

O.A.No.215/2017 (S.B.)

Coram:Shri A.D.Karanjkar, Member (J)
Dated :28/01/ 2020.

Heard Shri G.K.Bhusari, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

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

Member (J)

Date:-28/01/2020.
aps.

O.A.No.1080/2019 (S.B.)

Coram:Shri A.D.Karanjkar, Member (J)
Dated :28/01/ 2020.

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

2. The Id. counsel for the applicant submitted that he will comply the office objection. The Id. P.O. requested two weeks time to file reply, **S.O. two weeks.**

Member (J)

Date:-28/01/2020.
aps.

O.A.No.735/2019 (S.B.)

Coram:Shri A.D.Karanjkar, Member (J)
Dated :28/01/ 2020.

None for the applicant. Shri A.M.Khadatkar,
the Id. P.O. for the respondent nos. 1 to 5. None for
the respondent no. 6.

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

Member (J)

Date:-28/01/2020.
aps.

O.A.No.570/2019 (S.B.)

Coram:Shri A.D.Karanjkar, Member (J)
Dated :28/01/ 2020.

Heard Shri B.R.Deshmukh, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. one week.**

Member (J)

Date:-28/01/2020.
aps.

O.A.No.363/2019 (S.B.)

Coram:Shri A.D.Karanjkar, Member (J)
Dated :28/01/ 2020.

C.A.No.384/2019:-

There is a leave note of Id. Counsel for the applicant. Shri A.M.Khadatkar, the Id. P.O. for the respondents.

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

Member (J)

Date:-28/01/2020.
aps.

O.A.No.109/2017 (S.B.)

Coram:Shri A.D.Karanjkar, Member (J)
Dated :28/01/ 2020.

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

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

Member (J)

Date:-28/01/2020.

aps.

O.A.No.871/2018 (S.B.)

Coram:Shri A.D.Karanjkar, Member (J)
Dated :28/01/ 2020.

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

2. The Id. counsel for the applicant have filed there reply. The Id. counsel for the applicant submitted that the respondent no. 4 is served and he will file service affidavit within one week.

3. Hence, the matter is **admitted** and kept for final hearing.

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

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

Member (J)

Date:-28/01/2020.
aps.

O.A.No.41/2020 (S.B.)

Coram:Shri A.D.Karanjkar, Member (J)
Dated :28/01/ 2020.

Heard Shri A.P.Chaware, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. The applicant retired on 01/07/2019 and latter on order dated 16/10/2019 was passed to recover amount of Rs. 2,16,760/- from the retiral benefits of the applicant. It is submitted that this recovery is in violation of the law laid down in the case of **State of Punjab Vs. Rafiq Masih**.

3. In view of this fact, the order of recovery be **stayed till filing of the reply** by the respondents.

4. Issue notice to R-2 & 3, returnable on four weeks. Learned C.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. four weeks.**

Member (J)

Date:-28/01/2020.
aps.

O.A.No.42/2020 (S.B.)

Coram:Shri A.D.Karanjkar, Member (J)
Dated :28/01/ 2020.

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. It is submitted that the applicant was initially appointed as Lecturer in S.R.R.L., Science College, Morshi, it was 100% granted by the Government. Later on the applicant applied for the post on establishment of respondent no. 4 in pursuance of the advertisement published by M.P.S.C.; the applicant was selected and appointed vide order dated 12/12/2011. After joining the services of respondent no. 4, the pay of the applicant was fixed and his previous services was tagged and his pay was protected.

3. Now, it is contention of the applicant that the respondent no. 2 taken stand that the applicant is not entitled for the pay protection and it is necessary to re-fix the pay of the applicant and to recover excess amount paid to him. The Id. counsel for the applicant submitted that the earlier decision was taken by the Government and pay of the applicant was fixed in accordance with the G.R. issued by the Government time to time. It is submitted that the impugned order of the respondent no. 2 is in violation of the Government G.R. and, therefore, recovery be stayed till filing of the reply by the respondents. **The impugned order of recovery**

dated 19/12/2019, 17/01/2020 and 18/01/2020 be stayed till filing of the reply by the respondents.

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

Date:-28/01/2020.
aps.

Member (J)

O.A.No.452/2019 (S.B.)

Coram:Shri A.D.Karanjkar, Member (J)
Dated :28/01/ 2020.

None for the applicant. Shri S.A.Sainis, the Id. P.O. for the respondent nos. 1 to 6 & 9. Shri T.M.Zaheer, the Id. counsel for the respondent no. 7 and Ms.S.M.Saware, the Id. counsel for the respondent no. 8.

2. The respondent no. 8 is directed to produce original service book of the applicant, **S.O. three weeks.**

Member (J)

Date:-28/01/2020.
aps.

O.A.No.299/2019 (S.B.)

Coram:Shri A.D.Karanjkar, Member (J)
Dated :28/01/ 2020.

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

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

Member (J)

Date:-28/01/2020.
aps.

O.A.No.717/2017 with C.A.Nos.64&

65/2018 with O.A.718/2017 (S.B.)

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

Dated :28/01/ 2020.

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

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

Member (J)

Date:-28/01/2020.

aps.

O.A.No.501/2017 (S.B.)

Coram:Shri A.D.Karanjkar, Member (J)
Dated :28/01/ 2020.

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

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

Member (J)

Date:-28/01/2020.
aps.

O.A.Nos.432,498,799/17with986/18 (S.B.)

Coram:Shri A.D.Karanjkar, Member (J)
Dated :28/01/ 2020.

Heard Shri M.I.Khan, the Id. P.O. for the applicants (Original Respondents) and Shri N.D.Thombre, the Id. counsel for the respondent (Original Applicant).

2. As S.L.P. is pending before the Hon'ble Apex Court, the matter be adjourned in due course. If the S.L.P. is decided by the Hon'ble Apex Court then applicant may circulate the matter for early hearing.
S.O. due course.

Member (J)

Date:-28/01/2020.
aps.

O.A.No.455/2019 with C.A. 26/2020 (S.B.)

Coram:Shri A.D.Karanjkar, Member (J)
Dated :28/01/ 2020.

Heard Shri S.S.Dhengale, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondent nos. 1 to 4. None appeared for respondent nos. 5 to 7.

2. The applicant is disputing the legality of the impugned transfer order dated 31/05/2019. It is contention of the applicant that his 82 years old mother and his widow sister suffering from cancer are depending on him and for this reason several representations were made by him but the respondents did not consider the same. It is submitted that without considering the station seniority of other teachers who were overdue for the transfer at Yavatmal, they are not transferred and, therefore, the impugned transfer order is illegal.

3. The Id. P.O. submitted that the applicant was relieved from his post Bijudhawadi in the month of September, 2019 and till today the applicant has not resumed the duty at Tembli, Taluka Dharni.

4. The Id. counsel for the applicant has filed **C.A. No. 26/2020 for permission to file documents on record the C.A. is allowed.**

5. The applicant has made last representation on 05/11/2019 for giving him posting at Yavatmal or in Yavatmal District. The Id. counsel for the applicant submitted that as per G.R. dated

20/09/2019 additional post are created in Ashram School and he can be accommodated.

6. In view of this situation, in this matter it is suitable to direct the respondents to decide the representation of the applicant dated 05/11/2019 in view of the G.R. dated 20/09/2019. The respondent no. 2 is directed to take decision on the representation at the time of the general transfers of the year 2020.

7. With this direction, **O.A. stands disposed of with no order as to costs.**

Member (J)

Date:-28/01/2020.
aps.

O.A.No.39/2020 (S.B.)

Coram:Shri A.D.Karanjkar, Member (J)
Dated :28/01/ 2020.

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

2. The respondent nos. 1 & 2 have filed there reply and submitted that the matter be urgently heard. **S.O. 30.01.2020.**

Member (J)

Date:-28/01/2020.
aps.

Rev.No.33/19inO.A.No.702/19 (S.B.)

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

Dated :28/01/ 2020.

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

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

Member (J)

Date:-28/01/2020.

aps.

C.P.No.05/20 in O.A.No.712/2019(D.B.)

Coram:Shri A.D.Karanjkar, Member (J)
Dated :28/01/ 2020.

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State.

2. Issue Notice to the respondent no. 4 returnable in **four weeks** 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.

3. Shri A.P.Potnis, the learned P.O. waives notice for respondent No. 1. Hamdast granted.

4. S.O. **four weeks**.

Member (J)

Date:-28/01/2020.
aps.

O.A.No.44/2020 (S.B.)

Coram:Shri A.D.Karanjkar, Member (J)
Dated :28/01/ 2020.

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State.

2. It is submitted that the O.A. No. 712/2019 was filed by the applicant as she was not relieved to Joined at Bramhapuri, where she was transferred. The respondent submitted there difficulties not to relieved the applicant. Consequently, order was passed on 18/11/2019, as the applicant submitted before the Bench that she would work till the end of academic session of year 2019-2020 and directions was given to respondent nos. 1 & 2 to make necessary arrangement to post someone on the post of the applicant.

3. It is submitted by the applicant that disregarding this order though no-one is appointed on the post of the applicant. The applicant is relieved unilaterally by the order dated 22/01/2020. It is submitted that the impugned action of the respondent no. 4 is contemptuous and, therefore, the applicant is still working at Sakoli. **The impugned order be stayed.** In view of the submission, **the parties to maintain status-quo as on 22.01.2020.**

4. Issue notice to R-2 to 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.

10. **S.O. two weeks.**

11. **Steno copy is granted.**

Member (J)

Date:-28/01/2020.

aps.

