

O.A.No.366/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :03/10/ 2019.**

None for the applicant. Shri M.I.Khan, the Id. P.O. for the respondent nos. 1 & 2 and Shri R.Bisen, the Id. counsel for the respondent no. 3.

2. As per the order dated 15/07/2019, out of three applicants, applicant nos. 2 & 3 were deleted. However, all the details in the pleadings are related to the applicant nos. 2 & 3 only.

3. **S.O. after one week for disposing of this matter.**

Vice Chairman

Date:-03/10/2019.
aps.

O.A.No.783/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :03/10/ 2019.**

Heard Shri P.V.Thakre, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

2. The Id. P.O. submits that regarding decision of balance eight employees, proposal is under consideration at Government level and he needs to take instructions from the Government. It is also pointed out by Id. P.O. that decision will be taken at the Secretary or at the Hon'ble Minister level.

3. **S.O. two weeks.**

Vice Chairman

Date:-03/10/2019.
aps.

O.A.No.189/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :03/10/ 2019.

Heard Shri S.G.Jagtap, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondent nos. 1 & 2. None for the respondent nos. 3 to 7.

2. The respondent nos. 3 to 7 are from Irrigation Department, they are not filed reply and today nobody represented them also. In view of this, the Id. P.O. is directed to communicate the department that if reply is not file and nobody appears for the respondent nos. 3 to 7, then matter will be heard on merit.

3. S.O. two weeks.

4. *Steno copy is granted.*

Vice Chairman

Date:-03/10/2019.
aps.

O.A.No.696/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :03/10/ 2019.

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

2. The Id. P.O. filed the affidavit-in-reply on behalf of the respondent no. 2. It is taken on record. Copy is served to the other side.

3. Matter is **admitted** and kept for final hearing.

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

5. **S.O. 10.10.2019.**

Vice Chairman

Date:-03/10/2019.
aps.

O.A.No.603/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :03/10/ 2019.**

Heard Shri S.K.Thengri holding for Shri S.Wahane, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

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

Vice Chairman

Date:-03/10/2019.
aps.

O.A.Nos.441 & 442/2017 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :03/10/ 2019.**

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

2. The Id. P.O. filed affidavit in reply on behalf of the respondent nos. 1 to 4 in O.A. No. 442/2017 only. It is taken on record. Copy is served to the other side.

3. Matter is **admitted** and kept for final hearing.

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

5. **S.O. two weeks.**

Vice Chairman

Date:-03/10/2019.

aps.

O.A.Nos.107 & 108/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :03/10/ 2019.**

Heard Shri M.R.Joharapurkar, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. Matter is **admitted** and kept for final hearing.

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

4. **S.O. 10.10.2019.**

Date:-03/10/2019.
aps.

Vice Chairman

O.A.No.778/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :03/10/ 2019.

Heard Shri P.M.Mandwekar, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the State.

2. The Id. counsel for the applicant has relied upon G.R. dated 01/11/1997 (Annexure-A-3, P.B., Pg. No. 16) and also he submits that the grievances of the applicant is covered by Judgment delivered by this Tribunal in O.A. No. 422/2016 delivered on 18/09/2019. However, there are two differences:-
A. In O.A. Nos. 422, 431, 432, 433, 434, 473/2016 the Judgment delivered on 18/09/2019, there were six applicants and by record it does not appear that when these applicants retired because there date of birth and date of retirement is not mentioned.

B. Whether these applicants were applied for appearing in departmental examination, it was rejected or not as pointed out by Id. P.O.

C. In O.A. No. 778/2019 there is only one applicant and as pointed out by Id. P.O. the applicant had applied for departmental examination on 04/04/1996 (Annexure-A-4, P.B., Pg. No. 17) and the same was rejected vide Annexure-A-5, P.B., Pg. No. 18. There is a difference in this applicants then in O.A. No. 422/2016.

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

Vice Chairman

Date:-03/10/2019.

aps.

O.A.No.797/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :03/10/ 2019.

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

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

Vice Chairman

Date:-03/10/2019.

aps.

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

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :03/10/ 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. In order dated 28/08/2019 two documents were asked to be filed:- **A.** Order of the Hon'ble High Court, the Id. counsel for the applicant has filed order of the Hon'ble High Court in writ petition no. 2605/2017. It is taken on record. He further submits that he will supply the copy to the other sides i.e. Id. P.O. as well as Id. counsel for the respondent no. 3. **B.** The Id. counsel for the respondent no. 3 was supposed to file pay-slips of the applicant before 01/04/1995 and after 01/04/1995.

3. On the documents at Annexure-A-2, P.B., Pg. No. 25 at Sr. No. 7, it is mentioned that applicant joining date is 01/04/1985. However, Id. P.O. submits that it should be corrected and it is actually 01/04/1995, the Id. counsel for the respondent no. 3 fails to produce the relevant documents. The Id. counsel for the respondent no. 3 is directed to produce **A.** Service book record **B.** Pay slips certificate before joining the applicant at Washim, Z.P. **C.** As per service book record, the applicant may file in the tabular format from the recruitment date i.e. 06/06/1979 till applicant continue in Z.P., Washim.

4. S.O. three weeks.

Date:-03/10/2019.
aps.

Vice Chairman

O.A.No.53/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :03/10/ 2019.

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

2. In order dated 21/08/2019, it was directed to the applicant to submit application to the respondents and respondents were given opportunity to decide representation within six weeks.

3. However, applicant submits representation dated 03.09.2019 which has been filed by the Id. counsel for the applicant. It is taken on record. He supplied the copy to the other side.

4. In view of this, since six weeks time is yet to be expired. **S.O. first week of November, 2019.**

Vice Chairman

Date:-03/10/2019.
aps.

O.A.No.786/2015 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :03/10/ 2019.

Heard Shri R.A.Haque, the Id. Counsel for the applicant, Shri P.N.Warjurkar, the Id. P.O. for the respondent nos. 1 & 2 and Shri A.M.Tirukh, the Id. counsel for the respondent no. 3.

2. Matter has been heard in Hon'ble High Court in writ petition no. 2336/2018 and in order at P.B., Pg. No. 4, para no. 6, following observations have been made by the Hon'ble High Court:-

"The Tribunal has not given any reason as to why out of two statements made on oath, it has selected only one of them as correct and rejected other statement as incorrect. The Tribunal while choosing, accepted the first statement on oath as correct and rejected the other one as incorrect. When the Tribunal opted for the earlier option, we do not understand as to why impugned order is not reflecting the reason for exercising the said option. Whenever there are contradictions in the evidence, the basic rule of appreciation of evidence is to make an inference that evidence is of doubtful nature and then further rule of appreciation of evidence is to mandate that, efforts is made for removal of doubt through process of corroboration. Nothing of this sort, in the present case, has been done by the Tribunal."

By record it appears that one affidavit has been filed at P.B., Pg. No. 91, which is dated 25/01/2016 and second affidavit has been filed

which is at P.B., Pg. No. 110 dated 29/06/2016 in the light of observations made by the Hon'ble High Court, both these documents need to be examined.

3. The Id. counsel for the applicant has invited my attention to the documents on P.B., Pg. No. 62 and P.B., Pg. No. 64, these documents are related to interview, marksheet and there is a difference of one mark. On P.B., Pg. No. 64 i.e. 15 marks were there and on P.B., Pg. No. 62 total marks is 14 only. However, by both the documents, it appears that document on P.B., Pg. No. 62 has been signed by only three members, it is not signed by Chairman and Member Secretary of the Committee and document at P.B., Pg. No. 64 is signed by the four members and this document is signed by Chairman of the Committee but not by Member Secretary. This point should be discussed at next hearing.

4. These two affidavits needs to be examined. The Id. P.O. and Id. counsel for the respondent no. 3 as well as Id. counsel for the applicant are directed to point out on both these affidavits only.

5. **S.O. 14/10/2019.**

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

Vice Chairman

Date:-03/10/2019.

aps.

O.A.No.696/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :03/10/ 2019.

None for the applicant. Shri P.N.Warjurkar,
the Id. P.O. for the respondent nos. 1 & 2. None for
the respondent no. 3.

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

Vice Chairman

Date:-03/10/2019.
aps.

O.A.No.760/2017 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :03/10/ 2019.**

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

2. S.O. next week.

Date:-03/10/2019.
aps.

Vice Chairman

O.A.No.917/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :03/10/ 2019.**

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

2. At the request of Id. counsel for the applicant, **S.O. 10.10.2019.**

Date:-03/10/2019.
aps.

Vice Chairman

O.A.No.982/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :03/10/ 2019.

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

2. S.O. two weeks.

Date:-03/10/2019.
aps.

Vice Chairman

O.A.No.173/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :03/10/ 2019.**

Heard Shri N.D.Thombre, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. S.O. two weeks.

Date:-03/10/2019.
aps.

Vice Chairman

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

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

Dated : 03.10.2019

Shri G.G.Bade, 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. two weeks** for filing service report of respondent no.2.

Member (J)

yuk

O.A.No.27/2019 (SB)

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

Dated : 03.10.2019

Shri G.K.Bhusari, Id. counsel for the applicant and Shri Shrikant Dev, Id. C.P.O. for the respondents.

Ld. CPO has filed reply on behalf of respondent no.5 and requested time for filing reply of respondent nos.1 to 3.

Ld. counsel for respondent no.4 submitted that he will file reply during the course of the day.

S.O. three weeks.

Member (J)

yuk

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

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

Dated : 03.10.2019

Ku. R. Pande Id. counsel h/f. Shri S.S.Ghate Id. counsel for the applicant and Shri Shrikant Dev, Id. C.P.O. for the respondents.

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

Member (J)

yuk

O.A.No.299/2019 **(SB)**

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

Dated : 03.10.2019

Smt. B.P.Maldhure, the applicant present in person 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 as a last chance.

Member (J)

yuk

O.A.No.406/2019 & 544/2019 (SB)

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

Dated : 03.10.2019

Shri N.R.Saboo Id. counsel for the applicants, Shri V.A.Kulkarni, Id. P.O. & Shri Shrikant Dev, Id. C.P.O. for the respondents. None is present for respondent no.4 and respondent no.5.

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

Member (J)

yuk

O.A.No.419/2019 (SB)

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

Dated : 03.10.2019

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

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

Member (J)

yuk

O.A.No.523/2019 (SB)

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

Dated : 03.10.2019

Shri A.P.Chaware. Id. counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the respondents.

Today reply is filed by all the respondents. O.A. is admitted. Be kept for final hearing on **17-10-2019**.

In the meantime, applicant may file rejoinder.

Member (J)

yuk

O.A.No.727/2019 (SB)

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

Dated : 03.10.2019

Shri Bharat Kulkarni Id. counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the respondents.

2. It is submitted by the Id. counsel that till today the applicant is not relieved from his previous post and as per order dated 17-09-2019, the applicant is directed to discharge duty at Vanadongri, Dist. Wardha for implementation of the election program. It is contention of the Id. counsel for the applicant that now vide order dated 19-09-2019 on Ruchika Bhaskar Ambatkar is appointed and posted at Hinganghat, Dist. Wardha, and therefore, post is not vacant.

3. Learned P.O. to give clarification in the matter. **S.O. two weeks.**

4. Steno copy is granted to Id. P.O.

Member (J)

yuk

O.A.No.731/2019 **(SB)**

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

Dated : 03.10.2019

Shri N.D.Thombre, Id. counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the respondents.

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

Member (J)

yuk

O.A.No.411/2019 (SB)

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

Dated : 03.10.2019

Shri R.V.Shiralkar, Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the respondents.

2. Heard Id. counsel for the applicant. It is submitted that the applicant has forwarded representation to the respondent no.2 personally. Applicant is on maternity list since 04-09-2019 and she will resume duty after 6 months.

3. Learned P.O. has submitted that the post is already filled in.

4. Under these circumstances, respondents are directed to decide the representation of the applicant sympathetically and give her suitable posting. Respondents are directed to decide the representation within 3 weeks.

5. O.A. stands disposed of accordingly without any order as to costs.

Member (J)

yuk

O.A.No.793/2019 (C)(SB)

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

Dated : 03.10.2019

Shri Rahul Tajne, Id. counsel for the applicant and Shri Shrikant Dev, Id. C.P.O. for the respondents.

2. It is contention of the applicant that in the general transfers he was not considered and recommendation was made to give extension to the applicant for one year. It is submitted that by the impugned order dated 30-08-2019, the applicant is transferred from Yavatmal to Etapalli in naxalite area. It is submission of the applicant that he is aged about 52 years. Therefore, he should not have been transferred to naxalite area as per the direction in the G.R. of 2002.

3. Applicant is not relieved till today. Hence, respondents are directed not to relieve the applicant till filing the reply.

4. Issue notice to the respondents, returnable after 3 weeks.

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. after three weeks.**

11. Steno copy and hamdust granted.

Member (J)

yuk

O.A.No.436/2018 (SB)

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

Dated : 03.10.2019

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

2. It is submitted that the applicant has made representation to the respondents for posting him at Nagpur as post is vacant.

3. Respondents are directed to decide the representation of the applicant within 3 months from the date of this order. O.A. stands disposed of accordingly with no order as to costs.

Member (J)

yuk

O.A.No.437/2018 (SB)

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

Dated : 03.10.2019

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

2. It is submitted that the applicant has made representation to the respondents for posting him at Yavatmal as post is vacant.

3. Respondents are directed to decide the representation of the applicant within 3 months from the date of this order. O.A. stands disposed of accordingly with no order as to costs.

Member (J)

yuk

O.A.No.260/2016 (SB)

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

Dated : 03.10.2019

Heard Shri A.M.Chaudhari Id. counsel
h/f. Shri R.S.Parsodkar Id. counsel for the
applicant and Shri V.A.Kulkarni, Id. P.O. for the
respondents.

At the request of Id. counsel for the
applicant, **S.O.15-10-2019**.

Member (J)

yuk

O.A.No.42/2017 (SB)

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

Dated : 03.10.2019

Smt. S. Das Id. counsel h/f. Shri P.M. Chandekar Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the respondents.

2. The applicant has submitted purshis and informed that she has received communication from the respondents that family pension is now sanctioned to her and after completion of the formalities, she would receive the family pension. It is although mentioned in the purshis that the applicant was called for compliance, a letter dated 19-08-2019 is filed along with purshis. It is received by the applicant from the Headmaster of Government Technical School, Varora, Dist. Chandrapur. As per this letter, the applicant was informed that the applicant's pension case was sanctioned and she was directed to open an account in the Nationalized Bank for pension.

3. In view of this, O.A. stands disposed of as withdrawn with no order as to costs.

Member (J)

yuk

O.A.No.502/2017 (SB)

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

Dated : 03.10.2019

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

S.O. four weeks.

Member (J)

yuk

O.A.No.389/2019 with 390/2019 **(SB)**

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

Dated : 03.10.2019

Shri R.V.Shiralkar, Id. counsel for the applicants and Shri A.M.Ghogre & Shri S.A.Sainis, Id. P.Os. for the respondents.

Reply is filed by respondent nos.2 and 3. It is taken on record. Copy served on the other side.

S.O. 11-10-2019.

Member (J)

yuk

O.A.No.550/2019 **(SB)**

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

Dated : 03.10.2019

Shri S.N.Gaikwad Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the respondents.

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

Member (J)

yuk

O.A.No.580/2016 **(SB)**

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

Dated : 03.10.2019

Shri A. Ramteke, Id. counsel for the applicant and Shri H.K.Pande, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 22-10-2019**.

Member (J)

yuk

O.A.No.996/2018 (SB)

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

Dated : 03.10.2019

Shri T.U.Tathod, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents.

The matte is partly heard. At the request of Id. counsel for the applicant, **S.O. to 15-10-2019.**

Member (J)

yuk

O.A.No.83/2019 (SB)

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

Dated : 03.10.2019

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

Ld. P.O. is directed to take instructions from the disciplinary authority i.e. respondent no.2 regarding submission of the report by the enquiry officer and decision of the respondent no.2 on the said report within three weeks.

S.O. three weeks.

Member (J)

yuk

O.A. 456/2018 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 03/10/2019.**

Shri Milind Talele, Id. counsel holding for
Shri H.D. Marathe, Id .counsel for the applicant
and Shri S.A. Sainis, Id. P.O. for the
respondents.

At the request of Id. counsel for the
applicant, **S.O. next week.**

Member (J)

Vice-Chairman

dnk.

C.P. 38/19 in O.A. 434/2015 (D.B.)

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

Dated : 03/10/2019.

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

The learned counsel for the applicant submitted that respondents are served and he would file service affidavit during the course of day.

The learned P.O. seeks time to file reply of R-1. At his request, **S.O. two weeks.**

Member (J)

Vice-Chairman

dnk.

O.A. 215/2019 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 03/10/2019.**

Heard Shri S.K. Thengri, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the R-1 to 5. None for R-6.

The learned P.O. files reply on behalf of R-1 to 5. It is taken on record. Copy is served on the applicant.

Heard. Admit.

The learned P.O. waives notice for R-1 to 5.

S.O. in due course.

Member (J)

Vice-Chairman

dnk.

O.A. 524/2019 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 03/10/2019.**

Shri W.G. Paunikar, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1 to 3. None for R-4 to 6.

At the request of Id. P.O., **S.O. one week** to comply the order dated 13/08/2019.

Member (J)

Vice-Chairman

dnk.

O.A. 600/2019 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 03/10/2019.**

Heard Shri G.G. Bade, Id .counsel for the applicant, Shri A.P. Potnis, Id. P.O. for R-1 to 3 and Shri S.N. Gaikwad, Id. counsel for R-4.

2. It is grievance of the applicant that order dated 22/2/2019 passed in O.A.408/2018 is not yet complied by the respondents and therefore direction be given to the respondents to comply the same order. On 13/9/2019 the respondent no.1 was directed to pass suitable order within one week, but till today no such order is passed by the respondent no.1. In this situation, we are of the view that the applicant has remedy to file proceeding for the Contempt, therefore, we hold that the applicant is at liberty to file Contempt Proceeding. The applicant is permitted to file Contempt Proceeding without serving statutory notice on the respondents.

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

Member (J)

Vice-Chairman

dnk.

O.A. 620/2019 (D.B.)

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

Dated : 03/10/2019.

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

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

Member (J)

Vice-Chairman

dnk.

O.A. 689/2019 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 03/10/2019.**

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 submitted that he will remove office objections within one week.

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

Member (J)

Vice-Chairman

dnk.

O.A. 690/2019 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 03/10/2019.**

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

At the request of Id. counsel for the applicant, **S.O. one week.**

Member (J)

Vice-Chairman

dnk.

O.A. 207/2018 (D.B.)

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

Dated : 03/10/2019.

None for the applicant. Shri S.A. Sainis,
Id. P.O. for R-1 to 2. Await service of R-4.

S.O. three weeks for filing service
affidavit.

Member (J)

Vice-Chairman

dnk.

**O.A. Nos. 514,515,516,517 & 519 of 2019
(D.B.)**

Coram:Shri Shree Bhagwan,

**Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 03/10/2019.

Shri S.N. Nandeshwar, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. for the respondents.

The learned P.O. submitted that he would file reply during the course of day.

S.O. two weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 518/2019 (D.B.)

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

Dated : 03/10/2019.

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

The learned counsel for the applicant submitted that now the applicant has no grievance and he is intending to withdraw the O.A. Hence, the O.A. stands disposed of as withdrawn. No order as to costs.

Member (J)

Vice-Chairman

dnk.

C.P. 11/19 in O.A. 395/2018 (D.B.)

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

Dated : 03/10/2019.

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

S.O. two weeks.

Member (J)

Vice-Chairman

dnk.

C.P. 31/19 in O.A. 35/2018 (D.B.)

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

Dated : 03/10/2019.

Heard Shri A.P. Khadatkar, Id .counsel for the applicant and Shri P.N. Warjurkar, Id .P.O. for the respondents.

The Id. counsel for the applicant has filed rejoinder. It is taken on record. Copy is served on the other side.

The mater be kept for hearing **on 22/10/2019.+**

Member (J)

Vice-Chairman

dnk.

C.P. 35/2019 in O.A. 859/2012 (D.B.)

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

Dated : 03/10/2019.

Shri C. Dashgupta, Id .counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

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

Member (J)

Vice-Chairman

dnk.

O.A. 798/2019 (D.B.)

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

Dated : 03/10/2019.

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

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

S.O. after four weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 946/2018 (D.B.)

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

Dated : 03/10/2019.

C.A. 392/2018 -

G.S. Kidambi, Id. counsel holding for Shri
K.P. Mahalle, Id. counsel for the applicant and

Shri A.M. Khadatkar, Id. P.O. for the respondents.

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

3. It appears that amendment is not carried out as per earlier order dated 27/6/2019. It be carried out before the next date.

S.O. two weeks.

Member (J)

Vice-Chairman

dnk.

C.P. 54/18 in O.A. 573/2007 (D.B.)

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

Dated : 03/10/2019.

Heard 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. submitted that except the amount of GIS, all other dues are paid to the applicant and he requested two weeks time to pay the amount of GIS to the applicant.

3. The learned counsel for the applicant submitted that amount Rs.59,014 was recovered from the deceased and that amount is not refunded. The learned P.O. is also directed to verify this and in the same manner to verify why full amount of gratuity is not paid.

S.O. two weeks.

Member (J)

Vice-Chairman

dnk.

C.P. 18/2019 in O.A. 123/2017 (D.B.)

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

Dated : 03/10/2019.

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

2. We have perused the order passed in O.A.No. 123/2017 on 17/11/2017. As per direction no.2 the respondents were directed to refund the amount of gratuity to the applicant within three

months from the date of order and on their failure to do so, the applicant was entitled to claim interest as per the provisions in the Maharashtra Civil Services (Pension) Rules, 1982 by filing representation to that effect. In pursuance of this direction on 15/3/2019 the representation was made by the applicant to pay the interest, but till today interest is not paid. In this situation, the respondents are directed to pay interest as per the G.R. issued by the Government as claimed by the applicant in Annex-A-4 within a period of 30 days from the date of this order.

S.O. one month.

Steno copy is granted...

Member (J)
dnk.

Vice-Chairman

O.A. 159/2013 (D.B.)

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

Dated : 03/10/2019.

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

The learned P.O. is directed to clarify as to how much amounts were paid to the deceased applicant/his L.Rs. on account of

Pension, Gratuity, Leave Encashment, GIS and GPF.

S.O. two weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 960/2018 (D.B.)

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

Dated : 03/10/2019.

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

At the time of perusing the record, it appears that the order dated 5/10/2017 is passed by the Government rejecting request of

the applicant for fixing his seniority and deemed date. In this regard, it is necessary to hear the learned counsel for the applicant and the learned P.O., therefore, matter be kept **on 9/10/2019.**

Member (J)

Vice-Chairman

dnk.

O.A. 760/2015 (D.B.)

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

Dated : 03/10/2019.

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

2. As per para-7 of the reply filed by respondent no.1, it is mentioned that representation was made by the applicant on 5/9/2015 for the promotion on the post of Additional Collector and it is pending consideration. It is also mentioned that thereafter several representations were made by the applicant and all were pending. In this

background, the respondent no.1 is directed to take decision on the representation dated 5/9/2015 made by the applicant within four weeks from the date of this order.

S.O. four weeks.

Steno copy is granted...

Member (J)

Vice-Chairman

dnk.

O.A. 638/2017 (D.B.)

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

Dated : 03/10/2019.

Ms. N. Chandak, Id. counsel holding for Shri R. Joshi, Id. counsel for the applicant, Shri M.I. Khan, learned P.O. for R-1 and none for R-2.

At the request of learned counsel for the applicant, **S.O. four weeks.**

Member (J)

Vice-Chairman

dnk.

O.A. Nos. 646,647 & 648 of 2018 (D.B.)

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

Dated : 03/10/2019.

Heard Shri N.R. Saboo, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for respondent nos.1&2. None for R-3.

2. The respondents are directed to file return to the rejoinder filed by the applicants.

S.O. three weeks.

Member (J)

Vice-Chairman

dnk.

O.A. No. 723 of 2018 (D.B.)

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

Dated : 03/10/2019.

Shri N.R. Saboo, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for respondent nos.1&2. None for R-3.

The learned P.O. files reply on behalf of R-1&2. It is taken on record.

S.O. 22/10/2019.

Member (J)

Vice-Chairman

dnk.

C.P. 05/19 in O.A. No. 738 /2014 (D.B.)

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

Dated : 03/10/2019.

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

2. It is very surprising that though period of four years is expired, the order is not complied by the respondents and they are showing excuses. The respondents are directed to comply the order within 30 days from the date of this order, failing which necessary action will be taken.

S.O. one month.

Member (J)

Vice-Chairman

dnk.
