

O.A. No.290/2013. (S.B.)

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

Dated : 20th June 2018.

M.C.A. 13/2018.

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

2. The applicant is claiming regularization of service as Van Majur. The order was passed for regularization on 18.1.2018 by this Tribunal. The same was to be complied with within three months from the date of passing of the order. Admittedly, no application for review of the order has been filed within limitation and till today. By virtue of application, the applicant is claiming extension of time for filing review petition. For filing review petition, no permission of this Tribunal is required.

The respondents can very well file such an application alongwith an application for condonation of delay and if the same is admissible, the Tribunal may pass necessary order accordingly. In view of this, application for extension of time for review application is not maintainable at all and, therefore, the same stands disposed of accordingly. MCA is disposed of.

Vice-Chairman (J)

pdg.

O.A. No.429/2018. (S.B.)

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

Dated : 20th June 2018.

Heard Smt. Neeta Jog, the Ld. counsel for the applicant and Shri S.A.Deo, the learned C.P.O. for the respondent No.1.

2. The applicant was given benefit of special pay for working in the naxalite affected area vide G.R. dated 6.8.2002. However, vide letter dated 4.1.2018, the said incentive has been directed to be recovered in instalments. The respondents have directed the applicant to pay the amount of Rs. 5,50,000/- in eleven monthly instalments. But no opportunity has been given to the applicant for such recovery. In view thereof, the respondents are directed not to recover the amount in view of

order dated 4.1.2018 till reply in the matter is filed.

3. The Ld. CPO submitted that the order of recovery was in fact passed on 4.7.2014. However, it was subject to some verification. The recovery order has been passed on 4.1.2017 at Annexure A.8. Whether these two letters dated 4.7.2014 and 4.1.2017 are legal or not will be considered at the time of final hearing. If the amount is already recovered, no stay shall operate to the amount which are already recovered.

4. Issue notice to the respondent Nos. 2 to 4 returnable after **four weeks.**

5. Shri S.A.Deo, the learned C.P.O. waives notice for the respondent No.1. Hamdast granted.

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. In case notice is not collected within **seven days**, and if service report on affidavit is not filed within **three days** before returnable date, O.A. shall stand dismissed without reference to the Tribunal and papers be consigned to record.

10. S.O. **four weeks.**

Vice-Chairman (J)

O.A. No.687/2015. (D.B.)

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

Dated : 20th June 2018.

C.A. 91/2018.

Heard Shri S.G. Malode, the
Ld. counsel for the applicant and Shri
V.A. Kulkarni, the learned P.O. for the
respondents 1 to 3. None for R.4.

C.A. for early hearing is granted
and disposed of.

O.A. No.687/2015

S.O. 27th June 2018.

Member (A) Vice-Chairman (J)

O.A. No.114/2018. (D.B.)

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

Dated : 20th June 2018.

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

The Ld. P.O. submits that he will file reply affidavit on behalf of R. 2 and 3. He submits that reply of R.1 is not necessary.

S.O. two weeks.

Member (A) Vice-Chairman (J)

pdg.

O.A. No.76/2017.

(D.B.)

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

Dated : 20th June 2018.

C.P. 05/2018.

Heard Miss A. Lajewar the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

The Ld. P.O. submits that he will file reply affidavit on behalf of R. 1 during the course of the day. He further submits that the Accountant General has already passed pension of the applicant and bills were submitted to the Treasury. Some objections were raised by the Treasury office which are already removed and there is likelihood of payment within a period of one week. In view thereof, matter be kept in the next week i.e. on **27.6.2018.**

Member (A)

Vice-Chairman (J)

pdg.

O.A. Nos.762 & 763 of 2016. (D.B.)

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

Dated : 20th June 2018.

C.P. 25/2018.

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

2. As per order of this Tribunal, Shri Piyush Singh, Divisional Commissioner, Amravati (R.2) and Dr. Rajesh Deshmukh, Collector, Yavatmal (R.3) are present before this Tribunal. We have noted their appearance. Respondent No.2 and 3 have filed their reply. Ld. P.O. also placed on record the statement as regards the amount paid to the applicant which is marked "A" for identification. Copy of the same has been supplied to the applicant. The Ld. counsel for the applicant submits that he will go through the statement and will make a statement as to what amount he has really received or not. The Ld. P.O. submits that the departmental enquiry has been initiated against the applicant as per Rule 27 of the

Maharashtra Civil Services (Pension) Rules, 1982 and a copy of the charge-sheet has already been received by the applicant. But the said fact has not been disclosed by the applicant in the contempt petition. The learned P.O. also submits that the respondents have also challenged the order of this Tribunal only on the ground that the respondents shall not be insisted to pay regular pension to the applicant till disposal of the departmental enquiry before the Hon'ble High Court and the said petition is pending. In view thereof, he seeks four weeks' time. The Ld. counsel for the applicant also seeks four weeks' time. Hence, the matter be kept after four weeks.

3. Respondent Nos. 2 and 3 are exempted from further appearance and their appearance is dispensed with.

S.O. 11.7.2018.

Member (A)

Vice-Chairman (J)

pdg.

O.A. No. 245/2018. (D.B.)

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

Dated : 20th June 2018.

None for the applicant. Shri H.K. Pande, the learned P.O. for the respondents 1 to 4. None for R.5.

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

Member (A)

Vice-Chairman (J)

pdg.

O.A. No.383/2018.

(D.B.)

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

Dated : 20th June 2018.

Heard Shri S.P. Palshikar, the
Ld. counsel for the applicant and Shri
A.M. Ghogre, the learned P.O. for the
respondent No.1.

2. Issue notice to the respondent
No. 2 returnable after **two weeks.**

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

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. In case notice is not collected within **seven days**, and if service report on affidavit is not filed within **three days** before returnable date, O.A. shall stand dismissed without reference to the Tribunal and papers be consigned to record.

8. S.O. **two weeks.**

9. Point of interim relief will be kept open.

Member (A) Vice-Chairman (J)

O.A.No.333/2018 (S.B.)

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

Dated : 20.06.2018.

Smt. K.N.Saboo, Id. Counsel for the applicant, Shri A.P.Potnis, Id. P.O. for the respondent nos. 1 and 2, Shri N.Majithia, Id. Counsel for respondent no. 3. Await service of respondent no. 4.

The Id. Counsel for respondent no. 3 desires two weeks time, **S.O. 04/07/2018.**

Member

(A)

aps.

O.A.No.339/2018 (S.B.)

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

Dated : 20.06.2018.

Shri G.G.Bade, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the State. Await service of respondent nos. 2 and 3.

The Id. Counsel for the applicant undertakes to file service affidavit in the next date. However, Id. P.O. also seeks two weeks time to file affidavit-in-reply, **S.O.**
04/07/2018.

Interim is continued till next date.

Member

(A)

aps.

O.A.No.349/2018 (S.B.)

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

Dated : 20.06.2018.

Shri G.G.Bade, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the State. Await service of respondent nos. 2 to 6.

The Id. Counsel for the applicant undertakes to file service affidavit in the next date. However, Id. P.O. also seeks two weeks time to file affidavit-in-reply for respondent nos. 1 to 3. **S.O. 04/07/2018.**

Member

(A)

aps.

O.A.No.54/2017 (S.B.)

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

Dated : 20.06.2018.

Smt. K.N.Saboo, Id. Counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the respondents.

Admit. The Id. P.O. waives notice.

As per the request of Id. P.O., **S.O.**

04/07/2018.

*Put up this matter alongwith
O.A.No.782/2016.*

Member

(A)

aps.

O.A.No.265/2018 (S.B.)

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

Dated : 20.06.2018.

Shri W.G.Paunikar, Id. Counsel for the applicant, Shri A.P.Potnis, Id. P.O. for the respondent nos. 1 to 4 and Shri G.G.Bade, Id. Counsel for respondent no. 5.

The Id. P.O. files affidavit-in-reply for respondent nos. 3 and 4. It is taken on record. Copies are served to the other sides. The Id. P.O. further pointed out that provisional pension has already been paid to the applicant, which has given in the affidavit-in-reply at Para No. 3. However, it is directed to submit the pensionary benefits in the tabular format.

The Id. P.O. seeks two weeks time for the above same. **S.O. 05/07/2018.**

Member

(A)

aps.

O.A.No.352/2018 (S.B.)

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

Dated : 20.06.2018.

Shri M.R.Khan, Id. Counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the respondents.

However, any recovery from the applicant is stayed till the outcome of the O.A.

S.O. 04/07/2018.

Member

(A)

aps.

O.A.No.678/2017 (S.B.)

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

Dated : 20.06.2018.

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

The Id. P.O. seeks a week time to file
reply, **S.O. 04/07/2018** for reply.

Member

(A)

aps.

O.A.No.943/2017 (S.B.)

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

Dated : 20.06.2018.

Ms.A.Lanjewar holding for Shri P.D.Meghe, Id. Counsel for the applicant, Shri V.A.Kulkarni, Id. P.O. for the respondent nos. 1 to 3 and Shri A.S.Chakotkar, Id. Counsel for respondent no. 4.

The Id. Counsel for the applicant pointed out that the applicant is retired in the year 2011 and no pensionary benefits paid till this date. The respondents are directed to ensure that pensionary benefits are paid or valid reasons should be given in affidavit-in-reply.

The Id. Counsel for the respondent no. 4 seeks two weeks time to file affidavit-in-reply. At his request, **S.O. 05/07/2018.**

Member

(A)

aps.

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

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

Dated : 20.06.2018.

Smt. K.N.Saboo, Id. Counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the respondents.

The Id. P.O. seeks three weeks time to file affidavit-in-reply. At his request, **S.O. 11/07/2018.**

*Put up this matter alongwith
O.A. No.215/18 & 246/18.*

Member

(A)

aps.

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

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

Dated : 20.06.2018.

Smt. K.N.Saboo, Id. Counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the respondents.

The Id. P.O. seeks three weeks time to file affidavit-in-reply. At his request, **S.O.**
11/07/2018.

*Put up this matter alongwith
O.A. No.96/18 & 246/18.*

Member

(A)

aps.

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

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

Dated : 20.06.2018.

Smt. K.N.Saboo, Id. Counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the respondents.

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

11/07/2018.

*Put up this matter alongwith
O.A. No.96/18 & 215/18.*

Member

(A)

aps.

O.A.No.337/2018 (S.B.)

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

Dated : 20.06.2018.

Shri R.J.Kankale, Id. Counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the respondents.

The Id. P.O. seeks four weeks time to file affidavit-in-reply. At his request, **S.O.**
18/07/2018.

Interim relief is continued till next date.

Member

(A)

aps.

O.A.No.338/2018 (S.B.)

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

Dated : 20.06.2018.

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

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

05/07/2018.

Interim relief is continued till next date.

Member

(A)

aps.

O.A.No.361/2018 (S.B.)

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

Dated : 20.06.2018.

Shri G.G.Bade, Id. Counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the respondents.

In previous date impugned order of transfer dated 31/05/2018 to the extent of applicant is stayed. The same is continued till next date.

The Id. P.O. seeks two weeks time to file affidavit-in-reply. At his request, **S.O.**
05/07/2018.

Member

(A)

aps.

O.A.No.937/2017 (S.B.)

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

Dated : 20.06.2018.

C.A.No. 139/2018:-

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

C.A. is allowed.

The matter will be listed for final hearing after two weeks.

S.O. 05/07/2018 for final hearing.

Member

(A)

aps.

