

O.A. No. 420/2019 (SB)

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

**Dated : 28.08.2019**

Shri P.K. Bezalwar, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 9/9/2019**.

**Member (J)**

dnk.

O.A. No. 610/2018 (SB)

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

**Dated : 28.08.2019**

Shri A.P. Sadavarte, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1 to 5. None for R-6&7.

At the request of Id. P.O., **S.O.**  
**16/9/2019.**

**Member (J)**

dnk.

O.A. No. 825/2018 (SB)

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

**Dated : 28.08.2019**

None for the applicant. Shri P.N.  
Warjurkar, Id. P.O. for R-1,3&4.

Await service of R-2.

**S.O. three weeks.**

**Member (J)**

dnk.

O.A. No. 180/2019 (SB)

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

**Dated : 28.08.2019**

Shri I.N. Choudhari, Id. counsel for the applicant, Shri A.M. Khadatkhar, Id. P.O. for R-1 to 3 and Shri Saurabh Dube, Id. counsel holding for Shri V.S.Mishra, Id. counsel for R-4.

At the request of Id. P.O. as well as Id. counsel for R-4, **S.O. two weeks** for filing reply as a last chance.

Interim relief to continue till then.

**Member (J)**

dnk.

O.A. No. 252/2019 (SB)

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

**Dated : 28.08.2019**

Ms. R. Pande, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1 to 3. Await service of R-4.

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

3. The learned counsel for the applicant submitted that she will file service report of R-4 within one week. At her request, **S.O. one week.**

**Member (J)**

dnk.

O.A. No. 387/2019 with C.A. 329/19 **(SB)**

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

**Dated : 28.08.2019**

Shri A.P. Sadavarte, Id. counsel holding for Shri R.V. Shiralkar, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. The learned P.O. files reply on behalf of R-2 on O.A. It is taken on record. Copy is served on the applicant.

3. At the request of Id. counsel for the applicant, **S.O. 30/8/2019.**

**Member (J)**

dnk.

O.A. No. 388/2019 (SB)

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

**Dated : 28.08.2019**

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

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

**Heard. Admit.**

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

The applicant is at liberty to file rejoinder, if necessary.

**S.O. 16/9/2019.**

**Member (J)**

dnk.

O.A. No. 405/2019 (SB)

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

**Dated : 28.08.2019**

Shri S.P. Chavhan, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

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

**Member (J)**

dnk.



O.A. No. 551/2019 **(SB)**

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

**Dated : 28.08.2019**

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1&3. Await service of R-2&4.

2. The learned P.O. produced order dated 13/08/2019 and submitted that the earlier transfer of the applicant is cancelled and now the applicant is transferred to Shirkhed, Tq. Morshi, District Amravati.

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

**Member (J)**

dnk.

O.A. No. 570/2019 **(SB)**

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

**Dated : 28.08.2019**

The applicant in person present. Shri  
A.P. Potnis, Id. P.O. for the respondents.

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

**Member (J)**

dnk.

O.A. No. 692/2018 (SB)

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

**Dated : 28.08.2019**

**MCA 60/2019 -**

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

For the reasons stated in the application, the MCA is allowed.

The O.A. be restored to its original file. It be taken up for final hearing.

**O.A. 692/2018 -**

**S.O. 9/9/2019.**

**Member (J)**

dnk.

O.A. No. 693/2018 (SB)

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

**Dated : 28.08.2019**

**MCA 61/2019 -**

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

For the reasons stated in the application, the MCA is allowed.

The O.A. be restored to its original file. It be taken up for final hearing.

**O.A. 693/2018 -**

**S.O. 9/9/2019.**

**Member (J)**

dnk.

O.A. No. 783/2017 (SB)

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

**Dated : 28.08.2019**

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

The matter is admitted for final hearing.

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

**S.O. 5/9/2019.**

**Member (J)**

dnk.

O.A. No. 670/2019 (SB)

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

**Dated : 28.08.2019**

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

2. Issue notice to R-2 & 3, returnable **after two weeks**. Learned C.P.O. waives notice for R-1. Hamdast allowed.

3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

7. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. **S.O. after two weeks.**

**Member (J)**

dnk.

O.A. No. 671/2019 (SB)

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

**Dated : 28.08.2019**

Heard Shri P.M. Tembhurnikar, Id. counsel for the applicant, Shri S.A. Deo, Id. CPO for the State and Shri Amit Kukday, Id. counsel for R-3&4.

2. Issue notice to R-2 & 5, returnable **in three weeks**. Learned C.P.O. waives notice for R-1. Shri Amit Kukday, Id. counsel submitted that he waived notice for R-3&4. 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. three weeks.**

**Member (J)**

dnk.

O.A. No. 673/2019 (SB)

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

**Dated : 28.08.2019**

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. Vide order dated 31/05/2019 the applicant was transferred from BGW Hospital, Gondia to Sub District Hospital, Tiroda, District Gondia. The applicant was relieved from her post on 1/8/2019. When the applicant went to Tiroda to join her duty, the Medical Superintendent refused to allow her to join the duty on the ground that the post was not vacant. Thereafter one order was passed on 19/7/2019 and Dr. Shital Khandelwal earlier who was transferred to Gadchiroli was posted at Tiroda and in the same order there was Schedule-B in which it was mentioned that the applicant's transfer to Tiroda was stayed for a period of two months, but not posting was given to the applicant. Apparently, the conduct of the Authority is reckless that one Medical Officer is kept away from the duty without any reason.

3. It is submitted by the learned CPO that Deputy Director of Health Services, Nagpur passed the order dated 7/8/2019 and

directed the applicant to work at Deori, District Gondia. It is submitted that the applicant recently resumed duty after her delivery, therefore, it is not possible for her to join at Deori. It is submitted that though the posts are vacant at Rajegaon, but the respondents are not intending to post the applicant at Rajegaon. In this situation, I direct the applicant to resume the duty at Deori without prejudice to her right to challenge the order and in the meantime the respondents shall not fill the post of Medical Officer at Rural Hospital, Rajegaon.

4. Issue notice to R-2 to 4, returnable **after three 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.

**S.O. after three weeks.**

**Member (J)**

dnk.

O.A. No. 934/2017 (SB)

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

**Dated : 28.08.2019**

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

**Closed for orders.**

**Member (J)**

dnk.

O.A. No. 29/2018 (SB)

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

**Dated : 28.08.2019**

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

The respondent no.1 is directed to  
take decision on the proposal dated  
11/4/2018 within a period of three months  
from the date of this order.

**S.O. three months.**

**Member (J)**

dnk.

O.A. No. 442/2019 (SB)

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

**Dated : 28.08.2019**

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

**S.O. 3/9/2019 for order.**

**Member (J)**

dnk.

O.A. No. 326/2018 (SB)

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

**Dated : 28.08.2019**

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

2. The applicant was due for transfer, but his grievance is that without considering illness of his mother and other family difficulties posting is given to him. In this regard, the applicant is permitted to make fresh representation to the respondent no.2 mentioning at least 10 options and the respondent no.2 shall consider the representation and decide it within a period of three months from the date of receipt of the representation.

3. The O.A. stands disposed of. No order as to costs.

**Member (J)**

dnk.



O.A. No. 262/2018 (SB)

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

**Dated : 28.08.2019**

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

2. The respondent no.5. shall remain present on the next date and give information as to whether pension case of the applicant was prepared and forwarded to the A.G., if yes, what happened and if not why it was not prepared and forwarded. The respondent no.5 is also directed to clear whether the amounts of Gratuity, GPF, GIS, Leave encashment are given to the applicant or not?

**S.O. 9/9/2019.**

**Member (J)**

dnk.

**Contempt Petition No.19/2019**  
**In O.A. 26/2019**

**Coram :- Shri Shree Bhagwan,  
Vice-Chairman and  
Shri Anand Karanjkar,  
Member (J).**

**Dated :- 28/08/2019.**

Heard Shri S.P. Palshikar,  
learned counsel for the applicant and  
Shri P.N. Warjurkar, learned P.O. for  
the respondents.

**S.O. three weeks** along with  
O.A.26/2019

**Member(J)**

**Vice-Chairman.**

**O.A.No. 26 of 2019 (DB)**

**(Dinesh S/o Jagannath Knonde Vs.  
State of Maharashtra & Ors. )**

**Coram :- Shri Shree Bhagwan,  
Vice-Chairman and  
Shri Anand Karanjkar,  
Member (J).**

**Dated :- 28/08/2019.**

**ORDER**

**Per : Anand Karanjkar : Member (J).**

Heard Shri S.P.

Palshikar, learned counsel for the applicant and Shri P.N. Warjurkar, learned P.O. for the respondent.

2. It is contention of the applicant that specific order was passed on 30/04/2019, after hearing both the sides and direction was given to the respondents to hand over additional charge of the post of Chief Electrical Inspector on retirement of

Shri Bagade as per the seniority list maintained by the Department to the senior most person. This order is not complied till today; therefore, Contempt Petition No.19/2019 is filed by the applicant.

3. Now it is contention of the respondents that when the applicant was on the establishment of the Public Works Department, he committed misconduct. It is submitted that on 20/5/2019 the respondents have received letter from the office of the Chief Engineer (Electrical), Public Works Department. The letter was received by the Chief Engineer (Electrical) dated 1/2/2018 from P.W.D. and proposal to initiate departmental inquiry against the applicant was also forwarded by the

Public Works Department to the Energy Department on the ground that administrative lapses were committed by the applicant. The respondents have also filed the various documents including the complaint lodged by one Jayant Choupane against the applicant regarding his misconduct while working on the establishment of Public Works Department. It is submitted that there are various complaints against the applicant, but fact remains that till today the charge sheet is not served on the applicant. The respondent have also submitted that seniority of the Superintending Engineers in Electrical Department is yet not fixed, therefore, delay caused in complying order. It is submission of the applicant that Shri Bagade was junior to him and neglecting this fact

the charge of the post of Chief Electrical Inspector was entrusted with Shri Bagade.

4. The learned counsel for the applicant invited our attention to the Judgments in O.A.Nos. 235/2014 and 313/2014 filed by Shri Suhas Bagade. The present applicant was party to O.A.235/2014 as respondent no.3. Similarly, he was party to O.A.No. 313/2014 as respondent no.3.

5. In both the matters Shri Bagade claimed that his seniority was wrongly fixed and he was senior to the present applicant. Both the O.As. were decided by the Division Bench of MAT, Mumbai on 3/2/2017. Both the applications were rejected. In the common Judgment on page no.49 the learned Division Bench observed that

*“It is quite clear that the applicant had played a significant role in delaying the appointment of respondent nos. 2 & 3 as Superintending Engineer. As ultimately the challenge of the applicant to their selection before the promotion of the applicant to the post was unsuccessful. The respondent nos. 2&3 were found eligible for appointment as Superintending Engineer by MPSC on 23/09/2010”....*

*“However, the respondent nos. 2&3 were not given appointment on nomination as Superintending Engineer due to various stays obtained by the applicant and his colleague. In any case, as it happened, the respondent nos. 2&3 were appointed as Superintending Engineer before the applicant was promoted to that post. We do not find*

*any substance in the claim of the applicant that he should have been promoted as Superintending Engineer w.e.f. 31/08/2008 or any date before 4/8/2011, the actual date of his promotion. The final seniority list of the Superintending Engineer for the period from 1/1/2013 to 31/12/2014, published on 28/04/2015 appear to as per the actual dates on which the persons were appointed on the post of Superintending Engineer and the claim of the applicant that he is eligible to be shown as senior to the respondent nos. 2&3 is not tenable.”*

6. It is clear from the above observations that there was no more issue of the seniority and challenge to the seniority list, but in spite of decision delivered in the year 2017, no



steps were taken by the respondents to confirm the seniority of the Superintending Engineers.

7. It is submission of the applicant that the respondents are interested only in giving additional charge of the post of Chief Electrical Inspector to the junior person to the applicant and therefore the respondents have deliberately not complied the order dated 30/04/2019 giving the reason that the seniority list is not confirmed by the Department. It is submitted that now the respondents are collecting material to defeat the claim of the applicant and therefore the respondents are collecting information to initiate the departmental proceeding against the applicant on one ground or other. It is submitted

that as the charge sheet is not served on the applicant till today, therefore, direction be given to the respondents to hand over charge of the Chief Electrical Inspector to the applicant till further orders.

8. In the reply it is contention of the learned CPO that in view of the complaints received by the Government against the applicant and those complaints were regarding the misconduct of the applicant when he was on establishment of the Public Works Department, therefore, the Government is facing difficulties as at present applicant is on the establishment of the Energy and Industries Department. It is submitted that it is right of the Disciplinary Authority to initiate action against the

applicant and considering this fact it is not suitable to hand over the charge of the post of Chief Electrical Inspector to the applicant.

9. In this regard, we would like to point out that when earlier reply was filed by the respondents there was no whisper about any complaint against the applicant and the respondents raised this ground after order dated 30/04/2019. It is pertinent to note that the order dated 30/04/2019 was neither complied nor challenged before the Hon'ble High Court till 4/6/2019 or till today and when the notice of Contempt was received, this stand is raised by the respondents. The learned CPO has also submitted that the Circular is issued by the Government of

Maharashtra on 5/9/2018 which is at page no.65. It is submitted that liberty be given to the Government to decide the issue in view of the guidelines in the Circular. In Para-2 of the Circular guidelines are issued by the Government. The guidelines (1) is as under –

^%1½ egkjk"V"ukxjh I dk %oru½ fu; e]1981 e/khy fu; e 56 ud kj 'kkI dh; deþk&; kcdMsr; kR; k Lor%P; k inko; frfjDr nd &; k inpk vfrfjDr dk; Hkkj I ki fo.; kr ; srtj vl k gk nd &; k fjDr vl yS; k inpk vfrfjDr dk; Hkkj] , dkp izkkl dh; foHkkxkarxR] izkkl dh; I ks o fudM y{kkR ?kou 'kD; rts R; kp dk; ky; krhy] R; kp I dxlRhy I okR I dk tSB] vuHkoh o dk; kke vf/kdkjh@deþk&; kcdMs I ki fo.; kr ; kok- tFksvl svf/kdkjh@deþkjh mi yC/k ul rhy rFksI ad/kr inkyk yxr vl yS; k fuEu I dxlRhy I okR tSB vf/kdkjh@deþk&; kdk vfrfjDr dk; Hkkj ns; kr ; kok- dkgk ckcheGs I okR tSB vf/kdkjh@deþkjh ; kdk Mkoyu urjP; k 0; Drhyk vfrfjDr dk; Hkkj ?kko; kpk

*vl sy rj l okl tsB 0; Drh vfrfjDr dk; Hkkjkl kBh dk  
vik= vlgS R; kph ysqh dkj .ks vfhkVli .khr uem  
djkoht-\**

10. After reading Para-2, Clause-1 it is clear that ordinarily the additional charge of the higher post be kept with the senior most Officer or the Government servant considering his seniority, experience and industry. Similarly it is observed in the Clause-1 that in the event if it is desire of the Government to hand over additional charge to some junior officer, then it is necessary to record the special reasons how and why the senior Government Officer is not suitable. The Government is bound to record the reasons in writing. On the basis of this, it is contention of the learned CPO that liberty be given to the respondents to comply the order dated

30/4/2019 as per the guidelines in the Circular.

11. We are of the firm view that as the guidelines are issued by the Government; the said guidelines are binding and must be followed while passing the order to keep additional charge of the higher post. We cannot issue direction to the Government that without considering the guidelines in the Circular dated 5<sup>th</sup> September,2018 the charge be handed over to the senior most person. In view of this, we pass the following order-

**ORDER**

The Government is directed to comply the order dated 30/04/2019 keeping in view the guidelines in Government Circular

dated 5<sup>th</sup> September,2018 within two weeks from the date of this order.

**S.O. three weeks.**

**(Anand Karanjkar)  
(Shree Bhagwan)  
Member(J).  
Vice-Chairman.**

**Dated :- 28/08/2019.**

\*Dnk

O.A.No.309/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :28<sup>th</sup> Aug. 2019.**

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

2. At the request of Id. P.O., **S.O. 17.09.2019** as a last chance to file reply.

**Chairman**  
**Date:-28/08/2019.**  
aps.

**Vice**



O.A.No.544/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :28<sup>th</sup> Aug. 2019.**

Heard Shri N.S.Ingole holding for Shri M.V.Joshi, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. three weeks for reply.**

**Chairman**  
**Date:-28/08/2019.**  
aps.

**Vice**

O.A.No.682/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :28<sup>th</sup> Aug. 2019.**

Heard Smt. P.T.Joshi, the Id. Counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the State and Shri B.N.Jaipurkar, the Id. counsel for the respondent nos. 2 & 3.

2. The Id. counsel for the respondent nos. 2 and 3 filed affidavit-in-reply. It is taken on record. Copies are served to the other side. The Id. P.O. further submits that reply of respondent no. 1 is not necessary.

3. As submitted by Id. P.O. that the impugned order has been passed by respondent no. 3. The Id. counsel for the applicant desires to file reply.

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

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

**6. S.O. 18.08.2019.**

*7. The Id. counsel for the applicant is at liberty to file Rejoinder, if any.*

**Chairman**  
**Date:-28/08/2019.**

**Vice**

aps.

O.A.No.10/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :28<sup>th</sup> Aug. 2019.**

Heard Shri V.A.Deshpande holding for Ms. N.S.Pathan, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. The Id. P.O. desires one week time to file reply. **S.O. one week.**

**Chairman**  
**Date:-28/08/2019.**  
aps.

**Vice**

O.A.No.297/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :28<sup>th</sup> Aug. 2019.**

**C.A.No.261/19:-**

Heard Shri S.S.Kharajkar holding for Shri S.S.Dhengale, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant submits that his senior is not feeling well. At his request,  
**S.O. two weeks.**

**Vice**

**Chairman**  
**Date:-28/08/2019.**  
aps.

O.A.No.541/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :28<sup>th</sup> Aug. 2019.**

None for the applicant. Shri S.A.Deo, the  
Id. C.P.O. for the State. Await service of  
respondent nos. 2 to 4.

2. S.O. in due course.

**Vice**

**Chairman**  
**Date:-28/08/2019.**  
aps.

O.A.No.933/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :28<sup>th</sup> Aug. 2019.**

Heard Shri A.B.Tikle, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

2. The Id. P.O. filed affidavit-in-reply on behalf of the respondent nos. 1, 3, 4 & 6. The same is taken on record. Copy is served to the other side. He further submits that reply of respondent no. 5 is not required.

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

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

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

6. *The Id. counsel for the applicant is at liberty to file Rejoinder, if any.*

**Vice**

**Chairman**

**Date:-28/08/2019.**

aps.

O.A.No.545/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :28<sup>th</sup> Aug. 2019.**

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

2. The Id. C.P.O. seeks three weeks time to  
file Reply. **S.O. three weeks.**

**Vice**

**Chairman**  
**Date:-28/08/2019.**  
aps.



O.A.No.672/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :28<sup>th</sup> Aug. 2019.**

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

2. Matter is come for the first time. The Id. counsel for the applicant relying in G.A.D., G.R. dated 09/07/2019.

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

**Chairman**  
**Date:-28/08/2019.**  
aps.

**Vice**

O.A.No.181/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :28<sup>th</sup> Aug. 2019.**

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

2. S.O. 29.08.2019.

**Chairman**  
**Date:-28/08/2019.**  
aps.

**Vice**

O.A.No.794/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :28<sup>th</sup> Aug. 2019.**

Heard Shri S.M.Khan, the Id. Counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondents.

2. The Id. P.O. submits that nowhere in the Rule it is mentioned that the post should be filled in rotation i.e. firstly by promotion and secondly by nomination. However, in para no. 2, it is mentioned that department is requested on 22.06.2015 to fill up the post by nomination and for that M.P.S.C. has taken interview. However, O.A. No. 110/2018 is pending with M.A.T., Mumbai Bench and because of that M.P.S.C. has not declared the result.

3. In view of this, any intervention at this stage regarding the applicant will create further complication. The Id. P.O. and the Id. counsel for the applicant are directed to produce the Judgment in the O.A. No. 110/2018 of Principle Bench. Afterword this O.A. will decide.

4. **S.O. eight weeks.**

5. *Matter is treated as P.H.*

**Vice**

**Chairman**  
**Date:-28/08/2019.**  
aps.



O.A.No.735/2016 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :28<sup>th</sup> Aug. 2019.**

Heard Shri M.R.Rajgure, the Id. Counsel for the applicant, Shri S.A.Sainis, the Id. P.O. for the respondent nos. 1 & 2 and Shri V.G.Wankhede, the Id. counsel for the respondent no. 3.

2. As submitted by Id. counsel for the respondent no. 3, the applicant was recruited in 1979 and passed examination in 1982. He was promoted to the post of Assistant Engineer on 01.04.1985. However, the Id. counsel for the applicant submits that, that was not promotion. It has been decided by Hon'ble High Court in its Judgments. The Id. counsel for the applicant is requested to produce Hon'ble High Court Judgment as well as pay scale of previous post and the post he was given in 1985 and pay scale of 01.04.1985.

3. **S.O. four weeks.**

**Vice**

**Chairman**

**Date:-28/08/2019.**

aps.

O.A.No.540/2016 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :28<sup>th</sup> Aug. 2019.**

Heard Shri R.M.Tiwari holding for Shri C.A.Joshi, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O.**  
**11/09/2019.**

**Chairman**  
**Date:-28/08/2019.**  
aps.

**Vice**

O.A.No.382/2017 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :28<sup>th</sup> Aug. 2019.**

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

2. S.O. in due course.

**Chairman**  
**Date:-28/08/2019.**  
aps.

**Vice**



**O.A.Nos.443/2017,96,215,246,33/2018**

**(S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**

**Dated :28<sup>th</sup> Aug. 2019.**

Heard Shri N.R.Saboo, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. All the matters are having similar grievances and similar kind of redressal also as pointed out by Id. counsel for the applicant in O.A. No. 680/2017 the order was passed by this Tribunal which have common Judgments in O.A. Nos. 782/2016, 823/2016, 54/2017, 56/2017, 680/2017, 681/2017, 32/2018, 670/2017 delivered on 01/08/2019.

**3. Closed for orders.**

**Vice**

**Chairman**

**Date:-28/08/2019.**

aps.

O.A.No. 219/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :28<sup>th</sup> Aug. 2019.**

Heard Shri A.A.Dhawas, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. As similar matter i.e. in O.A. Nos. 443/2017, 96/2018, 215/2018, 246/2018 & 33/2018 are closed on the same day. Hence, **this matter is also closed for orders.**

**Chairman**  
**Date:-28/08/2019.**  
aps.

**Vice**

**O.A 845/2012 (D.B.)**

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

**Dated : 28.8.2019**

None for the applicant and heard Shri S.A  
Sainis, Ld. P.O. for the respondents.

2. S.O two weeks.

**Member(J)  
Chairman  
(akn)**

**Vice**

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

**Dated : 28.8.2019**

**C.A 368/18**

Heard Shri, H.S Rahangdale, Ld. Counsel for the applicant and Shri A.P Potnis, Ld. P.O. for the respondents.

2. After reading para 2 of the Civil Application, we are satisfied that the delay is not intentional. Hence Civil Application is **allowed**. No order as to costs.

**O.A St. No. 1875/2018**

Issue notice to the Respondents returnable after four weeks.

2. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

3. 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.

4. 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.

5. 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.

6. 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.

7. **S.O four weeks.**

**Member(J)**  
**Chairman**  
(akn)

**Vice**

**O.A No 561/2019 (D.B.)**

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

**Dated : 28.8.2019**

Heard Shri, J.S Wankhede, Ld. Counsel for the applicant and Shri A.M Ghogre, Ld. P.O. for the respondents.

2. At the request of learned P.O three weeks time is granted to file reply.

3. **S.O three weeks.**

**Member(J)**  
**Chairman**  
(akn)

**Vice**

**R.A 17/15 in O.A 777/2012 (D.B.)**

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

**Dated : 28.8.2019**

Heard Shri, P.A Jibhkate, Ld. Counsel for the applicant and Shri H.K Pande, Ld. P.O. for the respondents 1 to 3 and Shri K.S Motwani, learned advocate for Respondent no. 4.

2. Learned Counsel for Respondent no. 4 files reply to the Review Application.

3. Learned P.O submits that the State has already file reply.

4. Matter be kept for final hearing after three weeks.

5. **S.O three weeks.**

**Member(J)  
Chairman  
(akn)**

**Vice**



**C.A 285/2019 in O.A 41/2019 (D.B.)**

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

**Dated : 28.8.2019**

Heard Shri, M.R Khan, Ld. Counsel for the applicant and Shri H.K Pande, Ld. P.O. for the respondents 1 to 3 and Shri A.R Fule, learned advocate for Respondent nos 4 & 5.

2. Learned P.O states that one weeks' time is required to file reply to the O.A as well as C.A.

3. Learned advocate for Respondent no. 4 is directed to make submission before this bench as to why amount of GPF & GIS are not paid to the applicant.

4. **S.O one week.**

**Member(J)  
Chairman  
(akn)**

**Vice**

**O.A No 147/2019 (D.B.)**

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

**Dated : 28.8.2019**

Heard Shri S.M Khan, Ld. Counsel for the applicant and Shri A.M Khadatkar, Ld. P.O. for the respondents.

2. On the request of learned P.O, three weeks time is granted as a last chance.
3. **S.O three weeks.**

**Member(J)  
Chairman  
(akn)**

**Vice**

**O.A No 465/19(C) (D.B.)**

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

**Dated : 28.8.2019**

Heard Shri A.N Wankhede, Ld. Counsel for the applicant and Shri A.M Khadatkar, Ld. P.O. for the respondents.

2. Learned counsel for the applicant is directed to file service affidavit.
3. At the request of the learned P.O, three weeks' time is granted.
4. **S.O three weeks.**

**Member(J)  
Chairman  
(akn)**

**Vice**

**O.A No 647/2019 (D.B.)**

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

**Dated : 28.8.2019**

Heard Shri A.P Tathod, Ld. Counsel for the applicant and Shri Shrikant Deo, Ld. C.P.O. for the respondents.

2. Learned counsel for private Respondent is directed to file the relevant documents referred by him today and give a copy of the same of the applicant.

3. S.O to 29.8.2019.

**Member(J)  
Chairman  
(akn)**

**Vice**

**O.A No 932/2017 (D.B.)**

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

**Dated : 28.8.2019**

Heard Shri, S.P Palshikar, Ld. Counsel for the applicant and Shri A.M Khadatkar, Ld. P.O. for the respondents.

2. On the request of learned advocate for applicant and learned P.O for the Respondents, adjourned to tomorrow only for compliance of the earlier order.

3. S.O 29.8.2019.

**Member(J)  
Chairman  
(akn)**

**Vice**

**O.A Nos 646, 647, 648 & 723/2018 (D.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D. Karanjkar, Member(J)**

**Dated : 28.8.2019**

Heard Shri N.R Saboo, learned counsel for the applicants and Shri A.M Ghogre, Shri P.N Warjurkar, Shri M.I. Khan and Shri H.K Pande, Ld. P.O. for the respondents.

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

**Member(J)  
Chairman  
(akn)**

**Vice**

**O.A No 217/2018 (D.B.)**

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

**Dated : 28.8.2019**

Heard Shri N.C Phadnis, Ld. Counsel for the applicant and Shri A.M Ghogre, Ld. P.O. for the respondents.

2. At the request of learned advocate for the applicant, two weeks time is granted.
3. **S.O two weeks.**

**Member(J)  
Chairman  
(akn)**

**Vice**

**C.A 213/2019 in O.A No 508/2018 (D.B.)**

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

**Dated : 28.8.2019**

Heard Shri P.N Shende, Ld. Counsel for the applicant and Shri P.N Warjurkar, Ld. P.O. for the respondents.

2. At the request of learned P.O, one weeks time is granted.
3. **S.O one week.**

**Member(J)  
Chairman  
(akn)**

**Vice**



**O.A No 1007/2018 (D.B.)**

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

**Dated : 28.8.2019**

Heard Shri S.C Deshmukh, Ld. Counsel for the applicant, Shri P.N Warjurkar, Ld. P.O. for the respondents no 1 to 3 and Shri P.S Wathore, learned advocate for Respondents no 5, 6, 8, 9, 10, 11, 12, 14, 15, 16 & 17.

2. Closed for orders.

**Member(J)  
Chairman  
(akn)**

**Vice**

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

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

**Dated : 28.8.2019**

Heard Shri H.D Marathe, Ld. Counsel for the applicant and Shri H.K Pande, Ld. P.O. for the respondents.

2. **S.O three weeks.**

**Member(J)  
Chairman  
(akn)**

**Vice**

