

**O.A.No.540/2018 (D.B.)**

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

**Dated : 01.10.2018.**

**C.A.No.163/2018:-**

Shri Manoj Jaiswal holding for Shri N.R.Saboo, the Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the State.

The grievances are common to all the applicants. Hence, the C.A. for Jt. O.A. is **allowed.**

**S.O. four weeks for filing reply.**

**Member (A)**

aps.

**O.A.No.542/2018 (D.B.)**

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

**Dated : 01.10.2018.**

**C.A.No.265/2018:-**

Shri Manoj Jaiswal holding for Shri N.R.Saboo, the Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the State. Await services of respondent nos. 2 to 4.

The Id. counsel for the applicant seeks time to file affidavit-in-reply. At his request,

**S.O. Friday i.e. 05/10/2018.**

**Member (A)**

aps.

**O.A.No.554/2018 (D.B.)**

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

**Dated : 01.10.2018.**

Shri P.S.Chawhan, the Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the respondent nos. 1 & 2 and Shri A.B.Mahajan, the Id. counsel for the respondent no. 3.

The Id. P.O. seeks three weeks time to file affidavit-in-reply. **S.O. three weeks for filing affidavit-in-reply on behalf of respondent no. 1 & 2.**

**Member (A)**

aps.

**O.A.No.587/2018 (D.B.)**

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

**Dated : 01.10.2018.**

Shri A.P.Sadavarte, the Id. counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the State.

The Id. counsel for the applicant submits that his applicant has applied for V.R.S., N.O.C. has been given by the respondent nos. 4 and 5. However, permission has not been granted by the respondent no. 2 on some reasons.

In view of this, as requested by the Id. P.O., **S.O. three weeks for affidavit-in-reply.**

**Member (A)**

aps.

**O.A.No.601/2018 (D.B.)**

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

**Dated : 01.10.2018.**

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

The Id. C.P.O. seeks four weeks time to  
file affidavit-in-reply. At his request, **S.O. four  
weeks for affidavit-in-reply.**

**Member (A)**

aps.

**O.A.No.612/2018 (D.B.)**

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

**Dated : 01.10.2018.**

Shri N.D.Thombre, the Id. counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the respondent nos. 1 & 2. None for respondent no. 3.

The Id. P.O. seeks four weeks time to file affidavit-in-reply. However, three weeks time is granted for affidavit-in-reply, **S.O. three weeks.**

**Member (A)**

aps.

**O.A.No.621/2018 (D.B.)**

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

**Dated : 01.10.2018.**

Shri M.Moin, the Id. counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the respondent nos. 1 to 3 and Shri N.D.Thombre, the Id. counsel for respondent nos. 4 to 6.

From the record, it seems that the respondent no. 4 is daughter-in-law and wife of respondent no. 5. The respondent no. 5 has been appointed and the respondent no. 4 is also appointed as per the recommendations of Lad/Page committee recommendation (P.B., Pg. No. 68, Annexure-A-15). The Id. counsel for respondent nos. 4 & 5 pointed out that N.O.C. given by the petitioner which is under challenge.

However, the matter is taken up after filing affidavit-in-reply. As requested by the Id. C.P.O., **S.O. four weeks for affidavit-in-reply.**

**Member (A)**

aps.



**O.A.No.808/2015 (D.B.)**

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

**Dated : 01.10.2018.**

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

The Id. P.O. has already filed the  
affidavit-in-reply on behalf of the respondent  
no. 1 on 16/02/2016. The Id. P.O. submits that  
the reply of other respondents are not required.  
At his request, the matter is **admitted** and kept  
for final hearing. **S.O. in due course.**

*Put up this matter alongwith the O.A. No.  
809/2015.*

**Member (A)**

aps.

**O.A.No.809/2015 (D.B.)**

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

**Dated : 01.10.2018.**

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

The Id. P.O. filed the affidavit-in-reply on behalf of the respondent no. 1. It is taken on record. He further submits that he will serve the copy to the other side.

The Id. P.O. submits that the reply of other respondents are not required. Since the action has been taken by M.P.S.C. only. Hence, the reply has been filed, the matter is **admitted** and kept for final hearing. **S.O. in due course.**

*Put up this matter alongwith the O.A. No.  
808/2015.*

**Member (A)**

aps.

**O.A.No.688/2017 (D.B.)**

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

**Dated : 01.10.2018.**

Shri Sunil Pande, the Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the respondent nos. 1 to 3. None for the respondent nos. 4 to 7.

The Id. counsel for the applicant seeks one week time. At his request, **S.O. one week.**

**Member (A)**

aps.

**O.A. No. 577/2018**

**(D.B.)**

**Coram:Shri J.D. Kulkarni,**  
**Vice-Chairman (J) and**  
**Shree Bhagwan, Member(A)**  
**Dated : 1<sup>st</sup> October 2018.**

Heard Shri N.R. Saboo, the Ld. counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondent Nos. 1 to 3. None for R.4.

The Ld. counsel for the applicant on instructions submits that the applicant does not want to prosecute this O.A. and, therefore, he seeks permission to withdraw the same. Permission is granted to withdraw the O.A. O.A. stands disposed of as withdrawn with no order as to costs.

Member(A)

Vice-Chairman(J)

Dt.1.10.2018.

pdg.

**O.A. No. 716/2010**

**(D.B.)**

**Coram:Shri J.D. Kulkarni,**  
**Vice-Chairman (J) and**  
**Shree Bhagwan, Member(A)**  
**Dated : 1<sup>st</sup> October 2018.**

**MCA No.27/2018 arising out of O.A.**

**No. 716/2010.**

Heard Shri R.V. Shiralkar, the Ld. counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents 1 to 3. None for R. 4 to 6.

The respondent Nos. 1 to 3 are directed to promote the applicant w.e.f. 21.9.2010 and in fact the applicant has been promoted from 31.5.2012. Admittedly, his juniors were promoted on 21.9.2010 and, therefore, deemed date has been granted. It seems that the order regarding grant of

consequential benefits arising out such deemed date has not been typed by the steno. The application for speaking to minutes is, therefore, allowed. Final order is required to be modified. The final order in O.A. is as under:-

“The O.A. is partly allowed. The respondent Nos. 1 to 3 are directed to promote the applicant w.e.f. 21.9.2010 , the date on which the applicant’s juniors were promoted. The necessary order should be passed within one month. No order as to costs.”

In view of speaking to minutes, it reads as under:-

“The respondents 1 to 3 are directed to grant all consequential financial benefits in pension to the applicant considering his deemed date

of promotion as 21.09.2010. Necessary order be issued within one month from today. No order as to costs.”

MCA stands disposed of accordingly.

Member(A)

Vice-Chairman(J)

Dt.1.10.2018.

pdg.

**O.A. No. 733/2017**

**(D.B.)**

**Coram:Shri J.D. Kulkarni,**

**Vice-Chairman (J) and  
Shree Bhagwan, Member(A)  
Dated : 1<sup>st</sup> October 2018.**

Heard Shri C.V. Khadse, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents 1 to 4. None for R.5.

At the request of Ld. P.O., S.O.  
**5.10.2018.**

Member(A)

Vice-Chairman(J)

Dt.1.10.2018.

pdg.

**O.A. No. 760/2014**

**(D.B.)**



**Coram:Shri J.D. Kulkarni,**  
**Vice-Chairman (J) and**  
**Shree Bhagwan, Member(A)**  
**Dated : 1<sup>st</sup> October 2018.**

Heard Shri N.D. Thombre, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents 1 and 2. None for R.3.

At the request of Ld. P.O., S.O.  
**5.10.2018.**

Member(A)

Vice-Chairman(J)

Dt.1.10.2018.

pdg.

**O.A. No. 255/2018**

**(S.B.)**

**Coram:Shri J.D. Kulkarni,**  
**Vice-Chairman (J)**  
**Dated : 1<sup>st</sup> October 2018.**

Heard Shri G.R. Sadar, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondent Nos. 1,3 and 5. Miss Pallavi A. Chavan, Adv. holding for Mrs. Bhagyashree Bagde, Ld. Adv. for R. 2 and 4.

2. The Ld. P.O. has placed on record affidavit of R.5, it is taken on record and a copy thereof is supplied to the other side. The Ld. Adv. for R. 2 and 4 seeks permission to file reply of the said respondents. Reply affidavit of R. 2 and 4 is necessary, since it is the authority to has deducted the amount. As a matter of last chance, S.O. **one week** for filing reply of R. 2 and 4.

Vice-Chairman(J)

Dt.1.10.2018.

pdg.

**O.A. No. 757/2018**

**(S.B.)**

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

**Dated : 1<sup>st</sup> October 2018.**

Heard Shri G.G. Bade the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

2. The applicant is claiming that the suspension order dated 14.7.2017 issued by respondent No.2 as per Annexure A-1 be quashed and set aside. From the facts on record, it seems that even though the said order has been passed on 14.7.2017. It is still continued till today. Perusal of the suspension order, however, show that the applicant has been under

suspension because of filing of criminal case against the applicant under the Prevention of Corruption Act. The learned counsel for the applicant submits that he has filed number of representations such as on 22.9.2017, 28.5.2018 and 17.9.2018. However, no decision has been taken by the respondents. The learned counsel for the applicant submits that the application may be disposed of if directions are issued to the respondent authorities to take a decision on the representations of the applicant within stipulated period. In view thereof, following order is passed:-

**ORDER**

- (i) The O.A. stands disposed of with directions to respondent No.2 to take appropriate decision as per merits of the case on the representations of the applicant within one month

from the date of this order  
and the same shall be  
communicated to the  
applicant writing.

(ii) No order as to costs.

Vice-Chairman(J)

Dt.1.10.2018.

pdg.

**O.A. No. 758/2018**

**(S.B.)**

**Coram:Shri J.D. Kulkarni,**  
**Vice-Chairman (J)**  
**Dated : 1<sup>st</sup> October 2018.**

Heard Shri G.G. Bade the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondent Nos. 1 and 2. None for R.3.

2. The applicant has been kept under suspension vide order dated 21.9.2016. The Ld. counsel for the applicant invited my attention to the

minutes of the meeting dated 5.12.2017 in which a decision was taken to revoke the suspension of the applicant. Not only that, the Collector, Nagpur has also written a letter to the Commissioner-cum-Director of Municipal Administration, Mumbai on 16.1.2018. The applicant thereafter filed representations on 3.1.2018, 17.2.2018, 21.4.2018, 1.6.2018, 11.7.2018, 20.7.2018 and 17.9.2018. However, suspension is not revoked.

3. In view of the fact that a decision has been taken to revoke the suspension of the applicant. However, formalities remain to issue the order accordingly. The respondent Nos. 2 and 3 are, therefore, directed to take immediate steps to act upon the minutes of the meeting and issue necessary order for revocation of suspension of the applicant as early as possible and in any case **within eight days** from the date of this order. The

same shall be communicated to the applicant in writing. No order as to costs.

4. Steno copy be supplied to the Ld. P.O.

Vice-Chairman(J)

Dt.1.10.2018.

pdg.

**O.A. No. 765/2018**

**(S.B.)**

**Coram:Shri J.D. Kulkarni,**  
**Vice-Chairman (J)**  
**Dated : 1<sup>st</sup> October 2018.**

Heard Shri D.T. Shinde, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondent No.1.



2. Vide order dated 29.9.2018, the applicant has been transferred from the post of Superintendent, Office of Collector, Amravati to the post of Tehsildar, Dharni. In fact, the applicant was posted at Amravati vide order dated 23.8.2018 (A.3) that too by the Government, being the appointing authority. It is stated that the Divisional Commissioner, Amravati has no authority to transfer the applicant. He has accordingly joined there on 11.9.2018 and within ten days, he has been transferred to Dharni. The applicant states that he has not yet been relieved. In view thereof, the respondent No.2 is directed not to relieve the applicant till filing of reply affidavit in this O.A.

3. Issue notice before admission to R. 2 returnable within four weeks.

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

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 **seven 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)

Dt.1.10.2018.

pdg.

