

O.A.No.637/2017.

(S.B.)

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

Dated : 11th July 2018.

Miss. K.R. Prajapati, Adv. holding for Shri H.N. Potbhare, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondent Nos. 1 to 4. None for R.5.

At the request of the Ld. counsel for the applicant, S.O.**13th July 2018.**

Vice-Chairman (J)

pdg

O.A.No.444/2015.

(S.B.)

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

Dated : 11th July 2018.

Heard Shri N.B. Bargat, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

2. It seems that the applicant has applied for voluntary retirement vide notice dated 27.12.2004 (Annexure A-2). But from his own pleading, it seems that the said notice was rejected by the respondent authority on the ground that the departmental enquiry was initiated against the applicant, since he was absent from duty and as such request for voluntary retirement cannot be considered. The Ld. counsel for the applicant submits that on 29.4.2008 (Annexure A-5), the applicant has give another notice seeking for voluntary retirement and

no reply was given to the said notice. However, from (Annexure A-5), it seem that the applicant is referring to his earlier notice dated 1.1.2005, date of which the applicant wanted to proceed on voluntary retirement. Therefore, (Annexure A-5) cannot be said to be second notice of voluntary retirement. The Ld. counsel for the applicant wants to take instructions from his client and, therefore, he wants time. The Ld. P.O. submits that he wants to file reply of R.1. Since the matter is of the year 2015 and no efforts are mad to file reply by R.1 till today, in the interest of justice, last chance is given to the State to file reply affidavit.

S.O. **two weeks.**

Vice-Chairman (J)

pdg

O.A.No.571/2015.

(S.B.)

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

Dated : 11th July 2018.

Heard Shri S.M. Khan, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

S.O. 12th July 2018.

To be treated as part heard.

Vice-Chairman (J)

pdg

O.A.No.610/2017.

(S.B.)

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

Dated : 11th July 2018.

Heard Shri W.N. Nayse, the Ld. counsel for the applicants and Shri A.M. Khadatkar, the learned P.O. for the respondents.

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

Vice-Chairman (J)

pdg

O.A.No.939/2017.

(S.B.)

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

Dated : 11th July 2018.

Heard Shri W.N. Nayse, the Ld. counsel for the applicants and Shri S.A. Sainis, the learned P.O. for the respondents.

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

Vice-Chairman (J)

pdg

O.A.No.05/2018.

(S.B.)

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

Dated : 11th July 2018.

Heard Shri S.D. Chande, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents.

Closed for orders.

Vice-Chairman (J)

pdg

O.A. 113/2015 (D.B.)

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

Dated : 11/07/2018

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

The learned counsel for the
applicant seeks further time. Time is
granted.

S.O. in due course.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 383/2017 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 11/07/2018

None for the applicant. Shri M.I. Khan, Id. P.O. for R-2. Await service of R-1.

2. The learned P.O. submits that the applicant is challenging the process of recruitment which pertains to Pune Region and therefore this Tribunal has no jurisdiction. Since nobody appeared for the applicant the matter is adjourned for **two weeks** on the point of jurisdiction.

S.O. two weeks.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 89/2018 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 11/07/2018

None for the applicant. Shri H.K. Pande, Id. P.O. for R-1. Await service of R-2.

The applicant to file service affidavit of R-2.

S.O. two weeks.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 390/2018 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 11/07/2018

Shri S.M. Khan, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1. Await service of R-2&3.

The learned counsel for the applicant submits that notices of R-2&3 are served and he will file service affidavit to that effect before the next date.

S.O. two weeks for filing service affidavit of R-2&3.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 603/2016 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 11/07/2018

Shri S.C. Deshmukh, learned counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

2. The learned counsel for the applicant filed rejoinder along with the recruitment rules. Copies of the same are taken on record and also supplied to the learned P.O..

3. Shri V.A. Kulkarni, Id. P.O. submits that Shri A.M. Ghogre, Id. P.O. is conducting this matter and due to his personal difficulties, he is unable to come today before this Tribunal and hence Shri Kulkarni, Id. P.O. prays that the matter may be kept on 13/07/2018.

4. At the request of learned P.O., **S.O. 13/07/2018.**

Member(A) Vice-Chairman(J)

dnk.

O.A. 141/2016 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 11/07/2018

Shri S. Khandekar, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1&2 and Ms. Lanjewar, Id. counsel holding for Shri P.D. Meghe, Id .counsel for R-3&4.

At the request of learned counsel for R-3&4, **S.O. one week** by way of last chance.

Put up along with O.A.142/2016.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 142/2016 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 11/07/2018

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

S.O. one week.

Put up along with O.A.141/2016.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 346/2017 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 11/07/2018

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

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

Heard. Admit.

Learned P.O. waives notice for the respondents.

The applicant is at liberty to file rejoinder, if any.

S.O. two weeks.

Member(A) Vice-Chairman(J)

dnk.

O.A. 461/2017 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 11/07/2018

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

Rejoinder is not filed.

Heard. Admit.

The learned P.O. waives notice for the respondents.

S.O. in due course.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 772/2017 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 11/07/2018

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

At the request of learned P.O., **S.O. one week** for filing reply.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 45/2018 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 11/07/2018

Sau. A. Pardhi, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

The learned P.O. files reply-affidavit on behalf of R-1 to 3. It is taken on record. Copy is served on the applicant.

Heard. Admit.

The learned P.O. waives notice for the respondents.

The applicant is at liberty to file rejoinder, if any.

S.O. four week.

Put up along with
O.A.No.207/2016.

Member(A) Vice-Chairman(J)

dnk.

O.A. 214/2018 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 11/07/2018

Sau. A. Pardhi, Id. counsel holding for Shri A.B. Mahajan, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1 to 3 and Shri R.G.Kavimandan, Id. counsel for R-4. None for R-5.

2. The learned P.O. files reply-affidavit on behalf of R-2. It is taken on record. Copies are served on the other sides. The learned P.O. submits that reply of R-1 is not necessary. He seeks further time to file reply of R-3.

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

Member(A) Vice-Chairman(J)

dnk.

O.A. 858/2009 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 11/07/2018

Shri Bharat Kulkarni, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1 to 3. None for R-4 to 8.

At the request of learned counsel for the applicant, **S.O. two weeks** as a last chance.

Member(A) Vice-Chairman(J)

dnk.

O.A. 737/2016 (D.B.)

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

Dated : 11/07/2018

Shri M.R. Rajgure, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

2. As per the order dated 19/04/2018 the applicant was allowed to appear for

the examination held on 24/04/2018. It is stated that the result is yet not declared. The learned P.O. submits that he will take instructions as to within how many days the result will be declared and for that purpose he seeks one week time. At his request, **S.O. one week.**

Member(A) Vice-Chairman(J)

dnk.

O.A. 257/2017 (D.B.)

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

Dated : 11/07/2018

Shri W.N. Nayase, Id. counsel holding for Shri G.G.Bade, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

At the request of learned counsel for the applicant, **S.O. 16/07/2018.**

Member(A)

Vice-Chairman(J)

dnk.

O.A. 849/2009 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 11/07/2018

Shri W.N. Nayase, Id. counsel holding for Shri G.G.Bade, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

At the request of learned counsel for the applicant, **S.O. 16/07/2018.**

Member(A)

Vice-Chairman(J)

dnk.

O.A. 436/2014 (D.B.)

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

Dated : 11/07/2018

Ms. Rutuja Palaspagar, Id. counsel holding for Shri A.V. Band, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1&2 and Shri P.S. Wathore, Id. counsel for R-3.

After hearing the matter for some time, the learned counsel for the applicant seeks time. At her request, **S.O. 17/07/2018.**

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

Member(A)

Vice-Chairman(J)

dnk.

O.A. 361/2017 (D.B.)

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

Dated : 11/07/2018

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

2. The learned P.O. files reply-affidavit to the amended O.A. on behalf of R-1&2. It is taken on record. Copy is served on the applicant.

3. The applicant has claimed for a direction to the respondents to include his name in the select list prepared for promotion to MFAS cadre, Class-II at appropriate place in the order of his merit, obtained by him in the MFAS examination of Class-II conducted by the MPSC from 27/05/2015 to 30/05/2015

and correct the list published on 16/12/2016. It seems that the applicant was allowed to appear for the examination as per the order of this Tribunal in O.A.196/2015.

4. According to the learned P.O., there is no doubt that the applicant was allowed to appear in the examination by the order of this Tribunal and has been declared successful, but that is not enough. He submits that as per the recruitment rules, the candidate has to appear for the said examination before he crossed the age of 40 years. Since the applicant did not clear the examination before crossing the age of 40 years, he is not eligible and therefore his name was not included in the list. The recruitment rules for the appointment to the post clearly shows that the candidate shall be below the age of 40 years. But it has been made obligatory on the part of respondents to see that the examination is conducted twice in a year. The candidate has to pass the examination within 4 chances. According to the applicant, he has applied for the post before crossing the age of 40 years, but no examination was

conducted by the respondent authorities and therefore he did not get chance to appear for the examination before crossing the age of 40 years. In view of this, the applicant is therefore directed to file a short affidavit on the following points :-

(i) What is the date on which the applicant has crossed the age of 40 years.

(ii) The date of application filed by the applicant for the first time for appearing for such examination.

(iii) The date of passing of examination.

5. The State is also directed to file affidavit as to how many examinations were held during the period from 06/12/2012 till the applicant was declared successful, i.e., on 15/10/2016. The respondents shall also make clear as to whether the examinations were conducted as per rules, i.e., twice in every year. Such affidavit shall be filed within two weeks.

S.O. two weeks.

Steno copy is granted.

Member(A)

Vice-Chairman(J)

dnk.

O.A.No.259/2018 (S.B.)

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

Dated : 11.07.2018.

Shri A.P.Sadavarte, Id. counsel for the applicant, Shri M.I.Khan, Id. P.O. for the respondent nos. 1, 4 & 5 and Shri A.S.Deshpande holding for Shri H.D.Marathe, Id. counsel for respondent nos. 2 and 3.

At the request of Id. counsel for the respondent nos. 2 and 3, **S.O. four weeks.**

Member (A)

aps.

O.A.No.292/2018 (S.B.)

Coram : Hon. Shri Shree Bhagwan,

Member (A)

Dated : 11.07.2018.

Leave note of Id. counsel for the applicant. Shri A.P.Potnis, Id. P.O. for the respondents.

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

Member (A)

aps.

O.A.No.133/2018 (S.B.)

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

Dated : 11.07.2018.

Ku.K.K.Pathak, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the respondents.

However, the Id. P.O. submits that he has received parawise comment to the office. At the request of Id. P.O., **S.O. two weeks** for reply as a last chance.

Member (A)

aps.

O.A.No.271/2017 (S.B.)

Coram : Hon. Shri Shree Bhagwan,

Member (A)

Dated : 11.07.2018.

None for the applicant. Shri A.P.Potnis, Id. P.O. for the respondent nos. 1 and 3. Await service of respondent nos. 2 and 4.

The Id. P.O. points out that notices of respondent nos. 2 and 4 is yet to be served. This matter was earlier dismissed in default. However, it has been restored. Today also nobody appears for the applicant. At the request of Id. P.O., **S.O. one week.**

Member (A)

aps.

O.A.No.877/2017 (S.B.)

Coram : Hon. Shri Shree Bhagwan,

Member (A)

Dated : 11.07.2018.

Shri N.R.Saboo, Id. Counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the respondents.

As Id. Counsel for the applicant has pointed out that O.A. No. 880/2017 and this O.A. No. 877/2017 are similar matters. So, both will be listed together on 17/07/2018. In the meantime, the Id. P.O. will file the affidavit-in-reply for the respondents.

S.O. 17/07/2018.

Member (A)

aps.

O.A.No.976/2017 (S.B.)

Coram : Hon. Shri Shree Bhagwan,

Member (A)

Dated : 11.07.2018.

Heard Shri D.S.Sawarkar, Id. Counsel for the applicant and Shri M.I.Khan, Id. P.O. for the respondents.

As per the request of Id. P.O., as a last chance matter will be listed after three weeks.

S.O. three weeks.

Member (A)

aps.

O.A.No.96/2018 (S.B.)

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

Dated : 11.07.2018.

Heard Shri N.R.Saboo, Id. Counsel for the applicant and Shri M.I.Khan, Id. P.O. for the respondents.

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

Put up this matter alongwith O.A.215/2018 and O.A.246/2018.

Member (A)

aps.

O.A.No.215/2018 (S.B.)

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

Dated : 11.07.2018.

Heard Shri N.R.Saboo, Id. Counsel for the applicant and Shri M.I.Khan, Id. P.O. for the respondents.

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

Put up this matter alongwith O.A.96/2018 and O.A.246/2018.

Member (A)

aps.

O.A.No.246/2018 (S.B.)

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

Dated : 11.07.2018.

Heard Shri N.R.Saboo, Id. Counsel for the applicant and Shri M.I.Khan, Id. P.O. for the respondents.

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

Put up this matter alongwith O.A.96/2018 and O.A.215/2018.

Member (A)

aps.

O.A.No.268/2018 (S.B.)

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

Dated : 11.07.2018.

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

The Id. P.O. has filed the affidavit-in-
reply on behalf of the respondent nos. 3 and 4.
The same is taken on record. Copies are
served to the other side.

Hence, the matter is **admitted** and
kept for final hearing. **S.O. first week of**
August, 2018.

Member (A)

aps.

O.A.No.363/2018 (S.B.)

Coram : Hon. Shri Shree Bhagwan,

Member (A)

Dated : 11.07.2018.

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

The applicant personally present in the Tribunal and submits that she has given representation but that is not on record. So, the respondents are directed to consider her case sympathetically as a lady employee and disposed off the representation within fifteen days.

Hence the O.A. is disposed off with no order as to costs.

Till the decision of the representation the order dated 06/06/2018 in para no. 2 is continued.

Member (A)

aps.

O.A.No.382/2018 (S.B.)

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

Dated : 11.07.2018.

Heard Shri N.R.Saboo, Id. Counsel for the applicant and Shri M.I.Khan, Id. P.O. for the respondents.

The Id. P.O. has filed the affidavit-in-reply for respondent nos. 1 to 3. The same is taken on record. Copies are served to the other side.

The Id. Counsel for the applicant wants to go through the same. At his request, **S.O. one week.**

In order dated 11/06/2018 in para no. 2 the stay granted is continued till next date of hearing.

*Put up this matter alongwith O.A.
381/2018.*

Member (A)

aps.

O.A.No.392/2018 (S.B.)

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

Dated : 11.07.2018.

Heard Shri S.C.Deshmukh, Id. Counsel
for the applicant and Shri P.N.Warjurkar, Id.
P.O. for the State.

2. Issue notice to R-2 & 3, 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.**

Member (A)

aps.

O.A.No.379/2018 (S.B.)

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

Dated : 11.07.2018.

None for the applicant. Shri M.I.Khan,
Id. P.O. for the respondents.

The Id. P.O. submits that on
10/07/2018, nobody for applicant and on
today also none for the applicant. It seems
that the applicant is not interested in
proceeding the O.A.

In view of this, O.A. stands disposed off
as dismissed.

**Later on Id. Counsel for the applicant
appears:-**

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

The O.A. stands disposed off with
direction that impugned order of
respondent

no. 2 i.e. Chief Conservator of Forest, Amravati
letter no. VNSA del/66] dated 30/05/2018,
the applicant is at Sr. No. 36, he may join as
per the impugned order and since the Id.
Counsel for the applicant has submitted
certain new facts before the Tribunal, that the
respondent no. 2 is directed to consider the
applicant's representation as per rule
sympathetically and dispose of
representation.

Member (A)

aps.