

O.A. 576/2016

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

**Dated : 28.07.2017.**

**C.A.250/2017 –**

Heard Shri A.P Sadavarte, Id. counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the respondents.

2. The delay for filing the O.A. is of 165 days. Since the matter of the applicant is under consideration of the competent authority, the delay in filing the O.A. is condoned in the interest of justice also considerably contents of the C.A. The C.A. is accordingly disposed of with no order as to costs.

**O.A.576/2016 –**

The applicant has claimed directions to the respondents to fix his pay as per G.R. dated 24/3/1994, as per the Maharashtra Civil Services (Pay) Rules,1981 and also grant all the retiral pensionary benefits along with the continuity in services.

2. In the reply-affidavit filed by respondent no.3, it is stated that the

respondent has received the representation of the applicant and after going through it and the appropriate procedure laid down, a proposal has been sent to respondent no.1 on 20/5/2015 and that appropriate action will be taken on the said recommendation. In view thereof, the applications stands disposed of with following order :-

**ORDER**

The respondent no.1 is directed to take decision on the proposal dated 20/05/2015 sent to him by respondent no.3 in respect of applicant's claim in the representation. The requisite appropriate action shall be taken within three months from the date of this order and the same shall be communicated to the applicant in writing . No order as to costs.

Steno copy be given to the learned counsel for parties.

**Vice Chairman (J)**

dnk.

O.A. 319/2017

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

**Dated : 28.07.2017.**

Shri S.B. Tiwari, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the Respts.

Ld. P.O. files reply on behalf of R-2&3. Same is taken on record. Copy is given on the applicant.

In view thereof, the matter is admitted and kept for final hearing.

Ld. P.O. waives notice for the respondents.

At the request of Id. counsel for the applicant, **S.O. 31/7/2017** for final hearing.

**Vice Chairman (J)**

dnk.

O.A. 128/2017

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

**Dated : 28.07.2017.**

None for the applicant. Smt. S.V. Kolhe, Id. P.O. for the respondents.

2. In view of the order dated 21/7/2017, the Id. P.O. has taken instructions from the competent authority and submits that due to retirement of one the employee, one post of Subhedar is available at Central Jail, Nagpur. However, the applicant cannot be accommodated on that post since there are number of senior persons who have made representations for consideration of their claims at Nagpur. The communication received by the learned P.O. is placed on record and marked Exh-X for the purposes of identification. Even though matter was part heard none appeared for the applicant. Hence, it be kept on **31/7/2017**. (P.H.)

**Vice Chairman (J)**

dnk.

O.A. 648/2016

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

**Dated : 28.07.2017.**

**C.A.339/2017 –**

None for the applicant. Shri M.I. Khan, Id. P.O. for the respondents.

2. Perused the application for amendment. For the reasons stated in the application, the application for amendment is allowed. The applicant shall provide the copy of the amended O.A. to the Id. P.O. The learned P.O. to file reply to the amended O.A.

In view thereof, the C.A. stands disposed of.

**O.A.648/2016 –**

**S.O. four weeks.**

**Vice Chairman (J)**

dnk.

O.A. 219/2017

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

**Dated : 28.07.2017.**

None for the applicant. Shri V.A. Kulkarni, Id. P.O. for R-1. Await service of R-2&3.

It seems that notices are not served on R-2&3. The applicant to file service affidavit till the next date.

**S.O. four weeks.**

**Vice Chairman (J)**

dnk.

O.A. 296/2017

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

**Dated : 28.07.2017.**

Shri S.N. Gaikwad, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1. Await service of R-2&3.

2. At the request of Id. counsel for the applicant, **S.O. two weeks** to file service affidavit of R-2&3.

**Vice Chairman (J)**

dnk.

O.A. 440/2017

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

**Dated : 28.07.2017.**

Shri P.P. Khaparde, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1. Await service of R-2 to 4.

2. At the request of Id. counsel for the applicant, **S.O. one week** to file service affidavit of R-2 to 4.

**Vice Chairman (J)**

dnk.



O.A. 658/2016 with C.A.495/2016

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

**Dated : 28.07.2017.**

Shri P.P. Khaparde, Id. counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the respondents.

Rejoinder is not filed. Since the pleadings are complete, the matter is admitted and kept for final hearing.

Ld. P.O. waives notice for the respondents.

**S.O. Next week.**

**Vice Chairman (J)**

dnk.

O.A. 735/2016

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

**Dated : 28.07.2017.**

Shri M.R. Rajgure, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1&2 and Shri V.G.Wankhede, Id. counsel for R-3.

Shri Wankhede, Id. counsel files submission on behalf of R-3. It is taken on record. Copy is given to the applicant. The learned counsel for the applicant seeks time to go through the same.

**S.O. two weeks** for filing rejoinder, if any.

**Vice Chairman (J)**

dnk.

O.A. 804/2016

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

**Dated : 28.07.2017.**

None for the applicant. Shri V.A. Kulkarni, Id. P.O. for the respondents.

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

Ld. P.O. waives notice for the respondents.

**S.O. four weeks.**

**Vice Chairman (J)**

dnk.

O.A. 807/2016

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

**Dated : 28.07.2017.**

Shri P.P. Khaparde, Id. counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the respondents.

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

The learned counsel for the applicant may file rejoinder, if any, however, copy will be served to the Id. P.O.

Ld. P.O. waives notice for the respondents.

**S.O. four weeks.**

**Vice Chairman (J)**

dnk.

O.A. 151/2017

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

**Dated : 28.07.2017.**

Heard Shri R.S. Parsodkar, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

Ld. P.O. seeks time to file reply-affidavit, in fact a last chance was already granted on 21/7/2017 and it is expected that the reply will be filed today itself. However, a most last chance is granted with clear understanding that in case the reply is not filed on the next date, heavy cost will be saddled and the matter will be proceeded without reply.

**S.O. two weeks.**

**Vice Chairman (J)**

dnk.

O.A. 03/2014

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

**Dated : 28.07.2017.**

Heard Shri P.D. Meghe, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the Respts.

At the request of Id. P.O., **S.O.**  
**1/8/2017. (P.H.)**

**Vice Chairman (J)**

dnk.

O.A. 18/2014

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

**Dated : 28.07.2017.**

None for the applicant.

Shri V.A. Kulkarni, Id. P.O. for the  
Respts.

From the record it seems that nobody appeared for the applicant. The application has been dismissed in default but was restored and after restoration nobody appeared for the applicant.

The matter is therefore heard on the part of Id. P.O. and it is **closed for orders.**

**Vice Chairman (J)**

dnk.

O.A. 488/2016

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

**Dated : 28.07.2017.**

None for the applicant.

Shri A.M. Khadatkar, Id. P.O. for R-1&2 and Shri A.M. Kukday, Id. counsel for R-3.

Perused the record. Heard the Id. P.O. and the Id. counsel for R-3. After hearing the matter on merits, it is **closed for orders.**

**Vice Chairman (J)**

dnk.



O.A. 716/2016

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

**Dated : 28.07.2017.**

None for the applicant. Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. It seems that on the last date most last chance was granted for filing reply, but no reply is yet filed. However, with a view to afford one more opportunity, most last chance is granted to file reply with clear understanding that in case reply is not filed on the next date, heavy cost will be saddled.

**S.O. two weeks.**

Steno copy be given to the Id. P.O.

**Vice Chairman (J)**

dnk.

O.A. 420/2017

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

**Dated : 28.07.2017.**

Heard Shri S.M. Khan, Id. counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the respondents.

2. The applicant prayed for quashing and setting aside the order dated 30/4/2017 issued by respondent no.3. Vide said letter the applicant's claim for time bound promotion scheme w.e.f. 26/12/1995 has been rejected. The learned P.O. submits that the applicant retired on 30/8/2011 and for the first time he has filed representation for getting such benefits on 7/1/2017 and in the said representation is claiming benefit w.e.f. 26/12/1995. The application is therefore barred by limitation. The matter shall be heard on the point of maintainability.

**S.O. two weeks** on the point of maintainability.

**Vice Chairman (J)**

dnk.

O.A. 426/2017

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

Dated : 28.07.2017.

Heard Shri S.M. Khan, Id. counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the respondents.

2. The applicant claimed for granting deemed date of promotions as Head Constable w.e.f. 19/11/1978 and as Assistant Sub Inspector w.e.f. 3/9/1993. The applicant got retired on 31/1/2010 and the application is filed on 28/6/2017. The application is therefore barred by limitation. The matter shall be heard on the point of maintainability.

S.O. two weeks on the point of maintainability.

Vice Chairman (J)

dnk.

O.A. 313/2017

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

**Dated : 28.07.2017.**

Heard Shri N.D. Thombre, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1 to 3 and none for R-4.

2. In the O.A. the applicant has challenged impugned order of transfer dated 31/5/2017 issued by respondent no.2 whereby he has been transferred from the post of Assistant Superintendent, National Fileria Control Unit, Nagpur to Sub District Hospital, Ramtek, Dist. Nagpur. The applicant has not yet been relived. It is the case of applicant is that his daughter is studying in 12<sup>th</sup> Standard and therefore he requested that he may not be transferred at least for this session.

3. It is the case of the respondents that the applicant's representation for not

to transfer him was already dismissed prior to his transfer and therefore the same cannot be considered.

4. The learned counsel for the applicant states that during the pendency of this O.A., the respondent no.4 was transferred in place of applicant has been promoted as Assistant Superintendent and has been transferred to the office of District Malaria Officer, Chandapur. The said order is placed on record and marked Exh-X for the purposes of identification.

5. The learned counsel for the applicant submits that he may be allowed to file fresh representation claiming extension of his tenure at least till academic session of this year so that he can look after his daughter's studies and since he has not been relieved as yet, he may be continued in the said post till representation is considered. He seeks permission to withdraw the O.A. on instructions. In view of this new development, the application can be disposed of as withdrawn and hence the following order :-

#### **ORDER**

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

applicant will be at liberty to file fresh representation within a week. The learned counsel for the applicant submits

that the applicant will file representation within a week. If such representation is filed and received by the respondents, the respondent no.2 shall take decision thereon as per rules and regulations within further period of three weeks from the date of receipt of representation and the decision thereon shall be communicated to the applicant in writing. The respondent no.2 is directed not to relive the applicant till the decision is taken on the representation.

**Vice Chairman (J)**

dnk.

**O.A. No. 98/2016.**

**Coram : The Hon'ble Shri Justice A.H. Joshi,  
Chairman**

**Dated : 28<sup>th</sup> July 2017.**

**C.A. No.31/2017 in C.P.(St.)No.193/2017.**

Heard Shri S.R. Charpe, the learned Advocate for the applicants and Shri H.K. Pande, the learned P.O. for the respondents.

Learned P.O. has tendered affidavit in reply affirmed by R.4 It is taken on record. The learned Advocate for the applicants prays for 2 weeks time for filing rejoinder. Rejoinder, if any, be filed within two weeks.

**S.O.31.8.2017.**

Chairman

pdg

**O.A. No. 75/2016.**

**Coram : The Hon'ble Shri Justice A.H. Joshi,  
Chairman**

**Dated : 28<sup>th</sup> July 2017.**

**C.A. No.63/2017 in C.P.(St.)No.248/2017.**

None for the applicant. Shri A.M. Khadatkar, the learned P.O. for the respondent Nos. 1 to 3. None for R.4.

At the request of P.O., S.O. to **31.8.2017.**

Chairman

pdg



**O.A. No. 42/2016.**

**Coram : The Hon'ble Shri Justice A.H. Joshi,  
Chairman**

**Dated : 28<sup>th</sup> July 2017.**

**C.A. No.64/2017 in C.P.(St.)No.246/2017.**

None for the applicant. Shri A.M. Ghogre, the learned P.O. for the respondent Nos. 1 to 3. Shri S.S. Shinde, Advocate for R.4.

At the request of P.O., S.O. to **31.8.2117.**

Chairman

pdg

**O.A. No. 259/2003.**

**Coram : The Hon'ble Shri Justice A.H. Joshi,  
Chairman**

**Dated : 28<sup>th</sup> July 2017.**

**C.A. No.78/2017 in C.P.(St.)No.417/2017.**

Heard Shri S.S. Ghate, the learned Advocate for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondent Nos. 1 to 3.

The learned Advocate for the applicant prays for time to discuss the aspects disclosed in contemnors' affidavit.

**S.O.. 1.9.2017.**

Chairman

pdg

**O.A. No. 419/2017.**

**Coram : The Hon'ble Shri Justice A.H. Joshi,  
Chairman**

**Dated : 28<sup>th</sup> July 2017.**

**C.A. No.282/2017.**

1. Heard Shri J.C. Shukla, the learned Advocate for the applicants and Shri S.A. Deo, the learned C.P.O. for the respondents.
2. By this C.A., the applicants are seeking leave to sue jointly. For the reasons stated in the C.A., leave to sue jointly as prayed for is granted, subject to the applicants' paying requisite Court fees, if not already paid. C.A. is disposed of accordingly.

(Justice A.H. Joshi)

Chairman

pdg

**O.A. No. 419/2017.**

**Coram : The Hon'ble Shri Justice A.H. Joshi,  
Chairman**

**Dated : 28<sup>th</sup> July 2017.**

1. Heard Shri J.C. Shukla, the learned Advocate for the applicants and Shri S.A. Deo, the learned C.P.O. for the respondents.
2. Learned Advocate for applicant prays for leave to amend by substituting O.A. Leave to amend by substitution is granted.

S.O. to **31.8.2017.**

(Justice A.H. Joshi)

Chairman

pdg

**O.A. No. 499/2016.**

**Coram : The Hon'ble Shri Justice A.H. Joshi,  
Chairman**

**Dated : 28<sup>th</sup> July 2017.**

**C.P. No.05/2017.**

Heard Shri M.V. Mohokar, the learned Advocate for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

At the request of Ld. P.O., S.O. 7.8.2017.

Chairman

pdg

**O.A. No. 652/2015.**

**Coram : The Hon'ble Shri Justice A.H. Joshi,  
Chairman**

**Dated : 28<sup>th</sup> July 2017.**

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

**ADMIT.**

Shri P.N. Warjekar, the learned P.O. waives service for the respondents.

To come up for hearing in due course.

Chairman

pdg

**O.A. No. 536/2016.**

**Coram : The Hon'ble Shri Justice A.H. Joshi,  
Chairman**

**Dated : 28<sup>th</sup> July 2017.**

Heard Shri N.S. Munghate, the learned Advocate for the applicant and Shri H.K. Pande, the learned P.O. for the respondent Nos. 1 to 4. None for R.5.

At the request of learned Advocate for the applicant, S.O. **10.8.2017.**

Chairman

pdg



**O.A. No. 834/2016.**

**Coram : The Hon'ble Shri Justice A.H. Joshi,  
Chairman**

**Dated : 28<sup>th</sup> July 2017.**

None for the applicant.

Heard Shri P.N. Warjekar, the learned  
P.O. for the respondents.

**ADMIT.**

Shri P.N. Warjekar, the learned P.O.  
waives notice for the respondents.

To come up for hearing in due course.

Chairman

pdg

**O.A. No. 10/2017.**

**Coram : The Hon'ble Shri Justice A.H. Joshi,  
Chairman  
Dated : 28<sup>th</sup> July 2017.**

Heard Shri N.S. Munghate, Adv. holding for Shri R.V. Shiralkar, the learned Advocate for the applicant and Shri H.K. Pande, the learned P.O. for the respondents.

At the request of the learned Advocate for the applicant, S.O. **31.8.2017.**

Interim relief to continue till then.

Chairman

pdg

**O.A. No. 365/2017.**

**Coram : The Hon'ble Shri Justice A.H. Joshi,  
Chairman**

**Dated : 28<sup>th</sup> July 2017.**

Heard Shri R.S. Suryawanshi, the learned Advocate for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

At the request of the learned Advocate for the applicant, S.O. **1.8.2017.**

Chairman

pdg

**O.A. No. 446/2017.**

**Coram : The Hon'ble Shri Justice A.H. Joshi,  
Chairman  
Dated : 28<sup>th</sup> July 2017.**

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

At the request of the learned P.O., S.O. **1.8.2017** for filing reply.

Chairman

pdg

**O.A. No. 482/2017.**

**Coram : The Hon'ble Shri Justice A.H. Joshi,  
Chairman  
Dated : 28<sup>th</sup> July 2017.**

Heard Shri N.D. Thombre, the learned Advocate for the applicant and Smt. S.V. Kolhe, the learned P.O. for the respondent Nos.1 to 3. None for R.4.

Ld. P.O. states that the order terminating applicant's services is withdrawn.

Hence present O.A. is disposed of as withdrawn.

Chairman

pdg

**O.A. No. 520/2016.**

**Coram : The Hon'ble Shri Justice A.H. Joshi,  
Chairman**

**Dated : 28<sup>th</sup> July 2017.**

1. Heard Mrs. J.S. Aute, the learned Advocate for the applicants and Shri M.I. Khan, the learned P.O. for the respondents.
2. Applicant has challenged the order of rejection of validation of sports certificate which is passed on 16.7.2016 by the respondent No.2.
3. Reasons due to which impugned order is wrong or illegal are not averred in O.A.
4. It is also not shown that the association namely Maharashtra Tug of War Association has affiliation with Maharashtra Olympic Association.
5. At this stage, learned Advocate for the applicant states that the applicant shall collect the information on various points from the respondent No.4 and thereafter take steps for amendment, if felt necessary.
6. Learned Advocate for the applicant prays for two weeks time.

7. Mrs. J.S. Aute, Learned Advocate for the applicant has filed her Vakalatnama on record.

8. S.O.19.2017.

Chairman

pdg

**O.A. No. 386/2016.**

**Coram : The Hon'ble Shri Justice A.H. Joshi,  
Chairman**

**Dated : 28<sup>th</sup> July 2017.**

**C.A. No.109/2017 in C.P.(St.)No.568/2017**

1. Heard Shri A.S. Chakotkar, the learned Advocate for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

2. In the midst of hearing leaned P.O. has tendered for perusal communication received from Collector, Amravati stating that all dues payable to the applicant alongwith interest except transport allowance shall be credited in the account of the applicant within 4 weeks.

3. He further states that the Transport T.A. with interest shall be deposited in applicant's account within 2 weeks after applicant furnishes

fresh claim, because bill earlier furnished by the applicant is misplaced / lost.

4. Upon the time frame expressed by the Collector, this Tribunal had expressed dissatisfaction. Thereafter learned P.O. has taken telephonic instructions from Collector and he states that payment would be made within 7 days except Transport bill / allowance.

5. S.O. to **31.8.2017** for reporting compliance.

Chairman

pdg