

O.A.No.412/2017. (S.B.)

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

Dated : 16th January 2019.

Heard Shri R.V. Shiralkar, the Ld. counsel for the applicant and Shri, A.M. Khadatkar, the learned P.O. for the respondent Nos.1 & 2.

2. Await service to R. 3 and 4.

3. The Ld. counsel for the applicant submits that notice envelope of respondent No.4 has been returned with remark "incorrect address". He wants to serve the notice on corrected address. Therefore, he is at liberty to correct the address and issue fresh notice to respondent no.4 on the corrected address.

4. Issue notice to respondent No.4 returnable in **four weeks.**

5. Shri, A.M. Khadatkar, the learned P.O. waives notice for the

respondent Nos.1 and 2. Hamdast granted.

6. Ld. P.O. seeks time to file reply. Time 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 **seven 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.**

Vice-Chairman(J)

Dt. 16.1.2019.

pdg.

O.A.Nos.522,523,524 & 529 of 2018.

(S.B.)

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

Dated : 16th January 2019.

Heard Shri G.G. Bade, the Ld. counsel for the applicants and Shri P.N. Warjekar, the learned P.O. for the respondents.

2. Only request made by the applicants is that the representation made by them dated 22.3.2018 be decided by respondent No.3. Vide representation, the applicants are claiming that they may be continued in the Highway Police Department for a tenure of five years. Admittedly, no decision has been taken on their representation as yet. The Ld. counsel for the applicants submits that the O.As can be disposed of with direction to respondent No.3 to take a decision on the representation of the

applicants within stipulated period, for which Ld. P.O. has no objection. In view thereof, O.As stand disposed of with direction to respondent No.3 to take a decision on the representation filed by the respective applicants within a period of two months from the date of this order.

No order as to costs.

Vice-Chairman(J)

Dt. 16.1.2019.

pdg.

O.A.No.558/2018. (S.B.)

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

Dated : 16th January 2019.

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

The Ld. P.O. files reply of R.3, it is taken on record.

It is stated that reply of other respondents is not necessary.

S.O. **two weeks** for filing rejoinder, if any.

Vice-Chairman(J)

Dt. 16.1.2019.

pdg.

O.A.No.723/2017. (S.B.)

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

Dated : 16th January 2019.

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

The applicant has placed on record the pursis which is marked "X" for identification, from which it seems that terminal benefits have been received by the applicant and, therefore, he wants to withdraw the O.A. In view thereof, applicant is granted permission to withdraw the O.A. O.A. stands disposed of as withdrawn with no order as to costs.

Vice-Chairman(J)

Dt. 16.1.2019.

pdg.

O.A.No.330/2018. (S.B.)

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

Dated : 16th January 2019.

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

2. The applicant is a Assistant Conservator of Forests. Vide order dated 31.5.2018, he has been transferred from Wadsa to Yavatmal. Prior to his transfer, the applicant has filed representations on 28.10.2017 and 3.11.2017 to transfer him at Hingoli. Thereafter on 13.4.2018 also, he has filed another representation to transfer him at Pandharkawada, Distt. Yavatmal.

3. Vide communication dated 9.8.2018, representation of the applicant at Pandharkawada has been rejected. Similarly, it is stated

that since the applicant has completed his tenure at Wadsa, he cannot be continued at Wadsa. Admittedly, due to interim relief granted, the applicant is still continued at Wadsa.

4. The Ld. counsel for the applicant submits that the applicant had served at Wadsa which is a naxalite affected area and, therefore, he has right to claim choice posting. He has also submitted that the applicant has obtained gold medal for performing best service in naxalite affected area i.e. Chandrapur District. A certificate to that effect is at page No. 18 (A.4)

5. The Ld. counsel for the applicant has placed reliance on the G.R. issued by Govt. of Maharashtra on 22nd May 2017 (A-6). Clause-4 of the said G.R. reads as under:-

“वन विभागातील अधिकारी / कर्मचारी यांचेमध्ये उत्कृष्ट कार्य करण्याबद्दल निकोप स्पर्धा होण्यासाठी वन / वन्यजीव संरक्षण, वन / वन्यजीव व्यावास्थापन, नाविन्यपूर्ण /इतर

विकासात्मक / पूरक कार्य व वन विस्तार या कामात उत्कृष्ट कार्य केल्याबद्दल ज्या अधिकारी / कर्मचारी यांनी राज्यस्तरीय सुवर्ण किंवा रजत पदक प्राप्त केलेले आहेत, अशा अधिकारी / कर्मचाऱ्यांना सेवा काळात एकदा त्यांचे पसंतीच्या शाखेत किंवा पसंतीचे ठिकाण पदाच्या उपलब्धतेनुसार सामान्य प्रशासन विभागाची महसुली विभाग वाटपासंदर्भातील अधिसूचना दि.२८.४.२०१५ व दि. १६.७.२०१५ रोजीच्या अधिसूचनेतील तरतुदींच्या अधीन राहून पदस्थापना करण्यात यावी."

6. The Ld. counsel for the applicant submits that the applicant is entitled to claim choice posting in view of the G.R. dated 22.5.2017. However, applicant's case has not been considered. *Prima facie*, it seems that the case of the applicant falls within the category of Clause-4 of the G.R. dated 22.5.2017. The O.A., therefore, can be disposed of with direction to respondent No.1 to take a decision on the representation filed by the applicant in view of G.R. dated 22.5.2017 and to consider his case for transfer at Hingoli. It is stated that the post at Hingoli is still vacant. Necessary decision shall be taken within four weeks from the date

of this order and it shall be communicated to the applicant in writing.

7. Till that time, the applicant be allowed to work at Wadsa.

8. O.A. stands disposed of accordingly with no order as to costs.

Vice-Chairman(J)

Dt. 16.1.2019.

pdg.

**O.A.No.600, 545 & 546 of 2018 of 2018.
(S.B.)**

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

Dated : 16th January 2019.

Heard Shri N.D. Thombre, the Ld. counsel for the applicant and Shri, H.K. Pande, the learned P.O. for the respondent Nos. 1 to 3. Shri R.S. Khobragade, Ld. Adv. for R.4.

O.As 545 & 546 of 2018 are taken on record.

Ld. Adv. for R.4 requests time to file reply. Last chance was already granted. He further submits that he will file it within two weeks without fail.

S.O. two weeks.

Vice-Chairman(J)

Dt. 16.1.2019.

pdg.

O.A.No.642/2018.

(S.B.)

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

Dated : 16th January 2019.

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

The Ld. counsel for the applicant submits that all respondents are served.

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

S.O. **four weeks.**

Vice-Chairman(J)

Dt. 16.1.2019.

pdg.

O.A.No.834/2018.

(S.B.)

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

Dated : 16th January 2019.

Heard Shri G.G. Bade, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents 1 to 4 and 6..

2. Issue notice to R.5 returnable in **four weeks.**

3. Shri S.A. Sainis, the learned P.O. waives notice for the respondent Nos.1 to 5 & 6. 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. 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 **seven 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. **four weeks.**

Vice-Chairman(J)

Dt. 16.1.2019.

pdg.

O.A.No.895/2018.

(S.B.)

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

Dated : 16th January 2019.

Heard Shri S.K. Thengri, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents 1 to 4. None for R. 5 to 10.

It is unfortunate to state that even after amendment of prayer clause, nothing can be understood as to what relief the applicant wants to claim. I had, therefore, conversation with the Ld. counsel for the applicant in Marathi and after the said conversation, it seems that the applicant was transferred by respondent No.4 i.e. the Joint Director, Finance, Treasury and Audit, Nagpur vide order dated 30.1.2018 from the post of Accounts Clerk from Mulchara, Distt. Gadchiroli to Parseoni, Distt. Nagpur. After the

said order has not been complied with and the respondent No.5 is not ready to allow the applicant to relieve for joining at Parseoni. The Ld. P.O. submits that vide order dated 14.1.2019 the applicant has been kept under suspension. While accepting this fact, the applicant cannot be kept hanging. The respondents may allow the applicant to join at Parseoni and then make necessary action as desired. The Ld. P.O. is directed to take instructions from respondent Nos. 4 and 5 and to state as to why the respondent No.5 is not implementing the order and under what provision the respondent Nos. 4 and 5 are not relieving the applicant for joining at Parseoni.

S.O. 18th January 2019.

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

Vice-Chairman(J)

Dt. 16.1.2019.

pdg.

O.A.No.853/2018.

(S.B.)

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

Dated : 16th January 2019.

Heard Shri Bharat Kulkarni, the Ld. counsel for the applicants and Shri M.I. Khan, the learned P.O. for the respondents.

2. This O.A. is taken on board today.

3. The applicants are retired as Milk Procurement and Development Supervisor under respondent No.2. They did not get second time bound promotion under the "Assured Progressive Scheme" benefit as per G.R. dated 9.12.2016. The said benefit was not given on the ground that the G.R. was not applicable to the employees who retired in between 1.10.2006 to 31.3.2010. The said clause has been quashed by the Hon'ble High Court and in view

thereof, now the Government has issued revised G.R. dated 27.12.2018 whereby the provision of the G.R. has been made applicable even to the employees who retired in between 1.1.2006 to 26.2.2009.

3. The Govt. has also issued the revised G.R. dated 9.12.2016 (A-4) whereby the scheme is now made applicable to those employees who retired between 1.10.2006 to 31.3.2010. The applicant has filed a list to make this G.R. dated 9.12.2016 applicable to the applicants and to grant them second time bound promotional benefit. The representation is at Annexure A-2. However, no decision has been taken on the said representation. Vide order dated 11.12.2018, the Ld. P.O. was informed as to what action was taken to grant relief to the applicant in pursuance of the G.R. dated 9.12.2016. However, no information has been received by Ld. P.O.

4. In view of the facts discussed above, the O.A. is partly allowed. The respondents are directed to take appropriate decision on the representations dated 27.2.2016 and 16.2.2017 filed by the applicants, in view of G.R. dated 9.12.2016 and to intimate the applicants accordingly.

Decision shall be taken within four weeks from the date of this order.

No order as to costs.

Vice-Chairman(J)

Dt. 16.1.2019.

pdg.

O.A.No.977/2018.

(S.B.)

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

Dated : 16th January 2019.

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

Await service to R. 2 to 7.

S.O. **three weeks** for filling reply by the Ld. P.O.

Vice-Chairman(J)

Dt. 16.1.2019.

pdg.

O.A.No.978/2018.

(S.B.)

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

Dated : 16th January 2019.

Heard Shri G.G. Bade, the Ld. counsel for the applicant and Shri A.M. Khadatkhar, the learned P.O. for the respondents 1 and 2.

2. The Ld. counsel for the applicant submits that respondent No.2 has been served and he may be allowed to issue notice to R.3.

3. Issue fresh notice to R.3 returnable after four weeks.

4. Shri A.M. Khadatkhar, the learned P.O. waives notice for the respondents 1 and 2. Hamdast granted.

4-A. 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 seven 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. **four weeks.**

Vice-Chairman(J)

Dt. 16.1.2019.

pdg.

O.A.No.349/2015.

(S.B.)

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

Dated : 16th January 2019.

Heard Miss Apurva Kolhe, Adv. holding for Shri A.S. Kilor, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

The Ld. P.O. submits that he will file reply to the written notes of argument filed by the applicant during the course of the day.

Hence, S.O. **18.1.2019.**

Vice-Chairman(J)

Dt. 16.1.2019.

pdg.

O.A.No.892/2017

(S.B.)

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

Dated : 16th 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.

In view of order dated
17.12.2018, Shri Narendra Balamwar,
Office Superintendent of the office of
respondent No.2 is personally present
before this Tribunal and submitted
that he will prepare necessary
corrected proposal to grant revised
pay scale to the applicant and submit
the same to the Pay Verification Unit,
Nagpur within two weeks. The
respondent No.2 is, therefore, allowed
to do so within two weeks and shall
persuade the matter to see that the
pay scale of the applicant is revised
as early as possible.

At the request of parties, matter
be kept after four weeks.

S.O. **four weeks.**

To be treated as part heard.

Vice-Chairman(J)

Dt. 16.1.2019.

pdg.

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

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

Dated : 16th January 2019.

Heard Shri G.G. Bade, 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 applicants, S.O. **one week** for filing affidavit.

Vice-Chairman(J)

Dt. 16.1.2019.

pdg.

O.A.No. 969/2018. (S.B.)

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

Dated : 16th January 2019.

Heard Shri Bharat Kulkarni, the Ld. counsel for the applicants and Shri M.I. Khan, the learned P.O. for the respondents.

2. The applicants have retired as Milk Procurement and Development Supervisor. They have not received the revised pension as per G.R. dated 30.10.2009, as cut off date for applicability of revised pension is specifically mentioned in the said G.R. It is stated that, the rules will be applicable only to the persons retired after 27.9.2009. The applicants are admittedly retired prior to 27.9.2009, but after 1.1.2006. The said G.R. was challenged before the Hon'ble High Court, Bench at Aurangabad and Nagpur, as regards cut off date and in view of the judgment delivered by the

Hon'ble High Court, the Govt. has issued the said G.R. dated 27.12.2018, a copy of which is at Exh.X for identification.. In view of the judgment delivered by the Hon'ble High Court, the Govt. has decided to make the G.R. applicable to all employees who have retired between 1.1.2006 to 20.9.2009. Similar issue has also been dealt with by this Tribunal in **O.A. No.673/2018 and others in case of Suresh Rambhau Borade V/s State of Maharashtra and others and Ashok Pandurang Wadyalkar V/s State of Maharashtra and others, decided on 8.1.2019.** It is an admitted fact that cases of the concerned applicants are covered by the G.R. dated 27.12.2018 as well as by the judgment delivered by the Hon'ble High Court, and also by the judgment in O.A. Nos. 673 & 674 of 2018 decided by this Tribunal on 8.1.2019. In view thereof, I pass the following order:-

ORDER

- (i) The O.A. is allowed.
- (ii) The respondents are directed to revise the pension of the applicants in view of G.R. dated 27.12.2018.
- (iii) Necessary order shall be passed within four weeks from the date of this order.
- (iv) Since the applicants' case is covered by the judgment of the Hon'ble High Court the respondents are directed to issue order of correct fixation of the applicants' pay in view of G.R. dated 27.12.2018 within four weeks.
- (v) No order as to costs.

Vice-Chairman(J)

Dt. 16.1.2019.

pdg.

O.A.No. 150/2015. (D.B.)

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

Dated : 16th January 2019.

M.C.A.No.43/2016:-

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 18.

As suggested by Id. P.O., **S.O. Friday i.e.
18.01.2019.**

**Member(J)
Date:-16/01/2019.
aps.**

Member(A)

O.A.No. 189/2010. (D.B.)

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

Dated : 16th January 2019.

M.C.A.No.33/2018:-

None for the applicant. Shri A.M.Khadatkar, the Id. P.O. for the respondent nos. 1 & 2 and Shri Bharat Kulkarni, the Id. Counsel for the respondent no. 3.

The Id. counsel for the applicant was absent on 31/10/2018 as well as on 18/12/2018. Though, today the matter is for the restoration and still the applicant is not present. It seems that, the Id. counsel for the applicant is not interested in prosecuting the matter.

Hence, **the M.C.A. is dismissed with no order as to costs.**

**Member(J)
Date:-16/01/2019.
aps.**

Member(A)

O.A.No. 772/2017. (D.B.)

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

Dated : 16th January 2019.

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

The matter is **admitted** and kept for final hearing.

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

S.O. 30/01/2019.

**Member(J)
Date:-16/01/2019.
aps.**

Member(A)

O.A.No. 456/2018. (D.B.)

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

Dated : 16th January 2019.

C.A.No.08/2019:-

Shri H.D.Marathe, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

The Id. counsel for the applicant seeks time to amend the O.A.. He is directed to amend the O.A. within a weeks time. Hence, the **C.A. 08/2019 for amend is allowed.**

S.O. due course.

**Member(J)
Date:-16/01/2019.
aps.**

Member(A)

O.A.No. 585/2018. (D.B.)

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

Dated : 16th January 2019.

Shri S.A.Marathe, the Id. Counsel for the applicant, Shri P.N.Warjurkar, the Id. P.O. for the respondent nos. 1 to 3 and Shri S.P.Chavhan, the Id. Counsel for the respondent no. 4.

The Id. P.O. has submitted letter no. tk-
dz-101@vrtf=d@o-fy-
@inWurh&2018@3]4@f'ldkuk@119@2018] fnukd 02-01-
2019 by Director, Medical Education and Research, Mumbai, by which grievances of the applicant is redressed. The Id. counsel for the applicant is also agreed for the same. In view of this O.A. become infructuous.

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

**Member(J)
Date:-16/01/2019.
aps.**

Member(A)

O.A.No. 586/2018. (D.B.)

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

Dated : 16th January 2019.

Shri S.A.Marathe, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondent nos. 1 & 3. Await service of respondent no. 2.

The Id. P.O. submits the reply on behalf of the respondent no. 3. It is taken on record. Copy is served to the other side.

S.O. four weeks.

**Member(J)
Date:-16/01/2019.
aps.**

Member(A)

O.A.No. 671/2018. (D.B.)

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

Dated : 16th January 2019.

Shri B.J.Lonare, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

The Id. counsel for the applicant submits that he will delete the name of respondent no. 3 forthwith.

The Id. P.O. will submit the reply after correction in the name and number of the respondents. It will be taken on record. He further submits that he will serve it to the other side.

S.O. two weeks.

**Member(J)
Date:-16/01/2019.
aps.**

Member(A)

O.A.No. 672/2018. (D.B.)

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

Dated : 16th January 2019.

Shri B.J.Lonare, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

The Id. counsel for the applicant is directed to delete the respondent nos. 4 & 5. Matter will be heard after correction.

S.O. two weeks.

Member(J)
Date:-16/01/2019.
aps.

Member(A)

O.A.No. 728/2018. (D.B.)

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

Dated : 16th January 2019.

Shri Manwatkar holding for Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

The Id. P.O. seeks one week time to file reply. **S.O. two weeks.**

**Member(J)
Date:-16/01/2019.
aps.**

Member(A)

O.A.No. 792/2018. (D.B.)

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

Dated : 16th January 2019.

Shri S.N.Gaikwad, the Id. Counsel for the applicant, Shri S.A.Deo, the Id. C.P.O. for the respondent no. 1 and Shri H.D.Marathe, the Id. Counsel for the respondent no. 4. Await service of respondent nos. 2 & 3.

The Id. counsel for the applicant pleaded for one week time. However, the Id. C.P.O. pleaded that, the O.A. is immature. Considering the pleading of Id. counsel for the applicant, matter will be heard after week time.

S.O. one week.

**Member(J)
Date:-16/01/2019.
aps.**

Member(A)

O.A.No. 902/2018. (D.B.)

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

Dated : 16th January 2019.

None for the applicant. Shri S.A.Deo,
the Id. C.P.O. for the State. Await service of
respondent no. 2.

The Id. C.P.O. desires four weeks time
to file reply. **S.O. four weeks.**

Member(J)
Date:-16/01/2019.
aps.

Member(A)

O.A.No. 955/2018. (D.B.)

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

Dated : 16th January 2019.

C.A.No.376/18:-

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

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

Member(J)
Date:-16/01/2019.
aps.

Member(A)

O.A.No. 971/2018. (D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 16th January 2019.

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

The Id. counsel for the applicant submits that, still there is no progress in the D.E.. However, the Id. P.O. desires two weeks time to file reply.

S.O. two weeks as a last chance for filing reply.

Member(J)
Date:-16/01/2019.
aps.

Member(A)

O.A.No. 614/2017. (D.B.)

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

Dated : 16th January 2019.

Shri R.V.Shiralkar, the Id. Counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the respondent nos. 1 & 2 and Shri N.B.Rathod, the Id. counsel for the respondent no. 3.

The Id. P.O. submits that he needs one more week to get instructions from the department. Since, file has been returned with endorsement from the G.A.D..

S.O. 24/01/2019.

**Member(J)
Date:-16/01/2019.
aps.**

Member(A)

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

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

Dated : 16th January 2019.

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

The matter is **admitted** and kept for
final hearing in due course of time.

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

S.O. in due course of time.

Member(J)
Date:-16/01/2019.
aps.

Member(A)

O.A.No. 26/2019. (D.B.)

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

Dated : 16th January 2019.

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

S.O. four weeks for reply.

**Member(J)
Date:-16/01/2019.
aps.**

Member(A)

O.A.No. 144/2016. (D.B.)

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

Dated : 16th January 2019.

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

Closed for orders.

**Member(J)
Date:-16/01/2019.
aps.**

Member(A)

O.A.No. 257/2016. (D.B.)

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

Dated : 16th January 2019.

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

After hearing for a long time, it is decided that, the Id. P.O. is directed to file on record seniority lists maintained for Forest Guard in Nagpur Circle/ Gondia Division and specific reasons that why the applicant is not been promoted till now. Department should produce "*Bindu Niyamavali*" of Handicapped candidates in Forest Guard Category as per the G.R. No. , I vkj0gt&1099@i7dz37@99@16&v] fnukd 05@03@2002 at P.B., Pg. No. 53-

S.O. two weeks.

Matter is treated as P.H.

**Member(J)
Date:-16/01/2019.
aps.**

Member(A)

O.A.No. 490/2017. (D.B.)

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

Dated : 16th January 2019.

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

The Id. P.O. is directed to submit the original service book of the applicant. There is a dispute about the Caste Verification Certificate of the candidate which is on P.B., Pg. No. 11 (Annexure-A-1). It is directed that the certificate should be sent to the Caste Scrutiny Committee through Id. P.O. for verification by Tribunal office and verification should be obtained **within four weeks time**. Whatever necessary documents should be required along with the certificate, the Tribunal office will supply to the Id. P.O. for sending it to the Caste Scrutiny Committee.

The Id. P.O. is also directed to file on record:-

1. How those certificate were given to the applicant ?
2. How and by whom the same certificate is given to the applicant to give it to Caste Scrutiny Committee?

S.O. five weeks.

Matter is treated as P.H.

Member(J)
Date:-16/01/2019.
aps.

Member(A)

O.A.No. 688/2017. (D.B.)

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

Dated : 16th January 2019.

Heard Shri S.A.Marathe, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondent nos. 1 to 3 in detailed. None for the respondent nos. 4 to 7.

The Id. P.O. is directed to seek instructions from State Government on this issue. The Id. Counsel for the applicant has filed letter no. d:d{A&31@o/h d{A@d: &7%1%vklF#ku@i:d:64@09&10@244@18&19] fmuld 20-12-2018 which is marked Exh. X for the purpose of identification and the Hon'ble High Court Mumbai in writ petition no. 2170/2015 which is marked exh. X-1 for the purposes of identifications. Both are taken on records. Copies are served to the other side.

S.O. two weeks.

Matter to be treated as P.H.

**Member(J)
Date:-16/01/2019.
aps.**

Member(A)

O.A.No. 172/2018. (D.B.)

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

Dated : 16th January 2019.

Shri S.A.Marathe, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

The Id. P.O. filed the return on behalf of the respondent nos. 2 & 3. It is taken on record. Copy is served to the other side.

At the request of Id. Counsel for the applicant, **S.O. next week.**

**Member(J)
Date:-16/01/2019.
aps.**

Member(A)

O.A.No. 545/2008. (D.B.)

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

Dated : 16th January 2019.

C.A.No.546/2017:-

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

At the request of Id. counsel for the applicant, **S.O. Friday i.e. 18.01.2019.**

**Member(J)
Date:-16/01/2019.
aps.**

Member(A)

O.A.No. 858/2009. (D.B.)

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

Dated : 16th January 2019.

Shri Bharat Kulkarni, the Id. Counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent nos. 4 to 8.

As per the order dated 02/01/2019, the Id. Counsel for the applicant has filed the comparative chart. It is taken on record. Copy is served to the other side.

At the request of Id. counsel for the applicant, **S.O. 21.01.2019.**

Member(J)
Date:-16/01/2019.
aps.

Member(A)

O.A.No. 858/2009. (D.B.)

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

Dated : 16th January 2019.

Shri Bharat Kulkarni, the Id. Counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent nos. 4 to 8.

As per the order dated 02/01/2019, the Id. Counsel for the applicant has filed the comparative chart. It is taken on record. Copy is served to the other side.

At the request of Id. counsel for the applicant, **S.O. 21.01.2019.**

**Member(J)
Date:-16/01/2019.
aps.**

Member(A)

O.A.No. 445/2010. (D.B.)

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

Dated : 16th January 2019.

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

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

Member(J)
Date:-16/01/2019.
aps.

Member(A)

O.A.Nos. 02 & 03/2013. (D.B.)

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

Dated : 16th January 2019.

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, 5 & 7.

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

Member(J)
Date:-16/01/2019.
aps.

Member(A)

O.A.No. 752/2012. (D.B.)

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

Dated : 16th January 2019.

None for the applicant. Shri H.K.Pande,
the Id. P.O. for the respondent no. 1. None for
the respondent nos. 2, 3 & 4.

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

Member(J)
Date:-16/01/2019.
aps.

Member(A)

O.A.Nos. 591, 614, 620, 647/2012. (D.B.)

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

Dated : 16th January 2019.

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

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

*Put up this matter along with the O.A.
Nos. 75, 76, 77/2013 & 805/2014.*

**Member(J)
Date:-16/01/2019.
aps.**

Member(A)

O.A.Nos.75, 76, 77/2013 & 805/2014.(D.B.)

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

Dated : 16th January 2019.

Leave note of Shri N.R.Saboo, the Id. counsel for the applicant. Shri H.K.Pande, the Id. P.O. for the respondents.

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

Put up this matter along with the O.A. Nos. 591, 614, 620, 647/2012.

Member(J)
Date:-16/01/2019.
aps.

Member(A)

O.A.No. 799/2011. (D.B.)

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

Dated : 16th January 2019.

C.A.No. 312/2016:-

Shri R.V.Shiralkar, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent no. 4.

At the request of Id. Counsel for the applicant, **S.O. next week.**

Member(J)
Date:-16/01/2019.
aps.

Member(A)

O.A.No. 746/2011. (D.B.)

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

Dated : 16th January 2019.

Shri R.V.Shiralkar, the Id. counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondents.

At the request of Id. Counsel for the applicant, **S.O. next week.**

Member(J)
Date:-16/01/2019.
aps.

Member(A)

O.A.No. 746/2011. (D.B.)

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

Dated : 16th January 2019.

Shri R.V.Shiralkar, the Id. counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondents.

At the request of Id. Counsel for the applicant, **S.O. next week.**

Member(J)
Date:-16/01/2019.
aps.

Member(A)

O.A.No. 243/2012. (D.B.)

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

Dated : 16th January 2019.

Shri R.V.Shiralkar, the Id. counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondents.

At the request of Id. Counsel for the applicant, **S.O. next week.**

Member(J)
Date:-16/01/2019.
aps.

Member(A)

O.A.No. 555/2010. (D.B.)

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

Dated : 16th January 2019.

Ms. Pande holding for Shri V.S.Kukday,
the Id. counsel for the applicant and Shri
H.K.Pandey, the Id. P.O. for the respondents.

At the request of Id. Counsel for the
applicant, **S.O. next week.**

Member(J)
Date:-16/01/2019.
aps.

Member(A)

O.A. Nos. 267,268 &269 of 2011 **(DB)**

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 16.01.2019

Shri G.G. Bade, learned counsel for the applicants and Shri S.A. Sainis, learned P.O. for the respondents.

The learned counsel for the applicants submitted that as per direction of this Tribunal he has filed copy of Hon'ble Supreme Court in Special Leave to Appeal No. 3641/2014. It is taken on record (in O.A.No.267/2011) and marked Exh-X for the purposes of identification. Copy of the same is supplied to the learned P.O. The learned P.O. seeks time to take instructions in this regard. At his request, **S.O. one week.**

Member (J)

Member (A)

Dnk.

O.A. No. 335 of 2011 **(DB)**

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 16.01.2019

None for the applicant. Shri H.K. Pande, learned P.O. for R-1 to 3. None for R-4.

2. From the record it appears that on many occasions none appeared for the applicant. Today also none appeared for the applicant. Therefore it seems that the applicant may not be interested in prosecuting the matter. Hence, the O.A. stands dismissed in default.

Member (J)

Member (A)

Dnk.

O.A. No. 275 of 2012 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,**

Member (J).

Dated : 16.01.2019

There is a leave note from Shri N.R. Saboo, learned counsel for the applicant. Shri A.P. Potnis, learned P.O. for the respondents.

S.O. Next week.

Member (J)

Member (A)

Dnk.

O.A. No. 553 of 2012 **(DB)**

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 16.01.2019

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

The matter be kept on **18/01/2019**.

Member (J)

Member (A)

Dnk.

O.A. No. 599 of 2012 **(DB)**

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 16.01.2019

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

2. The learned counsel for the applicant filed pursis dated 16/01/2019 mentioning that he wants to withdraw the O.A. Copy of the same is taken on record and marked Exh-X for the purposes of identification.

3. In view thereof, the O.A. stands disposed of as withdrawn with no order as to costs.

Member (J)

Member (A)

Dnk.

O.A. No. 606 of 2012 **(DB)**

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 16.01.2019

None for the applicant.

Shri H.K. Pande, learned P.O. for the respondents.

S.O. 17/01/2019.

Member (J)

Member (A)

Dnk.

O.A. No. 676 of 2012 **(DB)**

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 16.01.2019

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

The matter be kept on **18/01/2019**.

Member (J)

Member (A)

Dnk.

O.A. No. 728 of 2012 **(DB)**

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 16.01.2019

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

The matter be kept on **18/01/2019**.

Member (J)

Member (A)

Dnk.

O.A. No. 615 of 2012 **(DB)**

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 16.01.2019

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

2. The learned counsel for the applicant invited our attention to page no.21 Annex-A-2 order No. , Q, I Vh&12@i t d t 365@d&4] egl ty o ou foHkx] e-ky;]e p b] dated 02/08/2011.

3. It is directed that the applicant should prefer appeal before the Additional Principal Chief Conservator of Forests (HRM) Van Bhavan, Civil Lines, Nagpur as directed by the Government of Maharashtra vide impugned order dated 02/08/2011. He should follow the path followed by Mr. V.E.

Kadu, Forester. In his case order is attached at page nos. 51 to 54 at Annex-A-8. The applicant is at liberty to approach this Tribunal, if aggrieved again.

4. In view thereof the O.A. stands disposed of.

Member (J)

Member (A)

Dnk.

Dated :- 16/01/2018.

O.A. No. 762 of 2012 **(DB)**

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 16.01.2019

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

2. The learned counsel for the applicant today files copy of Judgment in O.A.No.289/2013 passed by this Tribunal on 18/03/2014. It is taken on record. Copy be supplied to the learned P.O.

3. The learned P.O. was directed to take details about Writ Petition No.2088/2014 in the Hon'ble High Court, Bench at Aurangabad.

4. The matter be listed in the next weekly board **on 25/01/2019** for hearing.

Member (J)

Member (A)

Dnk

O.A. No. 781 of 2012 **(DB)**

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 16.01.2019

None for the applicant.

Shri A.M. Ghogre, learned P.O. for R-1 to 3. None for R-4.

2. The learned P.O. submitted that the applicant is appointed as Assistant Engineer from the S.T. category. However as he did not produce the caste validity certificate from CVC. Due to this reason he was not promoted to the post of Executive Engineer.

3. The learned P.O. also submitted that two times the Hon'ble High Court had remanded the matter to the Caste Scrutiny Committee. However, he is not aware about development after 2012. He will take details in this regard and submit in the next date.

The matter be kept **after two weeks.**

Member (J)

Member (A)

Dnk.

