

O.A. No.455/2018 (S.B.)

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

Dated : 03.09.2018.

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

The Id. counsel for the applicant submits that he will file the Rejoinder during the course of the day. At his request, **S.O. 12/09/2018 for Rejoinder.**

Member (A)

aps.

O.A. No.837 & 838/2016 (S.B.)

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

Dated : 03.09.2018.

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

In order dated 28/06/2018, it was pointed out that condonation of delay was not filed. However, the Id. counsel for the applicant submitted that he will file the application within one week time. In view of that, the matter was listed today, today also none for the applicant.

In view of this, O.A. stands dismissed in default.

Member (A)

aps.

O.A. No.783/2017 (S.B.)

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

Dated : 03.09.2018.

C.A.Nos.53, 121 & 236/2018:-

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

The Id. P.O. pointed out the prayer clause
in Civil Application, therefore, the C.As. along
with the O.A. stands disposed off as dismissed,
since it is not maintainable,

In view of this, C.A. Nos. 53, 121 &
236/2018 along with the O.A.No.783/2017
stands disposed off as dismissed.

Member (A)

aps.

O.A. No.168/2018 (S.B.)

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

Dated : 03.09.2018.

None for the applicant. Shri H.K.Pande,
Id. P.O. for the State. Await services of
respondent nos. 2 and 3.

At the request of Id. P.O., **S.O. two weeks
for Reply.**

Member (A)

aps.

O.A. No.305/2018 (S.B.)

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

Dated : 03.09.2018.

Shri B.D.Pandit, Id. counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the respondents.

The Id. P.O. submits the reply of respondent nos. 2 and 3. It is taken on record. Copies are served to the other side. He further submits that there is no need to file the reply of respondent no. 1.

In view of this, matter is **admitted** and kept for final hearing in the first week of Oct. 2018.

S.O. first week of October, 2018.

Member (A)

aps.

O.A. No.353/2018 (S.B.)

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

Dated : 03.09.2018.

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

The Id. P.O. submits the reply of
respondent nos. 2 and 3. It is taken on record.
Copies are served to the other side.

In view of this, matter is **admitted** and
kept for final hearing in due course of time.

S.O. in due course.

Member (A)

aps.

O.A. No.386/2018 (S.B.)

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

Dated : 03.09.2018.

C.A.No.228/2018:-

Shri R.V.Shiralkar, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the respondents.

The Id. P.O. submits the reply on behalf of the respondents. It is taken on record. Copy is served to the other side.

Hence, C.A. is allowed and the Id. counsel for the applicant submits that necessary amendment should be done within a week.

S.O. 24/09/2018 for final disposal of the O.A.

The Interim order dated 11/06/2018 in para no. 2 is continued :- *The applicant is at the fag end of his career and due for retirement within two years and two months. The transferring authority should have*

considered this fact before issuing impugned order. Therefore, the impugned order dated 31/05/2018 (Annex-A-3) to the extent of the applicant is stayed till the next date of hearing. The transferring authority is requested to consider the applicant's representation till next date of hearing.

Member (A)

aps.

O.A. No.402/2018 (S.B.)

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

Dated : 03.09.2018.

Shri M.I.Dhatrak, Id. counsel for the applicant, Shri S.A.Sainis, Id. P.O. for the State and Ms. S.V.Jaiswal holding for Shri R.V.Kamble, the Id. counsel for the respondent no. 2.

The Id. P.O. submits the reply on behalf of the respondent no 1. It is taken on record. Copies are served to the other sides.

The Id. counsel for the respondent no. 2 submits that she will file the reply during the course of the day.

S.O. Friday i.e. 10/09/2018.

Member (A)

aps.

O.A. No.423/2018 (S.B.)

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

Dated : 03.09.2018.

C.A.No.227/2018:-

Shri R.V.Shiralkar, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the Repondents.

The Id. P.O. submits that he will file the reply during the course of the day and supply the same to the other side.

C.A. will be heard on 24/09/2018 for
final disposal.

Member (A)

aps.

O.A. No.406/2018 (S.B.)

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

Dated : 03.09.2018.

C.A.No.240/2018:-

Shri C.A.Joshi, Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the Respondents.

2. The Id. P.O. has pointed out attention on P.B., Pg. No. 26. However, it appears from the facts that from 09/12/1999 to 06/02/2000 i.e. total 60 days has been sanctioned as an earned leave by Principal, I.T.I., Akola, vide its order dated 30/09/2011, it is not understood that why payment is delayed on the sanctioned earned leave.

3. C.A. for amendment is allowed. Issue notice to the newly added respondent to the respondent no. 4 i.e. Sub Treasury Officer, Malkapur, Distt. Buldana.

4. Issue notice to newly added i.e. R-4, returnable on two 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.

9. **S.O. two weeks.**

Member (A)

aps.

O.A. No.420/2017 (S.B.)

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

Dated : 03.09.2018.

C.A.No.233/2018:-

Shri S.M.Khan, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the Repondents.

The C.A. No. 233/2018 i.e. for amendment in condonation of delay is allowed.

The Id. P.O. seeks three weeks time to file reply.

The Id. P.O. has submitted Hon'ble Supreme Court Judgment on record i.e. **Civil**

Application No. 2763/2018 in Union of India & Ors. Vs. Chaman Rana.

However, I fail to appreciate the contention of Id. P.O. that condonation of delay should not be allowed because of record. The Id. counsel for the applicant produces documents that after his V.R.S. in 2011, he has submitted

his application in 2014, which was not replied by the department and after that he submitted the application in 2017, which is replied by the department and the same is placed on record i.e. P.B., Pg. No. 09, at Annexure-A-1, dtd. 30/04/2017. The letter is from the Collector, Nagpur and the reasons for not giving benefits to the applicant is clarified. However, the Id. counsel for the applicant desires to do arguments about the reasons given by the respondents.

C.A.No.-482/2017:-

Now, the C.A. of condonation of delay is amended and allowed. Therefore, the matter is proceeded for Rejoinder in O.A.

O.A.No.420/2017:-

In this case, the Id. counsel for the applicant desires to file Rejoinder. At his request, **S.O. two weeks for Rejoinder.**

Member (A)

aps.

O.A. No.438/2018 (S.B.)

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

Dated : 03.09.2018.

None for the applicant. Shri V.A.Kulkarni,
Id. P.O. for the Repondent nos. 1 to 3. Ms.
A.V.Adane holding for Shri V.S.Giramkar, the Id.
counsel for the respondent no. 4. None for
respondent no. 5.

At the request of Id. counsel for the
respondent no. 4, **S.O. two weeks.**

Member (A)

aps.

O.A. No.525/2018 (S.B.)

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

Dated : 03.09.2018.

Shri S.N.Gaikwad, Id. counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the Repondents.

At the request of Id. counsel for the applicant, **S.O. two weeks for filing service affidavit.**

Member (A)

aps.

O.A. No.584/2018 (S.B.)

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

Dated : 03.09.2018.

Shri A.R.Sharma, Id. counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the Repondents.

The Id. C.P.O. pointed out that in one of the Tribunal Judgment, it has been pointed out that Home Guard Cadre is not at all civil post and hence the Cadre of Home Guard is not covered under this Tribunal Act. However, the Id. C.P.O. requested to put up this issue on the paper.

S.O. two weeks for filing documents
on record by Id. C.P.O.

Member (A)

aps.

O.A. No.332/2018 (S.B.)

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

Dated : 03.09.2018.

Rev. No. 16/2018:-

Heard Shri S.M.Vaishnav, Id. counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the Repondents.

2. The Id. counsel for the applicant pointed out in order dated 27/08/2018, it is mentioned that, none appeared for the applicant. However, the Id. counsel for the applicant pointed out that, as per the original programme on 27/08/2018, the Single Bench was to be heard after Division Bench, because of certain changes, Single Bench was taken before Division Bench and that's why counsel for the applicant could not appeared.

3. As the Id. counsel for the applicant pointed out that, the applicant is still working

on the said post. The stay granted to the applicant on 04/06/2018 was vacated on 27/08/2018.

4. In view of this, stay granted in para no. 2 in order dated 04/06/2018 as interim relief will continue till next date of hearing.

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

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

7. 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.

8. 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.

9. 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.

10. 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.

11. **S.O. two weeks.**

Member (A)

aps.