remains in the O.A.

5. It seems that due to interim relief passed in this O.A. the respondent no.4 could not join on his post which was occupying by the applicant though he was relieved from his earlier post. The respondents are therefore directed to treat the applicant's and respondent no.4's absence as compulsory waiting period and may pass necessary order accordingly.

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

Vice-Chairman (J).

dnk.

dated :- 27/02/2019.

(SB)

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

Dated : 27.02.2019

**Rev.A.02/19 in O.A.771/16, Rev.A.03/19 in
O.A.773/16, Rev.A.04/19 in O.A.23/17
Rev.A.05/19 in O.A.477/17, Rev.A.06/19 in
O.A.24/17, Rev.A.07/19 in O.A.476/17
Rev.A.08/19 in O.A.633/17, Rev.A.09/19 in
O.A.479/17, Rev.A.10/19 in O.A.772/16,
Rev.A.11/19 in O.A.862/17&
Rev.A.12/19 in O.A.981/17**

Heard Shri B.N.Jaipurkar, Id. counsel for the applicants (original respondent nos.4&5), Shri A.M. Khadatkhar, Id. P.O. for respondent no.2 to 4 (Org. respondent nos.1 to 3) and Shri J.S. Deshmukh, Id. counsel for respondent no.1. (Original applicant).

2. The learned counsel for the applicants undertakes to hand over the copies of the O.A. to respondent nos. 2 to 4. The learned P.O. waives notice for respondent nos. 2 to 4.

S.O. 06/03/2019.

Vice-Chairman (J).

dnk.

dated :- 27/02/2019.

O.A. No. 478/2017 (SB)

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

Dated : 27.02.2019

Heard Shri J.S. Deshmukh, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 to 3 and none for respondent nos.4 and 5. Lateron Shri K.S. Malokar, Id. counsel for R-4&5 present.

2. The applicant a Medical Officer (Group-B) has retired on superannuation on 31/07/2013. According to the applicant, he should have been paid retiral benefits immediately after retirement, but he has received due amount in 2015. The amount due and date of receipt of the amount is mentioned in para-8 as under –

Description	Amount	Date of Receipt
Arrears of pension of 18 months	Rs.7,52,960/-	Jan-2015
Death cum retiral gratuity	Rs.6,28,439/-	Jan-2015
Commutation of pension	Rs.8,55,952/-	Jan-2015

3. It is further stated that the applicant was earlier serving in Zilla Parishad where his GPF account was opened. As per the said GPF account the applicant was to receive an amount of Rs.5,54,645/- towards GPF. However, while transferring the said amount in the GPF account of the applicant under government, only amount of Rs.4,75,279/- was transferred and therefore less amount of Rs. 79,366/- was transferred. The applicant is claiming interest on this amount as well as on the amount of retiral benefits which has been paid late after retirement.

4. Perusal of the reply-affidavit shows that the respondents are admitting that there was a dispute regarding transfer of GPF amount from Zilla Parishad to Government account and that the said dispute was due to administrative reasons. So far as late payment is concerned, it is stated that the applicant faced an inquiry and in the said inquiry the applicant was found guilty and was required to pay amount of Rs.12,656/- to one Smt. Lalita Chauhan and because of

this amount was paid late. It is stated that as soon as the inquiry was completed the amount has been paid.

5. The learned counsel for the applicant pointed out that the show cause notice in the departmental inquiry was issued on dated 04/06/2014 to the applicant after his retirement and the amount to be recovered was only Rs.12,656/- and there was absolutely no reason to withheld the retiral benefits which are amounting to Rs.22,37,351/-. In the reply, it is also admitted that there was administrative lapses in not paying the amount immediately. Even for argument sake, it is accepted that the departmental inquiry was initiated and the said inquiry has been initiated after retirement of the applicant and it is not under Rule 27 of the Maharashtra Civil Services (Pension) Rules,1982. It seems from the papers on record that two years after retirement the applicant received the notice as to why the amount shall not be

recovered from his retiral benefits and the applicant admitted the recovery and deposited the amount and in fact there was no regular inquiry. Even accepting the fact that the difference in the GPF account of Zilla Parishad might have been paid late due to pendency of this inquiry, there was absolutely no reason not to pay the amount of arrears of pension and DCRG and commutation pension within three months of retirement. Thus there seems to be a delay in payment of amount as mentioned in para-8 of the O.A. The reasons tried to be made out in the reply-affidavit for nonpayment of these amounts within stipulated period of three months after retirement are not convincing and therefore the respondents are liable to pay interest from the said amount as per Rule 129A and 129B of the MCS (Pension) Rules,1982. Hence, the following order –

ORDER

(i) The respondents are directed to pay admissible interest on delayed payment of amount of arrears of pension and DCRG as per the Rule 129A and 129B of the MCS (Pension) Rules,1982.

The said interest shall be paid except on the difference of the GPF account which has been transferred from Zilla Parishad to Government GPF account.

(ii) The respondents shall verify and pay the difference in the GPF account which is paid less i.e. Rs.79,366/- shall also be paid to the applicant.

(iii) Both these difference shall be paid as early as possible and in any case within two months from the date of this order. With these directions the O.A. stands disposed of with no order as to costs.

Vice-Chairman (J).

dnk.

dated :- 27/02/2019.

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

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

Dated : 27.02.2019

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

2. The learned P.O. files Pursis dated 27/02/2019 along with the documents. Same are taken on record.

S.O. one week.

Member (J)

dnk.

Dated – 27/02/2019.

O.A.No. 127/2019. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 27th February 2019.

Heard Shri N.R.Saboo, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. The applicant is in service, the Department has taken the decision to relieve the applicant from the service, observing that the 'Kick Boxing Game' is not recognized as a Game and the applicant is not possessing the Validity Certificate.

3. On perusal of the correspondence between the Deputy Director Sports and Youth Service, Amravati Division, Amravati and the Department. It seems that the first question is to be cleared whether the applicant was holding the qualification to apply under Sports Category as per G.R. No. jkdh/A&2002@i7d:68@d; d &2] fnukd 30-04-2005 or whether G.R. No. jkdh/A&2002@i7d:68 fdz d &2] fnukd 01-07-2016 is attracted? It is also necessary to examine, whether the 'Kick Boxing Game' is covered in the

category of 'School Game' as mentioned in the scheduled "A", which is part and parcel of the G.R. dated 30/04/2005?

4. In view of this, matter, as the applicant is still in service till today, therefore, it is necessary in the interest of justice to give him protection till filing of the reply by the respondents.

5. Hence, the respondents are directed **not to relieve the applicant from the service till filing of the reply** by the respondents.

6. Issue notice to the respondents returnable after two weeks. **S.O. two weeks.**

7. **Steno copy is granted.**

Member(J)
Member(A)
Date:-27/02/2019.
aps.

O.A.No. 382/2005. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 27th February 2019.**

M.C.A.20/2016, 21/2018 & 51/2015:-

Heard Shri A.D.Girdekar, 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 4.

2. At the request of Id. Counsel for the applicant, issue fresh notice to the respondent no. 2.

3. Issue notice to R-2, returnable on three 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. three weeks.**

Member(J)

Member(A)

Date:-27/02/2019.

aps.

O.A.No. 68/2016. (D.B.)

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

Dated : 27th February 2019.

M.C.A.01 & 02/2019:-

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

2. It is the contention of the applicant that he was involved in accident and, so, he could not apply for restoration of application in time, therefore, delay be condoned. On perusal of the documents i.e. Medical Certificate and record of the hospital, it seems that, the applicant took Medical treatment for the first time in the month of December, 2018. No record is produced by the applicant to show that after dismissal of the matter in November, 2017 till 21/12/2018, he was under Medical treatment. Hence, no case is established to condone the delay.

**3. Hence, the application
M.C.A.01/2019 for condonation of delay
stands rejected, no order as to costs.**

**Member(J)
Member(A)
Date:-27/02/2019.
aps.**

O.A.No. 843/2017. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 27th February 2019.**

Shri W.N.Nayse holding for Shri G.G.Bade, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

The Id. P.O. filed the reply of respondent nos. 1 to 4. It is taken on record. Copy is served to the other side.

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

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

S.O. in due course.

**Member(J)
Member(A)
Date:-27/02/2019.
aps.**

O.A.No. 920/2017. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 27th February 2019.**

Shri A.I.Sheikh, the Id. Counsel for the applicant, Shri S.A.Deo, the Id. C.P.O. for the respondent nos. 1 to 3 & Shri W.N.Nayse holding for Shri G.G.Bade, the Id. Counsel for the respondent no. 4.

At the request of Id. Counsel for the applicant, **S.O. Tuesday i.e. 05/03/2019.**

**Member(J)
Member(A)
Date:-27/02/2019.
aps.**

O.A.No. 989/2017. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 27th February 2019.**

Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

As per the request of Id. P.O., **S.O.**
two weeks for reply.

Member(J)
Member(A)
Date:-27/02/2019.
aps.

O.A.No. 34/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 27th February 2019.**

None for the applicant. Shri A.M.Ghogre, the Id. P.O. for the respondent nos. 1 to 4 and Shri B.N.Jaipurkar, the Id. Counsel for the respondent no. 5.

The Id. P.O. seeks four weeks time to file reply. **S.O. four weeks.**

**Member(J)
Member(A)
Date:-27/02/2019.
aps.**

O.A.No. 623/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 27th February 2019.**

Shri J.S.Deshmukh, the Id. Counsel for the applicant, Shri S.A.Deo, the Id. C.P.O. for the respondent nos. 1 to 3. None for the respondent no. 4.

The Id. C.P.O. submits that he will file the reply during the course of the day. The Id. C.P.O. further submits that he will supply the copy to the other side. The Id. counsel for the applicant is at liberty to file Rejoinder, if any. Hence, the matter is **admitted** and kept for final hearing.

The Id. C.P.O. waives notices for the respondent nos. 1 to 3.

S.O. 04/04/2019.

Put up this matter along with the O.A.Nos. 921/2018, 922/2018, 07/2019, 08/2019 & 09/2019.

**Member(J)
Member(A)
Date:-27/02/2019.**

aps.

O.A.No. 921/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 27th February 2019.**

Shri J.S.Deshmukh, the Id. Counsel for the applicant, Shri S.A.Deo, the Id. C.P.O. for the respondent nos. 1 & 2. None for the respondent no. 3.

The Id. C.P.O. submits that he will file the reply during the course of the day. The Id. C.P.O. further submits that he will supply the copy to the other side. The Id. counsel for the applicant is at liberty to file Rejoinder, if any. Hence, the matter is **admitted** and kept for final hearing.

The Id. C.P.O. waives notices for the respondent nos. 1 to 3.

S.O. 04/04/2019.

Put up this matter along with the O.A.Nos. 623/2018, 922/2018, 07/2019, 08/2019 & 09/2019.

**Member(J)
Member(A)
Date:-27/02/2019.**

aps.

O.A.No. 922/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 27th February 2019.**

Shri J.S.Deshmukh, the Id. Counsel for the applicant, Shri S.A.Deo, the Id. C.P.O. for the respondent nos. 1 & 2. None for the respondent no. 3.

The Id. C.P.O. submits that he will file the reply during the course of the day. The Id. C.P.O. further submits that he will supply the copy to the other side. The Id. counsel for the applicant is at liberty to file Rejoinder, if any. Hence, the matter is **admitted** and kept for final hearing.

The Id. C.P.O. waives notices for the respondent nos. 1 to 3.

S.O. 04/04/2019.

Put up this matter along with the O.A.Nos. 623/2018, 921/2018, 07/2019, 08/2019 & 09/2019.

**Member(J)
Member(A)
Date:-27/02/2019.**

aps.

O.A.No. 07/2019. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 27th February 2019.**

Shri J.S.Deshmukh, the Id. Counsel for the applicant, Shri S.A.Deo, the Id. C.P.O. for the respondent nos. 1 to 3. None for the respondent no. 4.

The Id. C.P.O. submits that he will file the reply during the course of the day. The Id. C.P.O. further submits that he will supply the copy to the other side. The Id. counsel for the applicant is at liberty to file Rejoinder, if any. Hence, the matter is **admitted** and kept for final hearing.

The Id. C.P.O. waives notices for the respondent nos. 1 to 3.

S.O. 04/04/2019.

Put up this matter along with the O.A.Nos. 623/2018, 921/2018, 922/2018, 08/2019 & 09/2019.

**Member(J)
Member(A)
Date:-27/02/2019.**

aps.

O.A.No. 08/2019. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 27th February 2019.**

Shri J.S.Deshmukh, the Id. Counsel for the applicant, Shri S.A.Deo, the Id. C.P.O. for the respondent nos. 1 to 3. None for the respondent no. 4.

The Id. C.P.O. submits that he will file the reply during the course of the day. The Id. C.P.O. further submits that he will supply the copy to the other side. The Id. counsel for the applicant is at liberty to file Rejoinder, if any. Hence, the matter is **admitted** and kept for final hearing.

The Id. C.P.O. waives notices for the respondent nos. 1 to 3.

S.O. 04/04/2019.

Put up this matter along with the O.A.Nos. 623/2018, 921/2018, 922/2018, 07/2019 & 09/2019.

**Member(J)
Member(A)
Date:-27/02/2019.**

aps.

O.A.No. 09/2019. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 27th February 2019.**

Shri J.S.Deshmukh, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the respondents.

The Id. C.P.O. submits that he will file the reply during the course of the day. The Id. C.P.O. further submits that he will supply the copy to the other side. The Id. counsel for the applicant is at liberty to file Rejoinder, if any. Hence, the matter is **admitted** and kept for final hearing.

The Id. C.P.O. waives notices for the respondent nos. 1 to 3.

S.O. 04/04/2019.

Put up this matter along with the O.A.Nos. 623/2018, 921/2018, 922/2018, 07/2019 & 08/2019.

**Member(J)
Member(A)
Date:-27/02/2019.
aps.**

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

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated: 27th February 2019.**

Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

The Id. P.O. is requested to file reply of respondent no. 1. The Id. Counsel for the applicant is also requested to consult his client, whether he is pursuing for the complaint of enquiry or complaint of trial in the court?

S.O. two weeks.

**Member(J)
Member(A)
Date:-27/02/2019.
aps.**

O.A.No. 564/2017. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 27th February 2019.**

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

As submitted by Id. P.O., reply as well as Rejoinder has filed. Hence, the matter is **admitted** and kept for final hearing.

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

S.O. in due course.

**Member(J)
Member(A)
Date:-27/02/2019.
aps.**

O.A.No. 167/2013. (D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 27th February 2019.

Heard Shri Vishal Anand, the Id.
Counsel for the applicant and Shri
V.A.Kulkarni, the Id. P.O. for the
respondents.

Closed for orders.

Member(J)
Member(A)
Date:-27/02/2019.
aps.

O.A.No. 49/2016. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated: 27th February 2019.**

Mr. Pathak, the Id. Counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondents.

The Id. P.O. filed reply on behalf of the respondent no. 4. It is taken on record. Copy is supplied to the other side.

The Id. Counsel for the applicant desires time to file Rejoinder. **S.O. two weeks.**

**Member(J)
Member(A)
Date:-27/02/2019.
aps.**

O.A.No. 647/2016. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 27th February 2019.**

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

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

**Member(J)
Member(A)
Date:-27/02/2019.
aps.**

O.A.No. 104/2017. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 27th February 2019.

Heard Shri J.B.Gandhi, the Id. Counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondent nos. 1 & 2. None for the respondent nos. 3 & 4.

2. The Id. Counsel for the applicant filed the Judgment of Hon'ble High Court, Mumbai bench at Nagpur in W.P.No.7393 of 2017 which is confirmed by this Tribunal in O.A. No. 105/2017, both are on records.

3. We have perused (Annexure-A-4) at P.B., Pg. No. 29, the result of the written examination in which the applicant scored 62 marks, the respondent no. 3 scored 48 marks and respondent no. 4 scored 38 marks.

4. As per the advertisement, the requirement was that out of 120 marks, the candidate must scored 45 % marks to qualify for the skill test. It further appears

that the respondent nos. 3 and 4 did not score marks more than 45% in the written examination but they were appeared in the Skill test. It seems that from the result of the Skill test dated 07/02/2017 on P.B., Pg.No. 30 (Annexure-A-5) that the applicant scored 55 marks, respondent no. 3 scored 63 marks and respondent no. 4 scored 63 marks.

5. The Department prepared the list at P.B., Pg. No. 32 (Annexure-A-6). In that list, the respondent no. 3 was kept at Sr. No. 1, respondent no. 2 was kept at Sr. No. 2. It appears from the record, that is in violation of the advertisement, the respondent nos. 3 & 4 were permitted to appear in the skill test. Similarly, the department did not considered the aggregate marks of the written and skill test. The applicant has scored highest marks in aggregate marks also.

6. In view of this, considering the Judgment in W.P. No. 7393 of 2017 in case of State of Maharashtra, Technical Education Department & Another, we have no doubt to accept that the respondent nos.

1 & 2 committed illegality in preparing the select list.

7. Hence, the O.A. is allowed. The respondent nos. 1 and 2 are directed to enter the name of the applicant in select list and appoint him in service, if the post is vacant. The directions be complied within

four months from the date of this order.

Member(J)
Member(A)
Date:-27/02/2019.
aps.

O.A.Nos. 195 & 582/2018. (D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 27th February 2019.

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

Closed for orders.

Member(J)
Member(A)
Date:-27/02/2019.
aps.

O.A.No. 445/2010. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 27th February 2019.**

Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondents.

The Id. P.O. today produced the seniority list, the Id. P.O. is directed to supply the copy of the seniority list to the applicant.

S.O. 07/03/2019.

**Member(J)
Member(A)
Date:-27/02/2019.
aps.**

O.A.Nos. 267, 268, 269/2011, 548, 549,

550, 551, 775/2013. (D.B.)

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

Dated: 27th February 2019.

Shri W.N.Nayse holding for Shri G.G.Bade, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

At the request of Id. Counsel for the applicant, **S.O. tomorrow i.e. 28.02.2019.**

The O.A. Nos. 548 to 551/2013 & O.A. No. 775/2013 be treated as P.H.

Member(J)
Member(A)
Date:-27/02/2019.
aps.

O.A.No. 799/11 with C.A.No.312/16
(D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated: 27th February 2019.

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

As per the request of Id. P.O., **S.O.**
two weeks.

Member(J)
Member(A)
Date:-27/02/2019.
aps.

O.A.No. 265/2010. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated: 27th February 2019.**

None for the applicant. Shri H.K.Pande, the Id. P.O. for the respondent nos. 1 & 2. None for the respondent no. 3.

None appeared for the applicant on 13/02/2019, 14/02/2019 and 27/02/2019 also. It seems that the applicant as well as counsel for the applicant is not interested in prosecuting the matter.

Hence, Dismissed in default.

**Member(J)
Member(A)
Date:-27/02/2019.
aps.**

O.A.Nos. 651, 657, 658, 659, 660, 661,
665,

666, 678, 679, 680, 681, 682, 683, 684,
685, 686, 687, 688, 689, 690, 691, 730,
731, 732, 734, 735, 736, 737/2011.
(D.B.)

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

Dated: 27th February 2019.

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

None for the applicant in other
matters i.e. leave than the matter of Shri
A.C.Dharmadhikari.

At the request of Id. Counsel for the
applicant, **S.O. tomorrow i.e. 28.02.2019.**

*Put up this matter along with the
O.A. No.733/2011.*

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

Date:-27/02/2019.
aps.

O.A.No. 733/11 with C.A.234/14.
(D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated: 27th February 2019.**

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

At the request of Id. Counsel for the applicant, **S.O. tomorrow i.e. 28.02.2019.**

Put up this matter along with the O.A.No.651, 657, 658, 659, 660, 661, 665, 666, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 730, 731, 732, 734, 735, 736, 737/2011.

**Member(J)
Member(A)
Date:-27/02/2019.
aps.**

O.A.No. 753/2011. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 27th February 2019.**

Shri A.B.Mahajan, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

As per the request of Id. Counsel for the applicant, **S.O. four weeks.**

**Member(J)
Member(A)
Date:-27/02/2019.
aps.**

O.A.No. 166/2012. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 27th February 2019.**

Shri G.K.Bhusari, 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. Friday i.e. 01/03/2019.**

**Member(J)
Member(A)
Date:-27/02/2019.
aps.**

O.A.No. 166/2012. (D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 27th February 2019.

Shri G.K.Bhusari, the Id. Counsel for
the applicant and Shri , the Id. P.O. for the
respondents.

Member(J)
Member(A)
Date:-27/02/2019.
aps.

O.A.No. 553/2012. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 27th February 2019.**

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

As per the request of Id. P.O., he seeks time to file Rules related to the promotion of the post.

S.O. Wednesday i.e. 06.03.2019.

Matter be treated as P.H.

Matter be kept High On Board.

**Member(J)
Member(A)
Date:-27/02/2019.
aps.**

O.A.No. 63/2013. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 27th February 2019.**

Shri G.K.Bhusari, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

At the request of Id. Counsel for the applicant, **S.O. 08/03/2019.**

**Member(J)
Member(A)
Date:-27/02/2019.
aps.**

O.A.No. 119/2013. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 27th February 2019.**

None for the applicant. Shri A.M.Khadatkar, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent no. 4.

At the request of Id. Counsel for the applicant, **S.O. tomorrow i.e. 28.02.2019.**

**Member(J)
Member(A)
Date:-27/02/2019.
aps.**

O.A.No. 133/2013. (D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 27th February 2019.

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

At the request of Id. Counsel for the
applicant, **S.O. tomorrow i.e. 28.02.2019.**

Member(J)
Member(A)
Date:-27/02/2019.
aps.

O.A.No. 210/2013. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 27th February 2019.**

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

At the request of Id. Counsel for the applicant, **S.O. tomorrow i.e. 28.02.2019.**

**Member(J)
Member(A)
Date:-27/02/2019.
aps.**

O.A.No. 436/2013. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 27th February 2019.**

None for the applicant. Shri A.M.Khadatkar, 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. tomorrow i.e. 28.02.2019.**

**Member(J)
Member(A)
Date:-27/02/2019.
aps.**

O.A.No. 455/2013. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 27th February 2019.**

Shri Deshpande, holding for Shri S.Khandekar, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the respondent nos. 1 to 3. None for the respondent no. 4.

At the request of Id. Counsel for the applicant, **S.O. Friday i.e. 01/03/2019.**

**Member(J)
Member(A)
Date:-27/02/2019.
aps.**

O.A.No. 694/2013. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 27th February 2019.**

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

At the request of Id. Counsel for the applicant, **S.O. tomorrow i.e. 28.02.2019.**

**Member(J)
Member(A)
Date:-27/02/2019.
aps.**

O.A.No. 696/2013. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 27th February 2019.**

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

At the request of Id. Counsel for the applicant, **S.O. tomorrow i.e. 28.02.2019.**

**Member(J)
Member(A)
Date:-27/02/2019.
aps.**

O.A.No. 714/2013. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 27th February 2019.**

Shri D.T.Shinde, the Id. Counsel for the applicant, Shri H.K.Pande, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent no. 4.

At the request of Id. Counsel for the applicant, **S.O. Friday i.e. 01/03/2019.**

**Member(J)
Member(A)
Date:-27/02/2019.
aps.**

O.A.No. 749/2013. (D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 27th February 2019.

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

At the request of Id. Counsel for the
applicant, **S.O. tomorrow i.e. 28.02.2019.**

Member(J)
Member(A)
Date:-27/02/2019.
aps.