

O.A. No.729 /2018

(S.B.)

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

Dated : 19th September 2018.

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

2. Issue notice to R.2 returnable in **two weeks.**

3. Shri S.A. Deo, the learned C.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. **two weeks.**

Vice-Chairman(J)

pdg.

O.A. No.730 /2018

(S.B.)

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

Dated : 19th September 2018.

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

2. The applicant has challenged the impugned order of his transfer dated 13.6.2018 issued by respondent No.2. The Ld. CPO submits that the applicant has suppressed the material fact and in fact is misleading the Tribunal. He pointed out para No.6.6 in which it is stated that earlier the O.A. was filed, but it was withdrawn, as the non-applicant misconstrued the applicant's communication dated 20.4.2018. However, in para No.8, it has been mentioned and it was declared that

the applicant has not filed any other proceedings before the Tribunal or any Court. It seems that earlier transfer order was challenged in O.A. No. 510/2018. But the same was withdrawn on 20.7.2018 unconditionally. Considering this fact, Ld. C.P.O. submits that the application is not tenable.

The Ld. counsel for the applicant submits that he may be permitted to withdraw the O.A. and has expressed apology. In view thereof, permission is granted and the O.A. stands disposed of as withdrawn with no order as to costs.

Vice-Chairman(J)

pdg.

**O.A. Nos.632, 633 & 634 of/2016
(S.B.)**

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

Dated : 19th September 2018.

**C.A. 200/2018, C.A. 201/2018.
& C.A. 202/2018.**

Heard Shri N.S. warulkar, the
Ld. counsel for the applicants and
Shri A.M. Ghogre, the learned P.O.
for the respondents.

For the reasons stated in the
applications, C.As for early hearing
are allowed and disposed of.

S.O. 1st week of October, 2018.

Vice-Chairman(J)

O.A. 753/2010 (D.B.)

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

Dated : 19/09/2018

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

At the request of Id. counsel for the applicant, **S.O. 21/09/2018.**

Member(A)

Vice-Chairman(J)

dnk.

O.A. 728/2018 (D.B.)

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

Dated : 19/09/2018

C.A.275/2018 -

Heard Shri R.V. Shiralkar, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for the State.

2. By this C.A., the applicants are seeking leave to sue jointly. For the reasons stated in the C.A., leave to sue jointly as prayed for is granted, subject to the applicants paying requisite court fees, if not already paid. C.A. stands disposed of accordingly.

O.A.No.728/2018 -

Heard Shri R.V. Shiralkar, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for the State.

2. Issue notice to R-2 returnable in **four 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. Applicants are 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.**

Member(A)

Vice-Chairman(J)

dnk.

Dated :- 19/09/2018.

O.A. 931/2012 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 19/09/2018

Heard Shri V.P. Marpakwar, Id.
counsel for the applicant and Shri V.A.
Kulkarni, Id. P.O. for the respondents.

Closed for orders.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 688/2009 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 19/09/2018

Shri V.P. Marpakwar, Id. counsel holding for Shri P.C. Marpakwar, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 21/09/2018.**

Member(A)

Vice-Chairman(J)

dnk.

O.A. 881/2009 With C.As.260,261,262 & 263 of 2018

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 19/09/2018

Ms. Nazia Pathan, Id. counsel holding for R.S. Sirpurkar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 21/09/2018**.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 44/2010 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 19/09/2018

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

Closed for orders.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 760/2010 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 19/09/2018

None for the applicants. Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. Earlier also the O.A. was dismissed in default but it was restored at the request of learned counsel for the applicants. The Board has been published prior to two weeks but today nobody appeared for the applicants.

3. In view thereof, the matter be kept on **21/09/2018 for dismissal.**

Member(A)

Vice-Chairman(J)

dnk.

O.A. 769/2010 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 19/09/2018

Shri D.M. Surjuse, Id. counsel holding for Shri S.U. Nemade, Id.

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

At the request of learned counsel for the applicant, 21/09/2018.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 775/2010 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 19/09/2018

None for the applicant.

Shri P.N. Warjurkar, Id. P.O. for the respondents.

S.O. 21/09/2018 for dismissal.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 776/2010 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 19/09/2018

None for the applicants.

Shri P.N. Warjurkar, Id. P.O. for
the respondents.

S.O. 21/09/2018 for dismissal.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 797/2010 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 19/09/2018

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

2. On 9/6/2015 the application for early hearing was considered in the absence of the learned counsel for the applicant and liberty was given to the applicant to approach the Tribunal for early hearing after 6 months, but thereafter none appeared for

the applicant till today. This Board has been published two weeks' back but nobody appeared for the applicant today also.

3. In view thereof, the matter be kept on **21/09/2018 for dismissal.**

Member(A)

Vice-Chairman(J)

dnk.

O.A. 798/2010 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 19/09/2018

Heard Shri G.M. Bhagde, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1&2. None for R-3 to 9.

Closed for orders.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 801/2010 (D.B.)

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

Dated : 19/09/2018

None for the applicants.

Shri P.N. Warjurkar, Id. P.O. for R-
1&2. None for other respondents.

S.O. 21/09/2018 for dismissal.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 832/2010 (D.B.)

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

Dated : 19/09/2018

Ms. Shivani Tare, Id. counsel holding for Shri S.P. Palshikar, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1. None for R-2.

At the request of Id. counsel for the applicant, **S.O. 21/09/2018.**

Member(A)

Vice-Chairman(J)

dnk.

O.A. 838/2010 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 19/09/2018

None for the applicants.

Shri P.N. Warjurkar, Id. P.O. for
the respondents.

S.O. 21/09/2018 for dismissal.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 848/2010 (D.B.)

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

Dated : 19/09/2018

None for the applicants.

Shri A.M.Khadatkar, Id. P.O. for
the respondents.

S.O. 21/09/2018 for dismissal.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 925/2010 (D.B.)

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

Dated : 19/09/2018

Heard Shri A.P. Sadavarte, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1 to 4. None for R-5.

2. In this O.A. the applicant is claiming promotion to the post of Auditor Grade-I from physically handicapped category. It seems that during pendency of the O.A. it was intimated that the respondent no.5, Shri M.R. Kakde was already working in the said cadre and in same category since 2007. In view thereof, the applicant has challenged the promotion of respondent no.5 under

physically handicapped category since the said fact came to his knowledge for the first time after filing communication by the respondents. Admittedly, the amendment has been allowed and the promotion of respondent no.5 is under challenge.

3. The learned counsel for the applicant submits that even though the applicant was senior to Mr. M.R.Kakde (R/5) his claim was not considered for promotion in 2007. The seniority list of 2007 in respect of Auditor Grade-II is not placed on record. The said list makes it clear as to what was the seniority number of Mr. M.R. Kakade (R/5) and that of applicant in the said list. The learned P.O. is therefore requested to place on record the seniority list of 2007 in respect of Auditor Grade-II.

S.O. 26/09/2018 (P.H.).

Member(A)

Vice-Chairman(J)

dnk.

Dated :- 19/09/2018.

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

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

Dated : 19.09.2018.

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

As per the request of Id. P.O., **S.O. two weeks for filing reply.**

Member

(A)

aps.

O.A.St.No.2912/2017 (S.B.)

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

Dated : 19.09.2018.

C.A.No.553/2017:-

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

The P.O. has filed the reply of respondent no. 1 on C.A. 553/2017. It is taken on record. Copy is served to the other side.

As per the request of Id. P.O. matter is listed on Friday, **S.O. 21/09/2018.**

Member

(A)

aps.

O.A.St.No.3003/2017 (S.B.)

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

Dated : 19.09.2018.

C.A.No.560/2017:-

Shri S.N.Gaikwad, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the State. Await services of respondent nos. 2 & 3.

2. The C.A. No. 560/2017 is allowed. Issue notices on O.A.

3. Issue notice to R-2 & 3, 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

(A)

aps.

O.A.St.No.3008/2017 (S.B.)

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

Dated : 19.09.2018.

C.A.No.561/2017:-

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

In the last hearing, the matter was
heard on 05/01/2018 and it was S.O. three
weeks at the request of Id. counsel for the
applicant and today none appeared. However,
in the interest of justice, **S.O. two weeks.**

Member

(A)

aps.

O.A.No.122/2017 (S.B.)

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

Dated : 19.09.2018.

Mrs. Charlewar, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the State. Await service of respondent nos. 2 to 4.

The Id. counsel for the applicant submits that she will collect the notices. At her request, **S.O. two weeks.**

Member

(A)

aps.

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

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

Dated : 19.09.2018.

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

On the last hearing i.e. on 30/07/2018, it was stated that decision on the point of suspension period has been taken on 07/04/2018. Now, the matter is pending with Pay Fixation Unit for Pension of the applicant.

The Id. P.O. is requested to take instructions from the department and place on record on 21/09/2018, that what efforts have been made by the respondents to complete the formalities from Pay Fixation Unit. At the same time, the Id. counsel for the applicant is directed to make the Pay Fixation Unit as well as Accountant General, Nagpur as a party.

S.O. Friday i.e. 21/09/2018.

Member

(A)

aps.

O.A.No.441/2017 (S.B.)

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

Dated : 19.09.2018.

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

The Id. P.O. filed the affidavit-in-reply on behalf of the respondent nos. 1 to 4. It is taken on record. Copies are served to the other side.

S.O. two weeks.

Put up this matter along with the O.A. 442/2017.

Member

(A)

aps.

O.A.No.442/2017 (S.B.)

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

Dated : 19.09.2018.

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

S.O. two weeks.

Put up this matter along with the O.A. 441/2017.

Member

(A)

aps.

O.A.No.493/2017 (S.B.)

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

Dated : 19.09.2018.

Shri S.N.Gaikwad, Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the respondent nos. 1 & 3. Await service of respondent no. 2.

The Id. P.O. filed the affidavit-in-reply on behalf of the respondent nos. 3. It is taken on record. Copy is served to the other side.

The Id. counsel for the applicant submits that Judgment of Maharashtra Administrative Tribunal, Nagpur i.e. O.A. No. 119/2014 is attached and this Judgment covers the issue in present O.A.

As pleaded by the Id. counsel for the applicant and the Id. P.O. issue involve in this O.A. has already been pleaded. In view of this,

matter is **closed for order.**

Member

(A)

aps.

O.A.No.495/2017 (S.B.)

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

Dated : 19.09.2018.

C.A.No.327/2017:-

Shri N.D.Thombre, Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the Respondents.

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

S.O. three weeks.

Put up this matter along with the O.A.No.496 & 497/2017.

Member

(A)

aps.

O.A.No.496/2017 (S.B.)

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

Dated : 19.09.2018.

C.A.No.328/2017:-

Shri N.D.Thombre, Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the Respondents.

As pleaded by Id. P.O., affidavit-in-reply filed in O.A.495/2017 should be adopted for the O.A. 496/2017.

S.O. three weeks.

Put up this matter along with the O.A.No.495 & 497/2017.

Member

(A)

aps.

O.A.No.497/2017 (S.B.)

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

Dated : 19.09.2018.

C.A.No.329/2017:-

Shri N.D.Thombre, Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the Respondents.

The Id. P.O. filed the affidavit-in-reply on behalf of the respondent nos. 2 to 4. It is taken on record. Copy is served to the other side.

S.O. three weeks.

Put up this matter along with the O.A.No.495 & 496/2017.

Member

(A)

aps.

O.A.No.924/2017 (S.B.)

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

Dated : 19.09.2018.

C.A.No.559/2017:-

Ms. Shiba Thakur holding for Shri P.S.Sahare, Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the Respondents.

The reply is yet to be filed. C.A. for Jt. O.A. is allowed.

S.O. in due course.

Member

(A)

aps.

O.A.No.955/2017 (S.B.)

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

Dated : 19.09.2018.

Shri G.G.Bade, Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the State.

The Id. counsel for the applicant submits that notices have been served to the respondents. He will file service affidavit within one week.

S.O. four weeks for reply and service affidavit.

Member

(A)

aps.

O.A.No.990/2017 (S.B.)

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

Dated : 19.09.2018.

Shri S.N.Gaikwad, Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the State.

The Id. counsel for the applicant desires two weeks time to file service affidavit. As well as Id. P.O. seeks two weeks time to file reply of respondent nos. 3 & 4, which is served the purpose of reply of respondent nos. 1 & 2.

S.O. two weeks.

Member

(A)

aps.

O.A.No.139/2018 (S.B.)

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

Dated : 19.09.2018.

Shri R.M.Tiwari, Id. counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the Respondents.

The Id. P.O. seeks three weeks time to file reply. **S.O. three weeks.**

Member

(A)

aps.

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

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

Dated : 19.09.2018.

Mrs. K.N.Saboo, Id. counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the Respondents.

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

Member

(A)

aps.

O.A.No.695/2018 (S.B.)

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

Dated : 19.09.2018.

Shri G.G.Bade, Id. counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the Respondents.

The Id. counsel for the applicant submits that notices has been served to the respondent nos. 2 to 4 and he will file service affidavit during the course of the day. As per the request of Id. P.O., **S.O. three weeks for reply.**

In order dated 04/09/2018, the stay granted is continued till next date of hearing.

Member

(A)

aps.

O.A.No.542/2017 (S.B.)

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

Dated : 19.09.2018.

Shri Bharat Kulkarni, Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the Respondents.

The this O.A. reply as well as Rejoinder is already filed. Hence, the matter is **admitted** and kept for final hearing.

The Id. P.O. is requested to apprise the respondent no. 3 i.e. the Joint Director of Health Services, Pune to consider the applicant's grievances before next hearing as pointed out by Id. counsel for the applicant in his rejoinder.

S.O. four weeks.

Member

(A)

aps.

