

O.A.No.57/2017. (S.B.)

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

Dated : 15th January 2019.

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

S.O. **four weeks** for filing reply affidavit on behalf of the respondents.

Vice-Chairman(J)

Dt. 15.1.2019.

pdg.

O.A.No.604/2017. (S.B.)

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

**Dated : 15th January 2019.
C.A. 287/2018.**

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

In view of the order dated 11.1.2019, reply affidavit is filed on behalf of R.3. It is stated that Smt. Rekha Mahendra Bhawane, Assistant Commissioner of Police has been appointed to monitor pension case of the applicant.

At her request, S.O. **4.2.2019.**

Vice-Chairman(J)

Dt. 15.1.2019.

pdg.

O.A.No.618/2017. (S.B.)

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

Dated : 15th January 2019.

Heard Shri A.D. Girdekar, the Ld. counsel for the applicant and Shri, S.A. Sainis, the learned P.O. for the respondent Nos. 1 to 3. Shri S.N. Gaikwad, Adv. for R.4.

The Ld. counsel for the applicant tendered apology for not collected service notice. He submits that he will collect the same today itself.

S.O. **four weeks** for return of notice.

Vice-Chairman(J)

Dt. 15.1.2019.

pdg.

O.A.No.957/2017. (S.B.)

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

Dated : 15th January 2019.

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

ADMIT

Shri M.I. Khan, the learned P.O.
waives notice for the respondents.

S.O. for final hearing in **due**
course.

Vice-Chairman(J)

Dt. 15.1.2019.

pdg.

O.A.No.85/2018. (S.B.)

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

Dated : 15th January 2019.

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

Ld. P.O. has filed reply on behalf of R.3, it is taken on record. He seeks time to file reply of other respondents.

S.O. 5.2.2019.

Vice-Chairman(J)

Dt. 15.1.2019.

pdg.

O.A. Nos. 209 of 2018. (S.B.)

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

Dated : 15th January 2019.

Heard Shri A. Ramteke, the Ld. counsel for the applicants and Shri, M.I. Khan, the learned P.O. for the respondent No. 1.

Await service to R. 2 to 6.

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

Vice-Chairman(J)

Dt. 15.1.2019.

pdg.

O.A. Nos. 210 of 2018. (S.B.)

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

Dated : 15th January 2019.

Heard Shri A. Ramteke, the Ld. counsel for the applicants and Shri, M.I. Khan, the learned P.O. for the respondent No. 1. Shri K.N. Lad. Adv. R.4

Await service to R. 2 and 3.

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

Vice-Chairman(J)

Dt. 15.1.2019.

pdg.

O.A. Nos. 211 of 2018. (S.B.)

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

Dated : 15th January 2019.

Heard Shri A. Ramteke, the Ld. counsel for the applicants and Shri, M.I. Khan, the learned P.O. for the respondent No. 1. Shri K.N. Lad. Adv. R.4

Await service to R. 2 and 3.

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

Vice-Chairman(J)

Dt. 15.1.2019.

pdg.

O.A.No.303/2018. (S.B.)

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

Dated : 15th January 2019.

Heard Shri M.R. Khan, the Ld. counsel for the applicant and Shri V.K. Kulkarni, the learned P.O. for the respondent No.1. None for R. 2 and 3.

Ld. P.O. has filed reply on behalf of the respondents, it is taken on record. Its copy is served to the Ld. counsel for the applicant.

At the request of the Ld. counsel for the applicant, S.O. **two weeks** for filing rejoinder.

Vice-Chairman(J)

Dt. 15.1.2019.

pdg.

O.A.No.543/2018. (S.B.)

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

Dated : 15th January 2019.

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

Ld. C.P.O. seeks time to file
reply.

S.O. four weeks.

Vice-Chairman(J)

Dt. 15.1.2019.

pdg.

O.A.No.544/2018. (S.B.)

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

Dated : 15th January 2019.

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

Ld. counsel for the applicant submits that he will file an application for condonation of delay.

S.O. two weeks.

Vice-Chairman(J)

Dt. 15.1.2019.

pdg.

O.A.No.906/2018. (S.B.)

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

Dated : 15th January 2019.

Heard Shri R.K. Joshi, 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. **three weeks** for filing reply affidavit.

Vice-Chairman(J)

Dt. 15.1.2019.

pdg.

O.A.No.226/2017. (S.B.)

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

Dated : 15th January 2019.

C.A. 110/2017.

Heard Shri R.S. Khobragade, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents 1 and 2. Shri Sachin Uke, Adv. holding for Shri A.M. Kukday, Adv. for R. 3 & 4.

The Ld. P.O. wants to place on record some G.Rs. He is permitted to do so, provided that the copy shall be supplied to the applicant.

S.O. 18.1.2019.

Vice-Chairman(J)

Dt. 15.1.2019.

pdg.

O.A.No.892/2017. (S.B.)

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

Dated : 15th January 2019.

Heard Shri S.R. Charpe, the Ld. counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents.

S.O. 16.1.2019.

Vice-Chairman(J)

Dt. 15.1.2019.

pdg.

O.A.Nos.610 & 939 of 2017. (S.B.)

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

Dated : 15th January 2019.

Heard Shri G.G. Bade, the Ld. counsel for the applicants and Shri A.M. Khadatkar, the learned P.O. for the respondents.

2. as per order dated 4.1.2019, the respondents were asked to state as to whether the applicants can be relieved so as to join outside STPF, since they have completed more than three years in STPF. From the facts of the case, it is clear that the applicants were absorbed as STPF personnel under agreement between Ministry of Environment and Forest (National Tiger Conservation Authority) and the Govt. of India and

the State Forest Department. The applicants were to be appointed on deputation for three years in STPF and after completion of three years, they were to be absorbed in their parent department i.e. the Forest Department. Those who are deputed in the STPF, were also to be paid different pay scale. It seems that the respondents have not fulfilled the said agreement. The Ld. P.O. is, therefore, directed to request the Principal Chief Conservator of Forests, Nagpur to remain present before this Tribunal.

3. S.O. 16.1.2019.

4. Steno copy be supplied to the Ld. P.O.

Vice-Chairman(J)

Dt. 15.1.2019.

pdg.

O.A.No. 6952018. (S.B.)

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

Dated : 15th January 2019.

Heard Shri G.G. Bade, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

2. The Ld. counsel for the applicant has filed rejoinder, it is taken on record and a copy thereof is supplied to the Ld. P.O.

3. Admittedly, the applicant is working for more than three years in naxalite affected / tribal area and as per G.R. dated 11.7.2000, he is entitled to claim choice posting after completion of such tenure. The applicant accordingly applied and

gave choice posting at Gondia Division. However, he has been transferred from Bhamragarh to Wardha. Admittedly, this was not the choice of the applicant. The respondents are trying to justify the order on the ground that Wardha more convenient to the applicant than Gondia. It is not known as to how the respondents can make such submission. Ld. P.O. is directed to take instructions as to whether there is any post available in Gondia Division.

S.O. 21.1.2019.

Interim relief to continue till then.

Steno copy be supplied to the Ld. P.O.

Vice-Chairman(J)

Dt. 15.1.2019.

pdg.

MCA Nos. 57/2017 &58 of 2017 in
C.A.No.465/2016
in O.A. (St.) No.1550/2016 (D.B.)
(Shri Natthu S/o Jagoji Bagde Vs.
State of Maharashtra & 3 ors.)

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

Dated :- 15/01/2019.

ORDER

Per : Member (J).

Heard Shri S.K. Thengre,
learned counsel for the applicant, Shri
M.I. Khan, learned P.O. for R-1&3&5
and Mr.V.G. Palshikar, learned
counsel for R-2 and 4.

2. The applicant filed
O.A.St.No. 1550/2016 along with
C.A.No.465/2016. The
C.A.No.465/2016 was filed by the
applicant for condonation of delay in

filing the O.A. It was contended that the applicant was challenging the order dated 03/08/2006, there was 9 years delay and in the interest of justice it be condoned.

3. The C.A.No.465/2016 was fixed for hearing on 10/4/2017. On that day reply was submitted by the respondents and it was contended that the application was not maintainable. On 05/06/2017 the applicant and his counsel were absent, consequently the matter was adjourned for dismissal. On 12/06/2017 the matter again came before the Bench and as the applicant and his counsel were absent, consequently the Bench dismissed the C.A.No.465/2016 in default. The Bench also observed that the O.A.

(Stamp) No.1550/2016 stands disposed off.

4. The applicant has moved the MCA Nos. 57 & 58 of 2017. The MCA No.57/2017 is for condonation of delay of 60 days in applying for the restoration of O.A. and the MCA No.58/2017 for restoration of the O.A.

5. It is submission of the applicant that he is old aged person and he was unable to appear before the Bench to argue the matter, consequently, the Bench dismissed the application for condonation of delay and the O.A. (Stamp). It is submitted that the applicant has good case on merit and positive chances of success. The learned counsel for the applicant has placed reliance on the Judgment in O.A.No. 620/2015, dated 03/05/2016 and the Judgment

delivered by the Hon'ble Bombay High Court in case of **Latoba Bandu Vs. Deputy Development Commission (2004) III LLJ, 27 Bom.**

6. The learned P.O. has submitted that in the year 1992 ULP Complaint No.1735/1993 was filed by the present applicant for his regularisation in service on the post of Pump Operator. The learned Industrial Court, Nagpur dismissed the complaint after hearing on 05/10/2004 observing that the case was not established by the applicant. Thereafter, the Writ Petition No.6143/2004 was filed by the applicant before the Hon'ble High Court, Bench at Nagpur and vide order dated 3rd September,2013 and 17th September,2013 the Hon'ble High Court dismissed the Writ

Petition. The applicant thereafter made Special Leave Petition before the Hon'ble Apex Court, but the Hon'ble Apex Court dismissed the petition on the ground of delay and also on merits.

7. We have gone through the contents of the ULP complaint filed by the applicant before the Industrial Court, Nagpur. It appears that the applicant claimed the relief of regularisation / posting on the post of Water Pump Operator, before the Industrial Court opportunity was given to the applicant to lead evidence and after hearing the learned Industrial Court, Nagpur dismissed the complaint. The Judgment delivered by the Industrial Court, Nagpur is confirmed by the Hon'ble High Court and thereafter in the year 2016 the

O.A. (Stamp) No.1550/2016, along with application for condonation of delay C.A.No.465/2016 were filed by the applicant.

8. It is submission of the learned counsel for the applicant that order impugned in O.A. was passed on 03/08/2006 by the Government of Maharashtra and he is challenging that order in the O.A. After reading Annex-A-1 with O.A. (stamp) No.1550/2016, dated 03/08/2006 it seems that it was letter addressed to the Superintending Engineer, Gosikhurd Project Circle, Nagpur. The Superintending Engineer was directed to give necessary instruction to the counsel appearing on behalf of the Government in Writ Petition No.6143/2004. Thus it seems that the Annex-A-1 is not order. On the

contrary it is accepted by the learned counsel for the applicant that this document was on the record of the Writ Petition No.6143/2004. Thus it seems that the applicant was aware of this document when the Hon'ble High Court heard and finally decided the Writ Petition.

9. It is settled that though the provisions of CPC are not applicable to the proceeding before the Administrative Tribunal but the broad principles are applicable. It seems that the applicant had filed ULP complaint in Industrial Court, Nagpur claiming the post of Pump Operator and on merits his claim was dismissed and that order of dismissal came to be confirmed by the Hon'ble High Court in W.P. No.6143/2004, the SLP moved by the applicant before

the Hon'ble Apex Court came to be dismissed on the ground of delay and also on merit. In our opinion, keeping in view this history, it is necessary to decide the question of restoration of O.A. (Stamp) No. 1550/2016.

10. After perusal of the order dated 12/06/2017 it seems that this Bench has dismissed C.A.No.465/2016 in default and it is mentioned in the order as a consequence of dismissal of C.A., that the O.A. (stamp) No.1550/2016 stands disposed off. It is pertinent to note that the O.A. (Stamp) No. 1550/2016 was not registered as the application for the condonation of delay was not decided. As the O.A. (Stamp) was not registered because the delay was not condoned, therefore, this Bench has not

dismissed the O.A. (Stamp) in default. In MCA Nos. 57 & 58 of 2017 prayers are made for restoration of the O.A. after condonation of the delay. As a matter of fact the applicant should have prayed for restoration of C.A.No.465/2016. There is no prayer to restore C.A.No. 465/2016. In C.A.465/2016 it was submitted by the applicant that there was delay of 9 years in filing the O.A. (stamp) No.1550/2016. In view of this situation, in our opinion both the MCA Nos. 57 & 58 of 2017 are devoid of any substance, because without condoning the delay caused in filing O.A.(stamp) No.1550/2016 it is not possible to restore O.A. (stamp No.1550/2016 .

11. Thus the position is that the C.A. No.465/2016 is dismissed in

default and as consequence the O.A.(Stamp) No. 1550/2016 was disposed off. In these circumstances unless the delay of 9 years is condoned, straight way the O.A. (Stamp) No. 1550/2016 cannot be restored to file.

12. Even after going through the MCA Nos. 57/2017, it seems that no just ground was shown for the absence of the applicant on 05/06/2017 and 12/06/2017. That considering the entire background, it is necessary to mention that the applicant is intending to re-prosecute same cause which is finally decided. In view of above, we do not see any merit in MCA Nos. 57/2017 and 58/2017. So far as the Judgments on which the reliance is placed by the applicant are

concerned, they are not relevant for the restoration of the O.A.St.No.1550/2016. Hence, the following order :-

ORDER

The MCA Nos.57/2017 and 58/2017 stand dismissed with no order as to costs.

Member(J).
Member (A).

Dated :- 15/01/2019.

*dnk.

O.A. No. 142/2015. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 15th January 2019.**

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

The Id. counsel for the applicant has submitted the pursis dated 10/01/2019, by which he desires to withdraw the O.A. He is permitted to withdraw the O.A.

Hence, **the O.A. is disposed of as withdrawn with no order as to costs.**

Member(J)
Date:-15/01/2019.
aps.

Member(A)

O.A. No. 565/2015. (D.B.)

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

Dated : 15th January 2019.

M.C.A.No.51/2017:-

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

**M.C.A. No. 51/2017 is dismissed in
default.**

Later on:-

The Id. counsel for the applicant
present and requested to restore the matter.
At his request, M.C.A. No. 51/2017 is allowed
and the matter is restored.

S.O. three weeks.

**Member(J)
Date:-15/01/2019.
aps.**

Member(A)

O.A. No. 973/2017. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 15th January 2019.**

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

The Id. P.O. has already filed reply. At
the request of Id. P.O., the matter is **admitted**
and kept for final hearing.

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

S.O. in due course.

Later on:-

The Id. counsel for the applicant Shri
G.Iyer is present and requested to mark his
present. At his request, his present is marked
and matter is kept in **due course of time.**

Member(J)
Date:-15/01/2019.
aps.

Member(A)

O.A. No. 408/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 15th January 2019.**

Dr. P.W.Rakshamwar, the applicant in person and Shri S.A.Sainis, the Id. P.O. for the respondents.

The Id. P.O. filed the reply on behalf of the respondent nos. 4 to 7. It is taken on record. Copy is served to the other side.

The Id. P.O. further submits that he seeks certain time to file reply on behalf of the respondent nos. 1 to 3. At his request, **S.O.**
two weeks.

Member(J)
Date:-15/01/2019.
aps.

Member(A)

O.A. No. 972/2018. (D.B.)

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

Dated : 15th January 2019.

None for the applicant. Shri
A.M.Khadatkar, the Id. P.O. for the State. Await
service of respondent nos. 2 to 4.

S.O. in due course.

**Member(J)
Date:-15/01/2019.
aps.**

Member(A)

O.A. No. 257/2017. (D.B.)

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

Dated : 15th January 2019.

Rev. No.24/2018:-

Ms. V.B.Gohatre in person and with her father personally present and Shri P.N.Warjurkar, the Id. P.O. for the State.

2. In order dated 29/11/2018, it was observed that the applicant will file representation before Additional Tribal Commissioner, Nagpur for her transfer. She has made the representation dated 03/12/2018. It is taken on record. She is directed to supply the copy to the Id. P.O..

3. Issue notice to R-2 to 6, returnable on Two 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. two weeks.**

Member(J)
Date:-15/01/2019.
aps.

Member(A)

O.A. No. 639/2018. (D.B.)

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

Dated : 15th January 2019.

Shri S.P.Palshikar, the Id. counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the respondent no. 2 and Shri A.Deshpande, the Id. counsel for the respondent nos. 1 & 3.

As requested by Id. counsel for the applicant as well as Id. counsel for the respondent nos. 1 & 3, as per the decision taken on 19/12/2018, **S.O. for order.**

Member(J)
Date:-15/01/2019.
aps.

Member(A)

O.A. No. 710/2018. (D.B.)

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

Dated : 15th January 2019.

Shri S.M.Khan, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

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

Member(J)
Date:-15/01/2019.
aps.

Member(A)

O.A. No. 281/2015. (D.B.)

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

Dated : 15th January 2019.

None for the applicant. Shri S.A.Sainis, the Id. P.O. for the State. None for the respondent no. 2. None for the respondent nos. 2 to 5.

The Id. P.O. submits that, it is yet not clear from the Law and Judiciary that whether separate penal will appear for the Irrigation Department or P.O. will appear.

S.O. in due course.

Member(J)
Date:-15/01/2019.
aps.

Member(A)

O.A. No. 45/2018. (D.B.)

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

Dated : 15th January 2019.

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

The applicant was appointed vide order no. tk-dz vkl.Fk@v&3@fyfi d@fu; @Dr@[Ayk@4633@2011] fnukd 21-11-2011 as per P.B., Pg. No. 12 & 13 (Annexure-A-2) clause 6 at P.B., Pg. No. 13 reads as under:- '6½ 'kkl u ifji =d l k-izfo- dzif' k{A.A & 2000@izdz61@2001@39 fnukd 19 ekp] 2003 e/Any rjrqhud kj l x.Ad vgrk R; kR; k fu; @DrP; k fnukdki kl w nku o'AP; k vkr i klr dj.As vko'; d jkghy vU; Fk R; kR; k l ok l eklr dj.; kr ; rhy-

The applicant has passed Maharashtra State Certificate in Information Technology i.e. M.S.C.I.T. in August, 2015 at P.B., Pg. No. 14, (Annexure-A-3). However, the respondents have issued show cause notice vide letter no. tk-dz@vkl.Fk@v&2@l x.Ad vgrkfoep4369@2015] dated 21/12/2015 as per the Annexure-A-4, P.B., Pg. No.15 and has been terminated the applicant vide order no. tk-dz fodl l @vkl.Fk@v&2@l koj dj@l dk@1110@16] fnukd 21-03-2016.

The applicant letter at Annexure-A-5, dated 30/12/2015 and Annexure-A-6, bearing no. tk-dzfodl I @vklFLk@v&2@xkto@l dk@1109@16] dated 21/03/2016 at P.B., Pg. No. 17. It appears that respondents have not considered the applicant's certificate of August, 2015 before issuing show cause notice or before issuing termination order.

In view of this, termination order no. tk-dzfodl I @vklFLk@v&2@xkto@l dk@1109@16] dated 21/03/2016 at P.B., Pg. No. 17 is quashed and set aside and applicant is given following relief:-

The applicant will be treated in service from the date of his termination and will be entitled for all the consequential service benefits except backwages or salary.

The necessary decision must be taken **within two months** from the date of this order.

With above directions, the O.A. is disposed of with no order as to costs.

Steno copy is granted.

Member(J)
Date:-15/01/2019.
aps.

Member(A)

O.A. No. 261/2016. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 15th January 2019.

Shri P.J.Mehta, the Id. counsel for the applicant, Shri S.A.Sainis, the Id. P.O. for the respondent nos. 1 to 3 and Shri C.Dasgupta holding for Shri B.D.Pandit, the Id. counsel for the respondent no. 4.

The Id. P.O. submitted the reply on behalf of the respondent no. 3. It is taken on record. Copies are served to the other sides.

The Id. counsel for the applicant submits that he does not require to file Rejoinder. However, the Id. counsel for the respondent no. 4 submits that, today only he got the reply. He wants to go through the same and file the Rejoinder, if any.

**S.O. two weeks for Rejoinder from
the respondent no. 4.**

Member(J)
Date:-15/01/2019.
aps.

Member(A)

O.A. No. 554/2016. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 15th January 2019.

C.A.No.386/2017:-

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

The Id. counsel for the applicant is satisfied that the order no. [I dt/vk&6@ox&4@ink&urh@2017-18@dk&6@uLrh&02@i qA\] 960\] fnukd 27-04-2017\]](#) in which applicant appears at Sr. No. 50 and he has been appointed as Junior Clerk. However, the Id. counsel for the applicant desires that applicant should be given deemed date prior to that.

The Id. P.O. is requested to submit vacancy in Group-C category from 18/03/2010 to 27/04/2017 and also take instructions from the department, whether applicant could have been accommodated before that in that post or not? The Id. counsel for the applicant also filed G.R. No. [vdi k&1095@i zdt34&v@vkB\] fnukd 23@08@1996](#) at P.B., Pg. No. 27 to 28 (both inclusive) at (Annexure-A-7) in para no. 4 it is mentioned:-

“xV d e/Any inkoj vuplak rRokoj fu; qDrhl kBh
ik= vl .Ak&; k depk&; kyk inkp; k miyC/Ars vHkoh xV&M
e/Any inkoj fu; qDr fnY; kl in miyC/A gkrkp xV d e/Any
inkoj R; kyk ik/AU; kus fu; qDr ns; kr ; koh- v'kh fu; qDr
l jGI ok fu; qDrhusHAj.; kr ; sAk&; k inkojhy l et.; kr ; koh-
ek= xV M e/Any inkoj vuplak ; kstusvlo; sfu; qDr ns; kp; k
vknskr rli k Li“V mYys[A dj.; kr ; kok] rli s dj.; kr vkys
vl sy rjp xV d e/Any inkoj fu; qDr nrk; bly”

Whether the above condition has been followed or not that should be also clarified in the reply?

S.O. two weeks.

Steno copy is granted.

Matter is treated as P.H.

Member(J)

Date:-15/01/2019.

aps.

Member(A)

No. ekrd 2012@i:dz:277@39] frukd 04&02&2013
before issuing impugned order.

Therefore, the impugned order is quashed and set aside. The respondents are directed to reinstate the applicant in service with continuity, within 3 months from the date of this order. The claim of the applicant for back wages stands dismissed.

With above directions, the O.A. is disposed of with no order as to costs.

Steno copy is granted.

Member(J)
Date:-15/01/2019.
aps.

Member(A)