

O.A. No.374/2019.

(S.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman
Dated : 18th June 2019.
C.A. 219/2019.

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

2. It appears that the applicant was transferred initially vide order dated 28.5.2019 (A-1). The same order was challenged before this Tribunal and the order was passed on 4.6.2019. In the said order in para 3, following observations have been made:-

“The Ld. counsel for the applicant submitted that till today the applicant is not relieved from the post. He is working at Desaiganj. Under these circumstances, the respondents are directed not to relive the applicant from Desaiganj till further orders.”

3. As per this order, the respondents were directed not to relieve the applicant from Desaiganj till further orders. The Ld. counsel for the applicant has filed C.A. No. 219/2019. alongwith the C.A. attached (A-2) i.e. the order dated 12.6.2019 by which it appears that further order has been issued and the charge of the applicant has been given to the officer at Kurkheda. Vide this order, it appears that the Deputy Superintendent of Land

Records, Kurkheda has been given the applicant's charge of Desaiganj (Wadsa) without mentioning this Tribunal's order dated 4.6.2019 and any specific reasons. Hence, this order is totally illegal and against the order passed by this Tribunal dated 4.6.2019. In view of this, order dated 12.6.2019 (A-2) of C.A. is quashed and set aside. It appears that the respondents have tried to circumvent the order passed by this Tribunal on 4.6.2019. They should immediately file their say and justify the action taken against the order of this Tribunal dt. 4.6.2019, within one week.

4. The applicant must be allowed to continue to work at Desaiganj (Wadsa) till further orders as per the order of this Tribunal dt. 4.6.2019.

5. Ld. P.O. wants time of one week before deciding the C.A.

6. S.O. **one week**.

7. Steno copies be provided to both parties.

Vice-Chairman

Dt. 18.6.2019.

Pdg

O.A. No.444/2019.

(S.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman

Dated : 18th June 2019.

Heard Shri R.V. Shiralkar, the Ld. counsel for the applicant and Shri A.P.Potnis, the learned P.O. for the respondent No.1.

2. Issue has been heard on 28.2.2019 by the Division Bench of this Tribunal and a detailed order was passed, in which it has been pointed out that there has been many irregularities and harassment of the applicant. Even today, the Ld. counsel for the applicant has pointed out that the applicant has not been allowed to join. However, the Ld. P.O. seeks time to take instructions from the department.

3. Issue notice to respondent Nos. 2 and 3 returnable after one week.

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

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. **one week.**

11. Ld. P.O. to file reply within a week.

12. Steno copies be provided to both the parties.

Vice-Chairman

Dt. 18.6.2019.

Pdg

O.A. No.445/2019.

(S.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman

Dated : 18th June 2019.

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

2. There is an objection about page Nos. 15 to 27. However, I have perused the matter. It appears that the part of pages has not been properly xeroxed. In my opinion, It does not make any difference.

3. Issue notice to respondent No. 2 returnable after four weeks.

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

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.**

Vice-Chairman

Dt. 18.6.2019.

Pdg

O.A. No.446/2019.

(S.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman

Dated : 18th June 2019.

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

2. There is an objection about page Nos. 15 to 27. However, I have perused the matter. It appears that the part of pages has not been properly xeroxed. In my opinion, It does not make any difference.

3. Issue notice to respondent No. 2 returnable after four weeks.

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

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.**

Vice-Chairman

Dt. 18.6.2019.
Pdg

O.A. No.447/2019.

(S.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman
Dated : 18th June 2019.

Heard Shri S.M. Khan, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondent No.1.

2. The Ld. counsel for the applicant submits that the applicant has retired on 31st January 2019 and the applicant is getting pension. There are some arrears which will be paid to the applicant. The Ld. counsel for the applicant has relied on the G.R. dated 26.2.2019 (A-12) in para No. 1 (a) (e). However, the Ld. P.O. has pointed out main para 3 which is contrary to sub-para (1). Again para 4 also appeared to be contrary to para 3 (a). The Ld. counsel for the applicant also submits that the departmental enquiry is yet to be started as per order dated 2.5.2019 (A-1). In this case, recovery should not be started till final outcome of the O.A.

3. Ld. P.O. is directed to file reply within three weeks.

4. In reply, provisions of the G.R. dated 26.2.2019 should be explained in detail about the policy of the Government.

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

6. Shri V.A. Kulkarni, the learned P.O. waives notice for the respondent No.1. Hamdast granted.

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

8. 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.

9. 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.

10. 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.

11. 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.

12. S.O. **four weeks.**

13. Steno copies be provided to both parties.

Vice-Chairman

Dt. 18.6.2019.
Pdg

O.A. No.450/2019.

(S.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman

Dated : 18th June 2019.

Heard Shri R.D. Karode, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents.

2. The Ld. counsel for the applicant has filed transfer order of the applicant dated 10.6.2019 (A-4). Again, the Ld. counsel for the applicant has filed an order dated 14.6.2019 (A-5) in which the applicant is at Sr. No.115 and posted at Parseoni. Before the transfer, the applicant has given application dated 12.2.2019 (A-3). The applicant has given following three choices:-

(i) Nandgaon, Distt. Amravati.

(ii) Karanja, Distt. Washim.

(iii) Pandharkawada, Distt. Yavatmal.

3. In the transfer order dated 10.6.2019, in para 2, it is specifically mentioned that this order has been issued after taking permission from the competent authority. However, the respondents are directed to consider the applicant's request dated 12.2.2019 (P.21).

4. The applicant is directed to submit his representation within one week. The

respondents to dispose of his application within four weeks from the receipt of the representation of the applicant. With this direction, O.A. stands disposed of with no order as to costs.

Vice-Chairman

Dt. 18.6.2019.
Pdg

O.A. No.889/2018

(SB)

Coram:Shri Shree Bhagwan,
Vice-Chairman
Dated : 18th June 2019.

Heard Shri J. Duhilani, the Ld. counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents.

S.O. **one week** for filing reply by Ld. P.O.

Vice-Chairman

Dt. 18.6.2019.

pdg.

O.A. No.159/2019.

(S.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman

Dated : 18th June 2019.

Heard Shri S.K. Thengri, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondent Nos. 1 to 9. None for R.10.

At the request of Ld. P.O., S.O. 1st
July 2019 to file reply as a last chance.

Vice-Chairman

Dt. 18.6.2019.

pdg.

O.A. No.196/2019.

(S.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman

Dated : 18th June 2019.

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

At the request of Ld. P.O., S.O. **three weeks** to file reply.

Vice-Chairman

Dt. 18.6.2019.

pdg.

O.A. No.274/2019.

(S.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman

Dated : 18th June 2019.

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

The Ld. counsel for the applicant submits that as per order dated 22.4.2019, objection at page Nos. 79 & 80 has been removed. Service affidavit is filed.

Ld. P.O. submits that he requires two weeks' time to file reply. He submits that as per instructions, proposal of the applicant has been sent to the Settlement Commissioner and Director of Land Records, Pune (R.2).

S.O. **three weeks.**

Vice-Chairman

Dt. 18.6.2019.

pdg.

O.A. No.300/2019.

(S.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman
Dated : 18th June 2019.**

Heard Shri M.V. Joshi, Adv. holding for P.S. Wathore, the Ld. counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondent No.1.

Await service of notice to R.2.

Shri M.V. Joshi, Advocate for the applicant is not able to explain the issue and submits that his senior is appearing in this case. It will be better that matter will be heard when his senior will appear in the case.

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

Interim relief granted on 26.4.2019 in para 3 as a *status quo* will continue till next date of hearing.

Vice-Chairman

Dt. 18.6.2019.

pdg.

O.A. No.365/2019.

(S.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman

Dated : 18th June 2019.

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

At the request of Ld. counsel for the applicant, S.O. **20th June 2019.**

Vice-Chairman

Dt. 18.6.2019.

pdg.

O.A. No.367/2019.

(S.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman

Dated : 18th June 2019.

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

At the request of Ld. counsel for the applicant, S.O. **20th June 2019.**

Vice-Chairman

Dt. 18.6.2019.

pdg.

O.A. No.468/2017.

(S.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman**

Dated : 18th June 2019.

None for the applicant. Shri A.P. Potnis, the learned P.O. for respondent Nos. 1 and 2. Shri S.A. Puranik, Adv. holding for Shri N.S. Khandewale, Adv. for R.3.

At the request of Ld. P.O., S.O. **two weeks** to file reply.

Vice-Chairman

Dt. 18.6.2019.

pdg.

O.A. No.613/2018.

(S.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman

Dated : 18th June 2019.

C.A. 137/2019.

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

The Ld. counsel for the applicant has filed C.A. No.137/2019. In view of this, C.A. is allowed.

At the request of Ld. P.O., S.O. **four weeks** to file reply.

Vice-Chairman

Dt. 18.6.2019.

pdg.

O.A. No.35/2019.

(S.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman
Dated : 18th June 2019.**

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

The Ld. counsel for the applicant has filed citation in **W.P. No.1573/2017 in case of P. Ayyamperumal V/s Registrar, Central Administrative Tribunal, Madras and others delivered on 15.9.2017.** The Ld. counsel for the applicant has relied upon para 5 of this judgment where the Hon'ble High Court has set aside the decision of Central Administrative Tribunal, Madras. In this case, the applicant has retired on 30.6.2017 and the Hon'ble High Court has allowed him to get next increment. The Ld. counsel for the applicant has submitted that this case is identical. However, the Ld. P.O. desires to file reply within two weeks.

S.O. **2nd July 2019.**

Vice-Chairman

Dt. 18.6.2019.

pdg.

O.A. No.116/2019.

(S.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman
Dated : 18th June 2019.**

Heard Shri S.C. Deshmukh, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for respondents 1 and 2. None for R. 3 and 4.

Ld. P.O. has filed affidavit in reply on behalf of R.2. It is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant. He submits that the same reply is adopted by other respondent No.1 also. The Ld. counsel for the applicant is at liberty to file rejoinder also.

ADMIT.

Shri S.A. Sainis, the learned P.O. waives notice for respondents 1 and 2.

S.O. **4th July 2019.**

Vice-Chairman

Dt. 18.6.2019.

pdg.

O.A. No.173/2019.

(S.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman
Dated : 18th June 2019.

Heard Shri N.D. Thombre, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

As submitted by the Ld. counsel for the applicant, the applicant has been reinstated in service as per Tribunal's order dated 24.8.2018. The applicant was suspended from 30.10.2017 to 29.10.2018. In this case, as per relief clause 10 (1), question involved is regularization of suspension period from 30.10.2017 to 29.10.2018

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

Vice-Chairman

Dt. 18.6.2019.

pdg.

O.A. No.221/2019.

(S.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman
Dated : 18th June 2019.

Heard Shri Bharat Kulkarni, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents.

2. The Ld. counsel for the applicant has relied on the order of this Tribunal in O.A. No.610/2013 delivered on 18.1.2018. In this O.A., following order was passed:-

“The O.A. is partly allowed. The respondents are directed to place a proposal of respondent No.3 i.e. the Director of Health Services dated 4.7.2011 and recommendation made by the respondent No.1 the Finance Department before the “राज्य वेतन सुधारणा समिती, २०१७” under the Chairmanship of Shri K.P. Bakshi, Retired IAS. The said Committee may take appropriate decision in respect of grievances made by the applicant's Association and also by considering the recommendation made by the Joint Director of Health Services, Mumbai vide

letter dated 4.7.2011 (A-17). No order as to costs.”

3. However, in the light of recommendation of Finance Department made before the राज्य वेतन सुधारणा समिती, २०१७, reply is awaited. Ld. P.O. is directed to file reply of R. 1 to 3 within three weeks.

4. S.O. **three weeks.**

Vice-Chairman

Dt. 18.6.2019.

pdg.

O.A. No.275/2019.

(S.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman**

Dated : 18th June 2019.

Heard Mrs. K.N. Saboo,, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents.

At the request of Ld. CPO, S.O. **four weeks** for filing reply.

Vice-Chairman

Dt. 18.6.2019.

pdg.

O.A. No.436/2019.

(S.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman
Dated : 18th June 2019.

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

The Ld. counsel for the applicant has filed an application of the applicant dated 17.6.2019 by which he has requested to withdraw the O.A. With this, applicant's application dated 17.6.2019 should be considered by the respondents, according to law. With this direction, O.A. stands disposed of as withdrawn with no order as to costs.

Vice-Chairman

Dt. 18.6.2019.

pdg.

O.A.No.296/2019 (D.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated : 18th June 2019.

Heard Shri V.R.Borkar, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the State.

2. The Id. counsel for the applicant submits that as he was directed to file certain documents on record in the previous order dated 26.04.2019. The Id. counsel for the applicant submits that he will file the same documents during the course of the day. However, the Id. P.O. submits that he needs four weeks time to file reply on behalf of the respondent no. 1.

3. **S.O. four weeks.**

Vice Chairman

Date:-18/06/2019.

aps.

O.A.No.215/2019 (D.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated : 18th June 2019.

Heard Shri S.K.Thengri, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the Respondent nos. 1 to 5. None for the respondent no. 6.

2. The Id. P.O. has pointed out that applicant was on daily wages since 24.10.1981 and subsequently, he was taken on regular service in 2010. Service conditions for Government employees was different in 1981 and it was different in 2010. In this situation, applicant may not be entitled for regular pension as it was applicable in 1981. However, the Id. counsel for the applicant desires to file Civil Application for that, the same civil application will be listed on 24.06.2019 before regular Division Bench.

3. S.O. 24.06.2019.

Vice Chairman

Date:-18/06/2019.
aps.

C.P.No.52/2018 in O.A.No.206/2017 (D.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated : 18th June 2019.

Heard Shri A.P.Gase holding for Shri V.B.Bhise, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the Respondents.

2. The Department has deposited the amount yesterday to the Registrar, M.A.T., Nagpur. The Id. P.O. submits that Department is approaching to the Hon'ble High Court after the decision in the Hon'ble High Court. Necessary action will be taken as per the decision.

3. S.O. eight weeks.

Vice Chairman

Date:-18/06/2019.
aps.

O.A.No.38/2018 (D.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated : 18th June 2019.

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

2. As per the request of Id. counsel for the applicant, he desires to take some documents under R.T.I.. So, requested for some time.

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

Vice Chairman

Date:-18/06/2019.
aps.

O.A.No.288/2018 (D.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated : 18th June 2019..

C.A.No.172/2018:-

None for the applicant. Shri S.A.Sainis, the Id. P.O. for the Respondent nos. 1 to 3. None for the respondent nos. 4 to 10.

2. The Id. P.O. submits the affidavit-in-reply on behalf of the respondent nos. 1 to 3. It is taken on record. He further submits that he will serve the copy to the other side. *C.A.No.172/2018 can be heard at the time of final hearing.*

3. The matter is **admitted** and kept for final hearing before regular D.B. in due course.

4. **S.O. in due course.**

Vice Chairman

Date:-18/06/2019.
aps.