

O.A. No. 548/2018.

(S.B.)

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

Dated : 19th July 2018.

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

2. Vide order dated 30.6.2018, the applicant has been transferred from the post of D.L.R., Amravati on the same post at Chandrapur in place of Shri A.A. Joshi. Shri A.A. Joshi approached this Tribunal by filing O.A. No.418/2018 and in the said O.A., on 2.7.2018, this Tribunal was pleased to direct not to relieve Shri A.A. Joshi from Chandrapur. The applicant submits that inspite of such order, the applicant is being relieved hastily. He is still working at Amravati and that he is due for transfer, he has not been given choice posting. Representation to that effect has also been filed on record. In view of this, respondents are directed not to relieve the applicant till further orders.

3. In the meantime, issue notice to rest of the respondent returnable after **two weeks**.

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

5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
6. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
7. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.
8. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
9. In case notice is not collected within **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.
10. S.O. **two weeks.**
11. Put up this O.A. with O.A. No.481/2018.

Vice-Chairman(J)

pdg

O.A. No. 722/2014. (S.B.)

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

Dated : 19th July 2018.

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

Closed for orders.

Vice-Chairman(J)

pdg

O.A. No. 168/2016. (S.B.)

Coram: Shri J.D. Kulkarni,

Vice-Chairman(J)

Dated : 19th July 2018.

Heard Shri M.R. Rajgure, the Ld. counsel for the applicant and Shri M.I. Khan, the Ld. P.O. for the respondents 1 to 3. None for R.4.

Closed for orders.

Vice-Chairman(J)

pdg

O.A. No. 592/2017.

(S.B.)

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

Dated : 19th July 2018.

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

S.O. one week.

Put up this O.A. alongwith connected O.A. Nos. 966 and 664 of 2017.

Vice-Chairman(J)

pdg

O.A. No. 591/2015. (S.B.)

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

Dated : 19th July 2018.

Shri A.N. Dighore, the Ld. counsel for the applicant and Shri A.M. Ghogre, the Ld. P.O. for the respondents.

At the request of the Ld. counsel for the applicant, S.O. **two weeks** as a last chance.

Vice-Chairman(J)

pdg

O.A. No. 510/2018. (S.B.)

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

Dated : 19th July 2018.

None for the applicant. Shri S.A. Deo, the Ld. C.P.O. for the respondents.

Keep this O.A. on 20th July 2018 for passing orders.

Vice-Chairman(J)

pdg

O.A. No. 804/2016. (S.B.)

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

Dated : 19th July 2018.

Heard Shri G.N. Khanzode, the Ld. counsel for the applicant and Shri P.N. Warjekar, the Ld. P.O. for the respondents.

Closed for orders.

Vice-Chairman(J)

pdg

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

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

Dated : 19.07.2018.

Shri N.R.Saboo, Id. counsel for the applicant, Shri V.A.Kulkarni, Id. P.O. for the respondent nos. 1 & 2 and Shri N.Majithia, the Id. Counsel for respondent no. 3. The Id. Counsel for the applicant submits that he is going to file service affidavit for respondent no. 4.

The Id. P.O. submitted one document on record which is marked Exh. "X" by which it seems that counseling has been done and the Id. Counsel for respondent no. 4 is agreed for the transfer. However, the Id. Counsel for the applicant wants to take instruction from his client i.e. applicant.

In view of that, the Id. P.O. as well as Id. Counsel for the respondent no. 3 seeks two weeks time to file affidavit-in-reply.

Member (A)

aps.

O.A.No.206/2018 (S.B.)

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

Dated : 19.07.2018.

Shri S.V.Ingole, Id. counsel for the applicants and Shri V.A.Kulkarni, Id. P.O. for the respondent nos. 1 and 3. Shri H.D.Marathe is going to file vakalatnama for the respondent no. 2

The Id. Counsel for the respondent no. 2 seeks three weeks time to file affidavit-in-reply. The Id. P.O. has filed affidavit-in-reply on behalf of the respondent no. 3. The same is taken on record. Copy is served to the other side.

S.O. three weeks.

Member (A)

aps.

O.A.No.311/2018 (S.B.)

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

Dated : 19.07.2018.

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

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

Member (A)

aps.

O.A.No.368/2018 (S.B.)

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

Dated : 19.07.2018.

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

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

Interim relief is continued till next date of hearing.

Member (A)

aps.

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

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

Dated : 19.07.2018.

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

The Id. P.O. and Id. C.P.O. pointed out that in para no. 3 of the Judgment dated 20/06/2018 is following:-

The Id. C.P.O. submitted that the order of recovery was in fact passed on 04/07/2014. However, it was subject to some verification. The recovery order has been passed on 04/01/2017 at Annexure-A-8. Whether these two

letters dated 04/07/2014 and 04/01/2017 are legal or not will be considered at the time of final hearing. If the amount is already recovered, no stay shall operate to the amount which are already been recovered.

The above same should be examined and explained at the time of final hearing. However, Id. P.O. seeks two weeks time to file affidavit-in-reply.

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

Member (A)

aps.

O.A.No.430/2018 (S.B.)

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

Dated : 19.07.2018.

Shri A.Upasani, Id. Counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the respondent nos. 1 & 3. Shri H.D.Marathe is going to file vakalatnama on behalf of the respondent no. 2.

The Id. Counsel for the respondent no. 2 as well as Id. C.P.O. seeks four weeks time to file affidavit-in-reply. At his request, **S.O. four weeks.**

Member (A)

aps.

Cont. P. 14/17 in O.A.112/2015 **(DB)**

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

Dated : 19.07.2018

C.P. 14/2017

Heard Shri S.P. Chavhan, learned counsel holding for Shri N.D. Thombre, learned counsel for the applicant and Shri S.A. Sainis, learned P.O. for the respondents.

2. As per the order dated 11/06/2015 in O.A.112/2015 the retiral benefits have been released and the proposal was to be decided within three months. Today, the learned P.O. has placed on record the communication dated 18/07/2018 which is marked Exh-X for the purposes of identification, from which it seems that the order has been complied and all the dues have been paid to the applicant. The learned counsel for the applicant also admits that the order is complied.

3. In view thereof, the Contempt Petition no.14/2017 stands disposed of with no order as to costs.

Vice Chairman (J)

dnk.

Cont. P. 18/17 in O.A.574/2016 **(DB)**

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

Dated : 19.07.2018

C.P. 18/2017

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

2. The learned counsel for the applicant submits that the applicant in this case has expired and instructions are awaited and hence he seeks two weeks time. At his request, **S.O. two weeks.**

Vice Chairman (J)

dnk.

Cont. P. 40/17 in O.A.687/2016

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

Dated : 19.07.2018

C.P. 40/2017

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

2. Even though it is stated that the pension has been paid and the proposal for interest on delayed payment is forwarded, the learned P.O. submits that the respondent is not liable to pay interest since provisional pension was being paid. The order passed in O.A.687/2016 on 19/07/2017 is very much self speaking which states that if the amount of pension is not paid within three months from the date of order, the applicant will be entitled to claim interest on the delayed payment from the date of retirement till he receives the actual payment. Admittedly, the said order has not been complied within three months from the date of order and therefore it is obvious that the respondents must pay the interest. The interest shall be paid within one month from today.

S.O. after one month.

Steno copy is granted.

Vice Chairman (J)

dnk.

Cont. P. 09/18 in O.A.109/2015 **(DB)**

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

Dated : 19.07.2018

C.P. 09/2018

Shri A.P. Khadatkar, learned counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1 to 3 and Shri P.A. Kadu, learned counsel for R-4&5.

2. The learned counsel for R-4&5 stated that the Writ Petition is filed against the order of this Tribunal and therefore the matter be kept **after three weeks.**

Vice Chairman (J)

dnk.

Cont. P. 10/2018 in O.A.482/2005 (DB)

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

Dated : 19.07.2018

C.P. 10/2018

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

2. As per the order passed in O.A.No.482/2005 on 31/08/2015, it was directed that the case of the applicant be considered for promotion / time bound promotion on merits and in the event he is found due for promotion, he shall be granted appropriate deemed date in a promotional cadre and in that event he shall be entitled for consequential monetary benefits. Today, the learned P.O. has placed on record the affidavit on behalf of R-1&2 and in para-3 of the said affidavit details are given and stated that the amount of Revision of Pay Scale, different of Earned Leave Encashment, DCRG, difference of Surrender Earned Leave and difference of pension, has been paid to the applicant. It is also stated that the revised regular pension has been granted to the applicant from June,2018.

3. The learned counsel for the applicant submits that the applicant is entitled to deemed date of promotion, so also the interest on delayed payment. However, for that purpose the applicant will be at liberty to file representation if admissible, as per law. The Contempt Petition No. 10/2018 therefore stands disposed of as the grievance has been redressed.

Vice Chairman (J)

dnk.

Cont. P. 11/2018 in O.A.197/2016 (DB)

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

Dated : 19.07.2018

C.P. 11/2018

None for the applicant. Heard Shri A.M. Khadatkar, learned P.O. for R-1 to 4.
None for R-5&6.

2. As per the order dated 11/04/2018 this Tribunal was pleased to pass following order :-

*“(3) Respondent no.1, Contemnor is directed to make a statement on following points
:-*

(i) Whether it will be possible for the Government to implement the order passed by this Tribunal, subject to outcome of the Writ Petition which the State has filed, and payment if any, made shall be recoverable in the event the State succeeds.

(ii) Statement be made on the next date.S.O.6/6/2018.”

3. The statement to that effect was to be made on 6/6/2018 when the matter did not come on board that day. Today also the said statement is not made. The learned P.O. submits that the State is not ready for that as the Writ Petition is already filed. There is nothing new in this statement. The responsible Officer from the office of respondent

no.1 at the level of Secretary shall file on record affidavit to satisfy the query made in the order dated 11/04/2018. The matter be kept on **26/07/2018**.

Vice Chairman (J)

dnk.

Cont. P. 12/2018 in O.A.197/2016 **(DB)**

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

Dated : **19.07.2018**

C.P. 12/2018

None for the applicant. Heard Shri A.M. Khadatkar, learned P.O. for R-1 to 4.
None for R-5&6.

2. As per the order dated 11/04/2018 this Tribunal was pleased to pass following order :-

“(3) Respondent no.1, Contemnor is directed to make a statement on following points

:-

(i) Whether it will be possible for the Government to implement the order passed by this Tribunal, subject to outcome of the Writ Petition which the State has filed, and payment if any, made shall be recoverable in the event the State succeeds.

(ii) Statement be made on the next date.S.O.6/6/2018.”

3. The statement to that effect was to be made on 6/6/2018 when the matter did not come on board that day. Today also the said statement is not made. The learned P.O. submits that the State is not ready for that as the Writ Petition is already filed. There is nothing new in this statement. The responsible Officer from the office of respondent no.1 at the level of Secretary shall file on record affidavit to satisfy the query made in the order dated 11/04/2018. The matter be kept on **26/07/2018**.

Vice Chairman (J)

dnk.

Cont. P. 24/18 in O.As.584/2005 & 122/2012 **(DB)**

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

Dated : 19.07.2018

C.P. 24/2018

Heard Shri M.R. Khan, learned counsel for the applicant and Shri P.N. Warjurkar, learned P.O. for the respondents.

2. The learned P.O. has placed on record the communication dated 18/07/2018 along with the details of the payment paid to the applicant which is marked Exh-X for the purposes of identification and submitted that the order has been complied. The learned counsel for the applicant submits that he will go through the said documents and make a statement and hence the matter be kept on **26/07/2018**.

Vice Chairman (J)

dnk.

Cont. P. 27/18 in O.A.130/2016 **(DB)**

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

Dated : 19.07.2018

C.P. 27/2018

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

2. Issue notice to R-1 to 3, returnable in **four weeks**. 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. four weeks.**

Vice Chairman (J)

dnk.

O.A.383/2018 (DB)

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

Dated : **19.07.2018**

Shri S.P. Palshikar, learned counsel for the applicant and Shri P.N. Warjurkar, learned P.O. for the respondents.

The learned P.O. files reply-affidavit on behalf of R-1&2. It is taken on record. Copy is served on the applicant.

At the request of learned counsel for the applicant, **S.O. 20/07/2018**.

Vice Chairman (J)

dnk.

Cont. P. 14/18 in O.A.399/2013 **(DB)**

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

Dated : 19.07.2018

None for the applicant. Heard Shri A.M. Khadatkar, Id. P.O. for R-1,2&4 and Shri P.A. Kadu, Id. counsel for R-3.

2. As per the order passed in O.A.399/2013 on 19/01/2015, the respondents were directed to finalize the pension case of the applicant at the earliest and in any event within three months from the date of passing of the order. They were further directed that the respondents shall ensure that all the retiral and terminal benefits are paid to the applicant within stipulated time. So far as the interest is concerned, the applicant was at liberty to file representation.

3. The learned counsel for R-3 has placed on record the affidavit and in para-2 it is stated that the applicant is receiving pension since July,2015. The copy of pension payment order dated 3/6/2015 is also placed on record at Annex-R-I. In para-3 of the said affidavit, it is stated that in pursuance of the order passed by this Tribunal, the applicant was paid the retiral benefits such as Provident Fund, Gratuity, Leave encashment, Group insurance amount and arrears of regular salary for the suspension period. The Chart in this regard has been kept on record at Annex-R-II. The order therefore seems to be duly complied. However, since the applicant's counsel is absent, the matter be kept for disposal on **26/07/2018**.

Vice Chairman (J)

dnk.