

O.A. No. 635/2017 (SB)

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

Dated : 06.12.2018

Shri Chavan, 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. Next week**.

Member (J)

dnk.

O.A. No. 538/2017 (SB)

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

Dated : 06.12.2018

Shri K. Nalamwar, Id .counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1&2. None for R-3.

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

Member (J)

dnk.

O.A. No. 950/2018 (SB)

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

Dated : 06.12.2018

C.A.367/2018 -

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

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. stands disposed of accordingly.

O.A.950/2018 –

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

2. During course of the argument, it is noticed that two similar matters are decided by the Division Bench. The matter is relating to the recovery of the advance increments. In my opinion, the issue would arise at the time of final

hearing about the entitlement of the benefit whether it is rightly given or wrongly given and therefore the matter is required to be decided by the Division Bench and therefore it be placed before the Division Bench tomorrow.

S.O. 07/12/2018.

Member (J)

dnk.

O.A. No. 571/2018 (SB)

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

Dated : 06.12.2018

None for the applicant.

Shri S.A. Deo, Id. CPO for R-1.
Await service of R-2&3.

The applicant to file service
affidavit of R-2&3.

S.O. After Vacation.

Member (J)

dnk.

O.A. No. 614/2018 (SB)

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

Dated : 06.12.2018

None for the applicant.

Shri S.A. Sainis, Id .P.O. for R-1.
Await service of R-2&3.

The applicant to file service
affidavit of R-2&3.

S.O. After Vacation.

Member (J)

dnk.

O.A. Nos. 692 & 693 of 2018 **(SB)**

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

Dated : 06.12.2018

Shri P.M. Tembhornikar, Id.
counsel for the applicants and Shri S.A.
Sainis, 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. Nos. 741 & 742 of 2018 **(SB)**

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

Dated : 06.12.2018

Shri Vishal Anand, Id. counsel for the applicants and Shri S.A. Sainis, Id. P.O. for the respondents.

The learned P.O. files separate reply on behalf of R-3&4. It is taken on record. Copy is served on the applicants.

S.O. 10/12/2018.

Member (J)

dnk.

O.A. Nos. 745 & 746 of 2018 **(SB)**

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

Dated : 06.12.2018

Shri A.I. Shah, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the respondents.

The learned P.O. files separate reply on behalf of R-3&4. It is taken on record. Copy is served on the applicants.

The learned counsel for the applicant wants to file rejoinder. At his request, **S.O. two weeks.**

Member (J)

dnk.

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

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

Dated : 06.12.2018

None for the applicant. Shri H.K. Pande, Id. P.O. for R-1 to 5. None for R-6.

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

Member (J)

dnk.

O.A. No. 838/2018 **(SB)**

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

Dated : 06.12.2018

Shri S. Wahane, Id. counsel for the applicant and shri H.K. Pande, Id. P.O. for the respondents.

The learned P.O. submits that the reply is ready, but the respondent was unable to come to Nagpur to sign the reply and therefore he seeks further time.

At the request of Id. P.O., **S.O.**
12/12/2018 for filing reply.

Member (J)

dnk.

O.A. No. 862/2018 **(SB)**

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

Dated : 06.12.2018

Heard Shri S.P. Palshikar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1&2. None for R-3.

The matter is admitted for final hearing.

The learned P.O. waives notice for R-1&2.

S.O. three weeks.

Interim relief to continue till then.

Member (J)

dnk.

O.A. No. 125/2017 **(SB)**

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

Dated : 06.12.2018

Heard Shri S.M. Khan, 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.**
11/12/2018.

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

Member (J)

dnk.

O.A. No. 538/2014 **(SB)**

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

Dated : 06.12.2018

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

S.O. three weeks.

Put up along with Cont.Pet.
01/2015.

Member (J)

dnk.

O.A. No. 44/2017 (SB)

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

Dated : 06.12.2018

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

Closed for orders.

Member (J)

dnk.

O.A. No. 40/2018 (SB)

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

Dated : 06.12.2018

Shri S. Kotwal, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1&2 and Shri H.D. Marathe, Id. counsel for R-3.

At the request of Id. P.O., **S.O.**
14/12/2018 for filing reply.

Member (J)

dnk.

O.A. No. 40/2018 (SB)

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

Dated : 06.12.2018

Heard Shri A.Z. Jibhkate, Id. counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1&2, Shri A. Parihar, Id. counsel for R-3&4 and Shri G.K. Bhusari, Id. counsel holding for Shri D.M. Kakani, Id. counsel for R-5.

S.O. 07/12/2018 (PH)

The matter be kept at sr.no.1 i.e. before the Order matters.

Member (J)

dnk.

O.A.No. 173/2006. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 06th December 2018.

C.P.No.37/2018:-

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

As per the order dated 01/11/2018, concerned officers i.e. Secretary and Director, Medical Education & Research, Mumbai are personally present and they have produced Government order No. U; k; ki z 2715@i z d t 249@, ych@15@o f dk&1] dated 04/12/2018, by which it appears that Government has issued the necessary orders in compliance to the Tribunal's order dated 30/11/2017. There are two issues :-

1. Payment of Salary/Wages before the retirement till date of superannuation.
2. Revision of pension and payments due after retirement.

Now, since Government of Maharashtra has complied orders no. U; k; ki z 2715@i z d: 249@, ych@15@o] dk&1] dated 04/12/2018, Secretary, Government of Maharashtra role is over.

As submitted by Director, Medical Education & Research, Mumbai, benefits related to pre-retirement will be paid within one month from date of today as Government order has been issued. He is directed to pay benefits till retirement within 30 days from the date of this order and submit the affidavit through P.O. to this Tribunal on this issue the C.P. will be heard after four weeks.

Regarding second part i.e. revision of pension and payments regarding benefits of retirement, he seeks three months time. In this case also Government has given necessary directions.

In view of this, Director, Medical Education and Research, Mumbai is directed to revise the pension and pay all the retiral benefits to the applicant and file an affidavit through the Id. P.O. within four months time. This issue will be heard after four months from the date of this order.

In future presence of Secretary and the Director of Medical Education and Research, Mumbai are dispensed with.

S.O. 03/01/2019 for first compliance.

Member(J)
Member(A)
Date:-06/12/2018.
aps.

O.A.No. 686/1994. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 06th December 2018.

Rev.No.15/2015:-

Shri A.M.Ghogre, the Id. P.O. for the applicant (original respondent) and Shri S.D.Shukla, the Id. Counsel for the respondent (original applicant).

As per the consent of both the counsels, the matter is **admitted** and kept for final hearing.

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

S.O. three weeks.

*Put up along with the C.A.241/15 in
C.P.01/2015 in O.A.686/1994.*

Member(J)
Member(A)
Date:-06/12/2018.
aps.

O.A.No. 686/1994. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 06th December 2018.**

C.A.241/2015 in C.P.01/2015:-

Shri S.D.Shukla, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

As per the consent of both the counsels, the matter is **admitted** and kept for final hearing.

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

S.O. three weeks.

Put up along with the Rev.15/2015 in O.A.686/1994.

**Member(J)
Member(A)
Date:-06/12/2018.
aps.**

O.A.No. 513/2015. (D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 06th December 2018.

M.C.A.86/16inC.A.167/16inC.P.St.702/16:-

Shri V.A.Dhabe, the Id. Counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondents.

The Id. counsel for the applicant has filed pursis dated 30/11/2018 along with the same he has attached Government order No. 1 ¼8%vKLFk@l ek; k@2018@4211] fnukd 06@07@2018] by which grievances of the applicant has been redressed and by pursis he submits to withdraw the C.P.St.702/2016.

Hence he has permitted to withdraw the M.C.A. 86/2016 in C.A.167/2016 in C.P.St.702/2016. **Hence the matter is disposed of.**

Member(J)
Member(A)
Date:-06/12/2018.

aps.

O.A.No.310/2017. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 06th December 2018.**

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

Closed for orders.

**Member(J)
Member(A)
Date:-06/12/2018.
aps.**

**O.A.Nos. 444, 114 & 403/2017.
(D.B.)**

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated: 06th December 2018.**

C.P.Nos.43, 45 & 46/2018:-

Shri N.R.Saboo, the Id. Counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the respondent nos. 1 & 2, Shri G.K.Bhusari holding for Shri S.N.Gaikwad, the Id. counsel for the respondent no. 3 & Shri S.S.Shinde, the Id. counsel for the respondent no. 4.

As submitted by the Id. counsel for the respondent no. 3, Gratuity, G.P.F., Leave Encashment and pension have already been paid to the applicant as per his retirement/ superannuation at 58 yrs.

However, the applicant has re-joined the post according to the Tribunal's Order dated 05/05/2018, the difference of arrears of salary and other benefits have to be calculated and the calculation is going on and they require some time to calculate

the difference. After calculation that will be paid.

The Id. P.O. submits the affidavit-in-reply on the behalf of the respondent no. 2 i.e. Principal Secretary, Public Health Department, Mumbai. The same is taken on record and supplied the same to the other sides.

The Id. P.O. seeks two weeks time to take instructions. At his request, **S.O. two weeks.**

Member(J)
Member(A)
Date:-06/12/2018.
aps.

O.A.Nos. 75 & 42/2016. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 06th December 2018.**

C.P.Nos. 32 & 33/2017:-

Shri N.R.Saboo, the Id. Counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the respondent nos. 1 to 3 & Shri S.S.Shinde, the Id. counsel for the respondent no. 4.

The Id. Counsel for the respondent no. 4 submits that all the procedural part are over and they are in the process of revision of the pension which will be done maximum within two months. **S.O.**
04/02/2019.

Member(J)
Member(A)
Date:-06/12/2018.
aps.

O.A.No. 90/2016. (D.B.)

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

Dated : 06th December 2018.

C.P.No. 55/2018:-

Shri A.S.Gadmade holding for Shri V.A.Kothale, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. The Id. P.O. submits that matter is listed for the first time. So, issue notice to the respondent no. 2. The matter will be heard on 03/01/2019.

3. Issue Notice to the respondent No. 2 returnable in **03/01/2019** under Rule 8 of the MAT (Contempt of Courts) Rules, 1996 as to why they should not be proceeded for committing contempt of this Tribunal's order and as to why they shall not be punished under the Contempt of Court Act. Respondent No. 2 shall appear personally before this Tribunal.

4. Shri S.A.Sainis, the learned P.O. waives notice for respondent No. 1. Hamdast granted.

5. S.O. 03.01.2019.

Member(J)

Member(A)

Date:-06/12/2018.

aps.

O.A.No. 807/2015. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 06th December 2018.

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

The applicant has applied for the advertisement on P.B., Pg. No. 35. The applicant is at Open (female) and her application is at P.B., Pg. No. 62 which clearly mentioned that she is female in general category. The matter was heard in this Tribunal on 29/04/2016 in the order sheet it is mentioned that :-

"The Id. Counsel for the applicant prays for interim relief. Arguments are heard. Taking into consideration all aspects of the matter, it is directed that insofar as appointment to the post herein relevant from the category of Open (female), even if the appointments are made, it must be clear that their appointments would be subject to the ultimate outcome of this O.A. Appropriate intimation be sent to the

*concerned respondents and O.A. stands adjourned **after vacation.***

The applicant obtained 93 marks, which is at P.B., Pg. No. 34 (Annexure-A-2). The applicant has obtained the same marks in Open (female) category. The cut-off marks given on P.B., Pg. No. 46. The cut-off marks for Open (female) is 51. The Id. P.O. submits that she has been considered in General Category for which cut-off marks is 115 and for that she has not been taken.

Closed for orders.

Member(J)
Member(A)
Date:-06/12/2018.
aps.

O.A.No. 660/2017. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 06th December 2018.**

C.P.53/2018:-

Shri Bharat Kulkarni, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the State.

The order of Tribunal is on dated 04/07/2018. However, nothing seems to have happened. The Id. P.O. submits that he requires time to take instructions from the department. However, it appears that the respondent nos. 3 & 4 as their head-quarters are in Nagpur only. He should take instructions on Tomorrow and request respondent nos. 3 & 4 to depute their representatives/ officers, that why action shall not be taken.

S.O. Tomorrow i.e. 07/12/2018.

**Member(J)
Member(A)
Date:-06/12/2018.
aps.**

O.A.No. 962/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 06th December 2018.

Shri A.A.Syed, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State.

2. The Id. Counsel for the applicant submits that on P.B., Pg. No. 50, Clause-B, the enquiry report has been submitted by respondent no. 4 and mentioned that no need of further Departmental Enquiry, this was in report dated 30/03/2015. The show cause notice has been issued by letter no. I g-i ksvk/dk-c-l q½ epbz ; kps i= dz i ksvk-@d{A&5%8%efcpl@12@2018] fnukd 18-09-2018 by Additional Director, General of Police (Administration) vide his letter no. I g-i ksvk/dk-c-l q½ epbz ; kps i= dz i ksvk-@d{A&5%8%efcpl@12@2018] fnukd 18-09-2018 by P.B., Pg. No. 15. The Id. Counsel for the applicant is challenging this show cause notice. However, the Id. P.O. seeks time to take reply. Issue notice to the respondents.

3. The respondents are directed not to take any action against the applicant till filing of the reply. The Id. Counsel for the applicant is directed to delete the respondent no. 4 since he does not have any role to play.

4. Issue notice to R-2 to 4, returnable on three weeks. Learned 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. three weeks.**

Member(J)

Member(A)

Date:-06/12/2018.

aps.

O.A.No. 85/2017. (D.B.)

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

Dated : 06th December 2018.

C.P.39/2018:-

Shri D.N.Mathur, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the Respondents.

The Id. P.O. has submitted letter no. vk; D@jkdfo; k@; k-i z@dk-d&2@17558&61@2018] dated 28-11-2018 from the Commissioner, ESIC, Mumbai, by which it appears that Commissioner has submitted the proposal to Principle Secretary, Public Health Department. However, the Id. P.O. is directed that he should communicate to respondent no. 1 that he should personally meet Principle Secretary and follow this procedure. In next date, the Id. P.O. must submit that how many times, he has personally follows the instructions to the Principle Secretary.

S.O. After Winter Vacation.

Steno copy is granted.

Member(J)

Member(A)

Date:-06/12/2018.

aps.

O.A.No. 799/2011. (D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 06th December 2018.

C.A. 312/2016:-

Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri P.N.Warjurkar, 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. two weeks.**

Member(J)
Member(A)
Date:-06/12/2018.
aps.

O.A.No. 555/2010. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 06th December 2018.**

Shri V.S.Kukday, the Id. Counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the Respondents.

The Id. Counsel for the applicant is challenging the applicant's position as Geologist, Group-A. His submission is that, his applicant retired from Geologist, Group-A. He is directed to file all the promotional order of the applicant since 1999 till 2003 along with the orders related to the awarding the applicant's vk'okfl r i xrh; kstuk-

After filing of these documents, matter will be heard after two weeks time.

S.O. two weeks.

**Member(J)
Member(A)
Date:-06/12/2018.
aps.**

O.A.No. 749/2016. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 06th December 2018.

Shri N.S.Warulkar, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the Respondents.

The Id. Counsel for the applicant has filed the G.R. No. [LokI d&1413@i:dz228@16@v\]](#) fnukd 28-02-2014. However, the Id. P.O. is relying on G.R. No. [I dh. &1003@i:dz &16@2003@13&v\]](#) fnukd 19-11-2003-

In view of this, the Id. P.O. is directed to have necessary instructions from the Government that what is the position today regarding G.R. No. [I h, u, I &1087@499@d-ua12@16&v\]](#) fnukd 04-03-1991 and G.R. No. [LokI d&1413@i:dz228@16@v\]](#) fnukd 28-02-2014. At the same time he should also make clarification about G.R. between 2003 and 2014 that which G.R. is applicable to the freedom fighter's nominee.

S.O. one week.

Member(J)

Member(A)

Date:-06/12/2018.

aps.