

O.A. No. 349/2015

(S.B.)

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

Dated : 19th December 2018.

Shri Nitin Vaidya, Adv. holding for Shri A.S. Kilor, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

At the request of the Ld. counsel for the applicant, S.O.
20.12.2018.

Vice-Chairman(J)

Dt. 19.12.2018.

pdg.

O.A. No. 246/2017

(S.B.)

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

Dated : 19th December 2018.

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

2. The applicant is present in person. The Ld. counsel for the applicant submits that the applicant has been appointed on the post for which he has filed this O.A. and hence purpose of the applicant is served. He is seeking permission to withdraw the O.A. Permission is granted. O.A. stands disposed of as withdrawn with no order as to costs.

Vice-Chairman(J)

Dt. 19.12.2018.
pdg.

O.A. No. 553/2018

(S.B.)

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

Dated : 19th December 2018.

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

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

Vice-Chairman(J)

Dt. 19.12.2018.

pdg.

O.A. No. 849/2018

(S.B.)

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

Dated : 19th December 2018.

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

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

Vice-Chairman(J)

Dt. 19.12.2018.
pdg.

O.A. No. 874/2018

(S.B.)

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

Dated : 19th December 2018.

None for the applicant. Shri
A.M. Khadatkar, the learned P.O. for
the respondent No.1.

Await service to R.2.

S.O. **two weeks.**

Vice-Chairman(J)

Dt. 19.12.2018.
pdg.

O.A. No. 875/2018

(S.B.)

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

Dated : 19th December 2018.

Heard Shri N.R. Saboo, 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 he will file service affidavit during the course of the day.

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

Vice-Chairman(J)

Dt. 19.12.2018.
pdg.

O.A. No. 885/2018

(S.B.)

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

Dated : 19th December 2018.

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

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

Vice-Chairman(J)

Dt. 19.12.2018.
pdg.

O.A. No. 979/2018

(S.B.)

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

Dated : 19th December 2018.

Heard Shri I.G. Meshram, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondent No.1.

2. Issue notice to other respondents returnable in **four weeks.**

3. Shri S.A.Sainis, 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. 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. 19.12.2018.

pdg.

O.A. No. 420/2015

(S.B.)

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

Dated : 19th December 2018.

Heard Shri D.P. Dapurkar, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents 1 and 2. Shri S.N. Gaikwad, Adv. for R.3.

2. The applicant has applied for the post of Kotwal of village Warwat (Bakal) in view of advertisement dated 13.4.2015. The post was reserved for Open (Female) category. According to the applicant, she got 47 marks and should have been appointed from Open (Female) category. However, respondent No.2 has appointed respondent No.3 who belongs to OBC category. According to the applicant, since the respondent No.3 has applied from OBC category, she

should not have been considered from Open (Female) category.

3. Admittedly, from the record, it seem that the respondent No.3 got 65 marks and stood meritorious than the applicant. Advertisement shows that it is not a case of compartmentalized reservation.

4. The Ld. counsel for the applicant has placed reliance on the judgment reported in **(2016) 1 Mh.L.J.-934 in case of Kanchan Vishwanath Jagtap V/s M.A.T., Nagpur and others.** In the said judgment, it has been held that if SC candidates get selected in open competition on the basis of their own merits, they will not be counted against the quota reserved for SC candidate and they will be treated as open competition candidate. It is further held that, meritorious candidate from Women category belonging to reserved category cannot be denied the benefit of their meritorious position, when reservation

is not compartmentalized. In view of this, respondent No.3 seems to have been rightly considered for the post from Open (Female) category. I, therefore, do not find any merit in this O.A. Hence, the following order:-

ORDER

The O.A. stands dismissed with no order as to costs.

Vice-Chairman(J)

Dt. 19.12.2018.

pdg.

O.A. No. 94/2016

(S.B.)

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

Dated : 19th December 2018.

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

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

To be treated as part heard.

Vice-Chairman(J)

Dt. 19.12.2018.

pdg.

O.A. No. 134/2018

(S.B.)

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

Dated : 19th December 2018.

Heard Shri N.W. Almelkar, 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. **9th January 2019** for final
hearing.

To be treated as part heard.

Vice-Chairman(J)

Dt. 19.12.2018.

pdg.

O.A. No. 304/2018

(S.B.)

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

Dated : 19th December 2018.

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 applicant is working as a Surveyor in the office of respondent No.4. He was kept under suspension vide order dated 5.4.2018 (A-1) on the ground that he was trapped in the raid by the Anti Corruption Bureau. Admittedly, since the date of his suspension in April 2018 till today, no chargesheet has been filed against the applicant nor any departmental proceedings are initiated against him. The applicant has filed representation for revocation of his suspension on 14.8.2018 and thereafter on

1.10.2018. However, no action has been taken on his representation.

3. The Ld. counsel for the applicant has placed reliance on the judgment in O.A. No.35/2018 passed by Principal Bench of this Tribunal at Mumbai in case of **Dilip Jagannath Ambilwade V/s State of Maharashtra and others**, wherein various cases decided by the Hon'ble Apex Court on the point of suspension have been considered and it has been observed in the order at para 29-B that continuation of suspension beyond 90 days is disregarded and, therefore, it was directed that the applicant shall be deemed to have been reinstated after completion of 90 days of actual suspension. In the reply affidavit, it is admitted that name of the applicant is not in the FIR and no charge-sheet has been filed against him. In view thereof, there is no reason as to why representation of the applicant shall not be considered. Application, therefore, stands disposed of with directions to

respondent No. 2 i.e. the Collector, Nagpur to take a decision on the representation of the applicant dated 1.10.2018 within a period of three weeks from today and the same shall be communicated to the applicant in writing. No order as to costs.

Vice-Chairman(J)

Dt. 19.12.2018.

pdg.

O.A. No. 657/2015

(S.B.)

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

Dated : 19th December 2018.

Heard Shri A.C. Dharmadhikari, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

2. The applicant is claiming regularization to the post of Assistant Professor (Mathematics) in the college of respondent No.3 from the date of her initial appointment i.e. 23.5.1990 and is also claiming all consequential benefits. The Ld. counsel for the applicant invited my attention to Annexure A-15 dated 23.3.2005 alongwith list of candidates who were proposed for regularization. From the said Chart at Page 44, it seems that the name of the applicant was at Sr. No.1 and though she was proposed for regularization, in the remark column, it was stated that

since she has not passed NET/SET examination, she is not eligible.

3. The Ld. counsel for the applicant also invited my attention to the reply affidavit filed by respondent No.2 and particularly para No.7 of the said reply. It is stated in para 7 of the reply as under:-

“It is further submitted that, as per the condition No.2 (c) of the G.R. dated 18.10.2001, it is mentioned that the candidates those who are not possessing NET/SET, their services will be considered for the benefit of senior selection grade benefits on the date on which they will acquire the required qualification. Therefore, the applicant has not yet been given the benefits under Career Advancement Scheme and the same was not payable. Presently, the applicant has not acquired the required qualification prescribed by the

U.G.C. As such the applicant is not entitled for the benefit of Career Advancement Scheme. It is further stated that the name of the qualified lecturer is expected to be included in the list of qualified candidates from Proforma B to Proforma A. It is further submitted that the applicant has acquired Ph.D. on 17.2.2007 as such she is entitled to get the exemption from passing NET/SET examination. Since the person concerned who has acquired the above-said qualification, the Principal, Govt. B.Ed. College, Akola vide his letter dated 18.2.2013 has submitted the proposal to the Director for including the name of Smt. Samudre from Proforma B to Proforma A.”

4. The Ld. counsel for the applicant submits that since the applicant has acquired Ph.D. degree on 17.2.2007, now admittedly, she is

not required to clear NET/SET examination and can be considered for regularization, at least from the date of passing Ph.D. degree. The Ld. P.O. is, therefore, requested to take instructions as to whether the respondent No.1 is ready to consider the claim of the applicant for regularization from the date of passing Ph.D. degree and if yes, within how many days such order can be passed.

5. For taking instructions, S.O. **10.1.2019.**

6. To be treated as part heard.

7. Steno copy be provided to both the parties.

Vice-Chairman(J)

Dt. 19.12.2018.

pdg.

O.A. No. 474/2017

(D.B.)

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

Dated : 19th December 2018.

Rev. Application No.13/2018.

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

At the request of the Ld. P.O.
S.O. **7.1.2019 at 3.00 p.m. in
Chamber.**

Member (A)

Vice-Chairman(J)

Dt. 19.12.2018.

pdg.

O.A. No. 724/2015

(S.B.)

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

Dated : 19th December 2018.

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

2. The applicant has claimed that the orders of punishment in departmental enquiry passed on 19.3.2015 and 26.8.2015, whereby the applicant has been censured and has been directed to pay the amount of Rs. 1,43,245.75, be quashed and set aside and to declare that the suspension of the applicant is illegal. Nobody appeared for the applicant. From record, it seems that on last occasions, none appeared for the applicant. On 22.11.2018, since none appeared for the applicant,

case was adjourned for passing necessary order on 28.11.2018. On 28.11.2018, none appeared for the applicant and, therefore, the matter was kept for dismissal today. Today also, none appeared for the applicant. It seems that the applicant may not be interested in prosecuting the O.A. Hence, the O.A. stands dismissed with no order as to costs.

Vice-Chairman(J)

Dt. 19.12.2018.

pdg.

O.A. No. 271/2017

(S.B.)

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

Dated : 19th December 2018.

Heard Shri I.G. Meshram, 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 submits that the applicant has filed representation for renewal of his posting as Police Patil of village Mohadi Mokasa, Tehsil-Nagbhid, District Chandrapur. No decision has been taken on the said representation. From the record, however, it seems that vide order dated 7.4.2017, the S.D.O., Bramhapuri has rejected the applicant's prayer for renewal of his post at Police Patil. The Ld. counsel for the applicant submits that

inadvertently though the copy of this order is placed on record at Annexure A-1, the applicant has not challenged it. He, therefore, seeks permission to withdraw the O.A. with liberty to challenge the order dated 7.4.2017. The applicant, therefore, seeks permission to amend the O.A.

S.O. **two weeks** for amendment of the O.A.

Vice-Chairman(J)

Dt. 19.12.2018.

pdg.

O.A. No.255 /2018 (S.B.)
(Dr. P.S. Chinchurkar V/s State and 4 others)

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

Dated : 19th December 2018.

Heard Shri G.R. Sadar, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents 1, 3 & 5. Mrs. B. Bagde, Ld. counsel for respondent Nos. 2 and 4.

2. The applicant has claimed following reliefs in this O.A.:-

(a) To order the respondents to grant and pay the notional benefits of the second time bound promotion to be given to the applicant as next promotion alongwith the benefits of continuity and all other payable benefits of the promotion.

(b) To order the respondents to pay the amount of non-practicing allowance (NPA) payable to the applicant for the period of 23 months from August 2002 to June 2004 against the service rendered in P.H.C., Harisal, Tq. Dharni, Dist. Amravati in tribal area.

(c) To order the respondents to pay the amount of HRA for the period from September 2008 to February 2010 against the service rendered in P.H. Squad., Susarda under the PHC, Sadrawadi, Tq. Dharni, Dist. Amravati in tribal area.

(d) To order the respondents to pay the amount of hardship allowance for the period from April 2014 to 31.1.2016 payable to the applicant against the services rendered with P.H. Squad., Susarda under the PHC, Sadrawadi, Tq. Dharni, Dist. Amravati in tribal area.”

3. The Ld. counsel for the applicant submits that most of the claim of the applicant such as non-practising allowance and HRA have been admitted. It is also admitted by the respondents in their reply affidavit that the applicant is entitled to second time bound promotion, if eligible and a proposal has already been sent to the competent authority. The main grievance in the O.A. is that, the amount of Rs.1,28,735/- has been deducted from pensionary benefits of the applicant in view of order at Annexure A-14 on the assumption that the said amount has been paid to the applicant in excess.

4. Admittedly no show cause notice has been issued before making any recovery for Rs.1,28,735/-. However, the said amount has already been deducted. The Ld. counsel for the applicant has invited

my attention to a Chart (Page 111) wherefrom it seems that the applicant should have been granted special pay of Rs. 4900/-. But instead, he has been granted the amount of Rs. 5415/- as grade pay. Similarly, increment should have been Rs. 9000/- p.m., but the amount of Rs. 2190/- has been paid to the applicant and, therefore, on account of this excess payment, same has been recovered. However, admittedly no opportunity was given to the applicant before such recovery.

5. Since most of the claim of the applicant except the claim for hardship allowance has been admitted in reply affidavit, same can be considered by the competent authority. The Ld. counsel for the applicant submits that he may be allowed to file a comprehensive representation before the competent authority and the competent authority may be directed to take a decision on his representation within a stipulated period. He submits that he will file

such representation within two weeks. In view thereof, O.A. can be disposed of with following directions:-

(i) The applicant will be at liberty to file a comprehensive representation before the competent authority making all his claims within a period of two weeks from today. On receiving such Representation, the respondent Nos. 2, 3 and 4 shall take a decision on the said representation as per its own merits within a further period of two months from the date of receipt of representation.

(ii) It is needless to state that the applicant will be at liberty to approach this Tribunal, if he is aggrieved by the decision taken on his representation.

Vice-Chairman(J)

Dt. 19.12.2018.

pdg.

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

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

Dated : 19th December 2018.

C.A.No.386/2017:-

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

At the request of Id. counsel for the applicant, **S.O. after winter vacation.**

**Member(J)
Date:-19/12/2018.
aps.**

Member(A)

O.A. Nos. 282, 283, 284, 352, 353 & 875 / 2017. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 19th December 2018.

M.C.A.Nos.34, 35, 36, 37, 38 & 39/2018:-

Shri A.P.Sadavarte, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

The Id. P.O. has filed the M.C.As. for extension of time. By which, he needs extension of time to explain the order. He submits that proposal has been submitted by Respondent no. 4 to the State Government and that's why he needs two months more time.

The Id. counsel for the applicant objected for the extension. After hearing both the parties, it is decided that the Id. P.O. will file action taken till now and explain that till what time they complete the process.

S.O. 04/01/2019.
Steno copy is granted.

Member(J)
Date:-19/12/2018.

aps.
O.A.No.195/2018. (D.B.)

Member(A)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 19th December 2018.

C.A.No.67/2018:-

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

2. The Id. counsel for the applicant pleaded the case and Id. P.O. also agreed. In view of this, **C.A. No. 67/2018 is allowed.** Issue notice on O.A. to the respondent.

3. Issue notice to R-2, returnable on three 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. three weeks.**

Member(J)
Date:-19/12/2018.
aps.

Member(A)

O.A.No.536/2018. (D.B.)

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

Dated : 19th December 2018.

Shri D.S.Kaore holding for Shri M.R.Rajgure, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

The Id. P.O. filed the affidavit-in-reply on behalf of the respondent no. 1. It is taken on record. Copy is served to the other side.

As per the request of Id. counsel for the applicant, **S.O. after winter vacation.**

Member(J)
Date:-19/12/2018.
aps.

Member(A)

O.A.No.551/2018. (D.B.)

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

Dated : 19th December 2018.

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

The Id. P.O. filed the affidavit-in-reply
on behalf of the respondent nos. 2, 4 & 5. It is
taken on record. He submits that he will serve
the copy to the other side. He further submits
that there is no need to file the reply of
respondent nos. 1 and 3.

The matter is **admitted** and kept for
final hearing in due course of time. The Id. P.O.
waives notice for the respondents.

S.O. in due course.

Member(J)
Date:-19/12/2018.
aps.

Member(A)

O.A.No.582/2018. (D.B.)

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

Dated : 19th December 2018.

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

The Id. P.O. submits that he will file the reply in the next hearing. At his request, **S.O.**
07/01/2019.

Member(J)
Date:-19/12/2018.
aps.

Member(A)

O.A.No.357/2018. (D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 19th December 2018.

Shri A.P.Sadavarte, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the respondents.

The Id. C.P.O. has filed letter no. d{A&1@v-dk@vkl.Fk@dkfo&362@2017] fnukd 05-12-2018 from Residence Deputy Collector, Akola, by which the matter was remanded by the Divisional Commissioner, Amravati and the same is decided by the Collector Akola.

The Id. counsel for the applicant submits that he will prefer further appeal against the order of the Collector before the Divisional Commissioner, Amravati. It is observed that if such appeal is filed, the Divisional Commissioner, Amravati to decide the said appeal of the applicant **within four months** from the date of filing the appeal. If the applicant is aggrieved with the order, they are at liberty to approach this Tribunal.

With these observations, **the O.A. is disposed of with no order as to costs.**

Member(J)
Date:-19/12/2018.
aps.

Member(A)

O.A.No.893/2018. (D.B.)

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

Dated : 19th December 2018.

Shri S.G.Jagtap, the Id. counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the respondent nos. 1 to 4 and Ms.V.V.Tiwari, the Id. counsel for the respondent nos. 5 to 8.

The Id. counsel for the applicant has filed the Rejoinder. He has also filed the office order no. 989@ifj-@vklFLk-2@2018] fnukd 05-11-2018 in office order no. 160/2018. He further filed the office order No. 3477@ifj@ify@2005] fnukd 17-05-05- All the documents are taken on record. Copy of the same are supplied to the other side.

After hearing, it appears that directions given to the department vide Government correspondence, the G.A.D. order no. chl hl h&2017@i i d i 312@i i d i 312A@16&c] fnukd 27@12@2017 on P.B. Pg. No. 33, last line of para no. 3 are below:-

^; knhe/Any ekxkl oxhiz vf/Adkjh@de:pkjh ; kulk
inKburh ns; ki phi rj] fnukd 25-05-2004 P; k 'kkI u
fu.Az krhy rj r mhuq kj vkj {A.Akpk ykHA feGuw I o k t s Brk ; knhr
ojP; k LFAkukoj vkys ukghr] ; kph [Ak=h i R; sd iz AkI dh;
foHkxkusdjkoh^

The above same para are followed or not, that is not clear and certificate prescribed by G.A.D. at P.B., Pg. No. 40 by Superintendent, Engineer i.e. also not on record. It is directed that Id. P.O. should submit a common certificate that candidate promoted vide impugned order were not given benefit of G.R. No. chll h 2001@1887@i z d z 64@01@16&c] fnukd 25-05-2004 as per P.B., Pg. No. 81 (Annexure-R2).

S.O. 07/01/2019.

Interim relief is continued till next hearing.

Put up this matter along with the O.A. 932/2018.

Member(J)
Date:-19/12/2018.
aps.

Member(A)

O.A.No.932/2018. (D.B.)

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

Dated : 19th December 2018.

Shri S.C.Deshmukh, the Id. counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the respondent nos. 1 & 2 and Shri S.R.Bhongade, the Id. counsel for the respondent nos. 3 to 6.

The Id. counsel for the respondent nos. 3 to 6 has filed reply on behalf of the respondent nos. 3 to 6. It is taken on record. Copy of the same is supplied to the other side.

The Id. counsel for the applicant seeks time to file Rejoinder. At his request, **S.O.**
07/01/2019.

*Put up this matter along with the O.A.
893/2018.*

Member(J)
Date:-19/12/2018.
aps.

Member(A)

O.A.No.450/2017. (D.B.)

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

Dated : 19th December 2018.

C.A.NO.308/2017:-

Smt.R.Padhye, the Id. counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

The Id. counsel for the applicant has filed condonation of delay with C.A. No. 308/2017. She further pleads that the delay was due to pregnancy. However, no documents on record as pleaded by the Id. counsel for the applicant.

The Id. counsel for the applicant is directed to file documentary evidence.

S.O. three weeks.

**Member(J)
Date:-19/12/2018.
aps.**

Member(A)

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

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

Dated : 19th December 2018.

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.

The Id. Counsel for the applicant filed affidavit. The Id. Counsel for the respondent nos. 1 & 3 has filed the Hon'ble Supreme Court Judgment. All the documents are taken on record. The same are supplied to the other sides.

The matter will be decided within a week time. S.O. one week.

**Member(J)
Date:-19/12/2018.
aps.**

Member(A)

O.A.No.954/2018. (D.B.)

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

Dated : 19th December 2018.

Shri S.U.Nemade, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

The Id. counsel for the applicant have shown the advertisement on P.B., Pg. No. 54 (Annexure-A-10). However, details required for the post has given on the website is not filed by the Id. counsel for the applicant. The Id. C.P.O. submits that recruitment rule is changed in the year 2014 and this recruitment is as per the recruitment rule 2014.

The Id. counsel for the applicant is directed to file the details of the recruitment as well as recruitment rule 2014 **within three weeks.**

S.O. three weeks.

Member(J)
Date:-19/12/2018.
aps.

Member(A)

O.A.No.980/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 19th December 2018.

Shri A.Z.Jibhkate, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. The Id. counsel for the applicant has filed the interim order dated 30/11/2018 in O.A. 896/2018.

3. Issue notice to R-2 to 5, returnable on three weeks. Learned C.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. three weeks.**

Member(J)
Date:-19/12/2018.
aps.

Member(A)

O.A.No.981/2018. (D.B.)

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

Dated : 19th December 2018.

Shri D.M.Khandait, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. Issue notice to R-2 & 3, returnable on three weeks. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

8. **S.O. three weeks.**

Member(J)
Date:-19/12/2018.
aps.

Member(A)

O.A.No.714/2011. (D.B.)

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

Dated : 19th December 2018.

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

S.O. one week.

**Member(J)
Date:-19/12/2018.
aps.**

Member(A)

O.A.No.503/2015. (D.B.)

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

Dated : 19th December 2018.

Shri A.D.Girdekar, the Id. counsel for the applicant, Shri V.A.Kulkarni, the Id. P.O. for the respondent nos. 1 & 2. None for the respondent no. 3.

S.O. after winter vacation.

**Member(J)
Date:-19/12/2018.
aps.**

Member(A)