

O.A. No. 838/2015

(S.B.)

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

Dated : 27th November 2018.

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

Matter was earlier listed for final hearing. C.A. for filing documents is already allowed.

S.O. after winter vacation for final hearing.

Vice-Chairman(J)

Dt. 27.11.2018.

pdg.

O.A. (St.)No. 1596/2016 (S.B.)

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

Dated : 27th November 2018.

C.A. 395/2016.

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

2. The Ld. counsel for the applicant submits that he will collect the notice during the course of the day.

3. Issue fresh notice on C.A. to the respondent Nos. 2 and 3 returnable in four weeks.

4. Shri A.P. Potnis, Ld. P.O. waives notice for R.1. Hamdast allowed.

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. **four weeks.**

Vice-Chairman(J)

Dt. 27.11.2018.

pdg.

O.A. No. 102/2017

(S.B.)

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

Dated : 27th November 2018.

C.A. 499/2017.

Heard Shri S.N. Gaikwad, the Ld. counsel for the applicant and Shri A.P. Potnis, the learned P.O. for the respondent No.1.

2. The Ld. counsel for the applicant submits that he will collect the notice during the course of the day.

3. Issue notice on C.A. to the respondent Nos. 2 to 4 returnable in four weeks.

4. Shri A.P. Potnis, Ld. P.O. waives notice for R.1. Hamdast allowed.

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. **four weeks.**

Vice-Chairman(J)

Dt. 27.11.2018.

pdg.

O.A. No. 118/2017

(S.B.)

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

Dated : 27th November 2018.

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

Notices are not collected by the applicant. In fact, application can be disposed of as dismissed. However, in the interest of justice, matter be kept for dismissal after vacation.

S.O. after vacation.

Vice-Chairman(J)

Dt. 27.11.2018.

pdg.

O.A. No. 518/2017

(S.B.)

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

Dated : 27th November 2018.

C.A. 328/2018.

Heard Miss Diwita Page, Adv. holding for Smt. Neeta. Jog, the Ld. counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents.

S.O. **17.12.2018** for final hearing.

Vice-Chairman(J)

Dt. 27.11.2018.

pdg.

O.A. No. 929/2017

(S.B.)

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

Dated : 27th November 2018.

C.A. 356/2018.

Heard Miss Diwita Page, Adv. holding for Smt. Neeta. Jog, the Ld. counsel for the applicant and Shri A.M. Khadatkhar, the learned P.O. for the respondents.

Ld. P.O. was directed to file reply affidavit in the tabular format about pensionary benefits granted to the applicant. The said order has not been complied with. Ld. P.O. is directed to comply with the said order within one week and to furnish the copy of said affidavit / information in advance to the applicant

S.O. **17.12.2018** for final hearing.

Vice-Chairman(J)

Dt. 27.11.2018.

pdg.

O.A. (St.) No. 2147/2017 (S.B.)

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

Dated : 27th November 2018.

C.A. 468/2017.

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

The Ld. counsel for the applicant seeks time to file service affidavit

S.O. **two weeks.**

Vice-Chairman(J)

Dt. 27.11.2018.

pdg.

O.A. No. 611/2018

(S.B.)

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

Dated : 27th November 2018.

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

S.O. **three weeks** for filing reply
by Ld. CPO.

Vice-Chairman(J)

Dt. 27.11.2018.

pdg.

O.A. No. 691/2018

(S.B.)

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

Dated : 27th November 2018.

Heard Shri A.S. Tiwari, the Ld. counsel for the applicant and Shri A.P. Potnis, the learned P.O. for the respondents.

S.O. **three weeks** for filing reply by Ld. P.O.

Vice-Chairman(J)

Dt. 27.11.2018.

pdg.

O.A. No. 785/2018

(S.B.)

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

Dated : 27th November 2018.

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

The Ld. CPO places on record the communication dated 26.11.2018, it is marked "X" for identification, from which it seems that the respondents have taken steps to release the salary of the applicant from the date of his relieving and the amount will be paid in December 2018.

S.O. **1st week of December 2018.**

Vice-Chairman(J)

Dt. 27.11.2018.
pdg.

O.A. No. 853/2018

(S.B.)

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

Dated : 27th November 2018.

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

The Ld. counsel for the applicant files service affidavit today itself, as all the respondents are served. Ld. P.O. seeks two weeks time to file reply.

S.O. two weeks.

Vice-Chairman(J)

Dt. 27.11.2018.

pdg.

O.A. No. 854/2018

(S.B.)

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

Dated : 27th November 2018.

C.A. 354/2018.

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

Ld. P.O. has filed reply affidavit on behalf of R.2, it is taken on record. A specific order was passed on 26.11.2018 whereby some queries were made. From the entire affidavit placed on record, it seems that the respondents are trying to avoid direct answers to the queries. The respondent Nos. 2 and 3 are, therefore, directed to answer the queries specifically by filing affidavit by tomorrow.

S.O. 28.11.2018.

Vice-Chairman(J)

Dt. 27.11.2018.

pdg.

O.A. No. 861/2018

(S.B.)

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

Dated : 27th November 2018.

Heard Shri A.P. Sadavarte, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents 1 & 2. None for R.3.

The Ld. counsel for the applicant submits that he has already filed service affidavit of R. 2 and 3. Ld. P.O. seeks time to file reply.

S.O. three weeks.

Vice-Chairman(J)

Dt. 27.11.2018.

pdg.

O.A. No. 871/2018

(S.B.)

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

Dated : 27th November 2018.

Heard Shri S.N. Gaikwad, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents 1 to 3. None for R.4.

The Ld. counsel for the applicant submits that all the respondents are served and he will file service affidavit within one week. Ld. P.O. also seeks time to file rreply.

S.O. two weeks.

Vice-Chairman(J)

Dt. 27.11.2018.

pdg.

O.A. No. 884/2018

(S.B.)

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

Dated : 27th November 2018.

C.A. 349/2018 in C.A.350/2018.

Heard Shri M.I. Dhattrak, the Ld. counsel for the applicant and Shri D.M. Kakani, the learned Special Counsel for the respondents. Shri Sunil Pande, Adv. holding for Shri S. Borkar, Adv. for Intervener.

The Ld. counsel for the applicant has filed rejoinder affidavit and reply to the application for intervention. Same are taken on record. Copies of which are supplied to the other sides.

S.O. **18.12.2018** for final hearing.

Vice-Chairman(J)

Dt. 27.11.2018.
pdg.

O.A. No. 859/2018

(S.B.)

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

Dated : 27th November 2018.

Heard Shri S.S. Ghate, the
Ld. counsel for the applicant and Shri
A.M. Ghogre, the learned P.O. for the
respondent No.1.

2. The applicant has been
promoted to the post of Senior Clerk
and vide impugned order dated
23.8.2018, he has been transferred
from the office of respondent No.3,
Nagpur to the office of District Caste
Scrutiny Committee at Hingoli. One
Shri S.B. Hingne has been transferred
from Hingoli to Gondia on the same
post. It is stated that the applicant and
Shri Hingne have filed joint application
for mutual transfer whereby the
applicant is ready to serve at Gondia,

whereas Shri Hingne is ready to be posted at Hingoli. The said representation, however, has not been decided. The Ld. counsel for the applicant submits that the applicant has not been relieved and even his cases for mutual transfer has been recommended by respondent No.3 to respondent No.2. The Ld. P.O. submits that the application is not maintainable since the applicant has been transferred and posted on promotion and not by way of regular transfer. It is, however, clear that the order of promotion is temporary in nature. Considering this aspect, the Ld. P.O. is requested to take instructions from respondent No.2 as regards status of representation filed by the applicant . It is expected that necessary order would be passed on the said representation within two weeks.

3. In the meantime, issue formal notice to respondent Nos. 2 and 3 returnable in two weeks.

4. Shri A.M. Ghogre, Ld. P.O. waives notice for 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. **four weeks.**

Vice-Chairman(J)

Dt. 27.11.2018.

pdg.

O.A. No. 907/2018

(S.B.)

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

Dated : 27th November 2018.

Heard Dr. B.K. Meshram, the applicant in person and Shri S.A. Deo, the learned C.P.O. for the respondents 1 to 3. None for R.4.

2. It seems from the record that the Inquiry Officer has exonerated the applicant. But the Disciplinary Authority is not agreed with the said report and, therefore, the Disciplinary Authority has issued a show cause notice to the applicant, mentioning as to what ground it disagrees with the report of Inquiry Officer. The applicant has already given reply to the said show cause notice. Therefore, in such circumstances, the Disciplinary Authority may either agree with the reply of explanation given by the

applicant or may disagree and take further action again as per disciplinary rules. The applicant will get an opportunity to challenge whatever action that may be taken in the departmental enquiry and, therefore, *prima facie*, application seems to be premature. The applicant submits that he may be permitted to withdraw the O.A. with permission to challenge “would be action” that may be taken by the Disciplinary Authority. In view thereof, permission is granted to withdraw the O.A. O.A. stands disposed of as withdrawn with liberty to the applicant to approach this Tribunal.

Vice-Chairman(J)

Dt. 27.11.2018.

pdg.

O.A. No.338/2018

(S.B.)

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

Dated : 27th November 2018.

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

Reply has been filed by R.2, it is taken on record and a copy thereof is supplied to the other side.

At the request of both parties,
S.O. **29.11.2018.**

Vice-Chairman(J)

Dt. 27.11.2018.

pdg.

O.A. No.328/2015

(S.B.)

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

Dated : 27th November 2018.

Shri R.V. Shiralkar, Adv. holding for Shri V.B. Bhise, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

At the request of Ld. counsel for the applicant, S.O. **30.11.2018** for taking instructions.

Vice-Chairman(J)

Dt. 27.11.2018.

pdg.

O.A. No.349/2015 (S.B.)

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

Dated : 27th November 2018.

Heard Miss Apoorva Kolhe,
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.

S.O. 28.11.2018,

To be treated as part heard.

Vice-Chairman(J)

Dt. 27.11.2018.

pdg.

O.A. No.657/2015 (S.B.)

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

Dated : 27th November 2018.

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

S.O. 30.11.2018.

Vice-Chairman(J)

Dt. 27.11.2018.

pdg.

O.A. No.504/2015 (S.B.)

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

Dated : 27th November 2018.

C.A.37/2016

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

Closed for orders.

Vice-Chairman(J)

Dt. 27.11.2018.

pdg.

O.A. No.502/2017

(S.B.)

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

Dated : 27th November 2018.

Shri M.K. Kulkarni, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

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

Vice-Chairman(J)

Dt. 27.11.2018.

pdg.

O.A. No.760/2017 (S.B.)

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

Dated : 27th November 2018.

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

At the request of the Ld. counsel for the applicant, S.O. **four weeks.**

Vice-Chairman(J)

Dt. 27.11.2018.

pdg.

O.A. No.386/2018 (S.B.)

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

Dated : 27th November 2018.

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

Closed for orders.

Vice-Chairman(J)

Dt. 27.11.2018.

pdg.

O.A. No. 423/2018. (S.B.)

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

Dated : 27th November 2018.

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

Closed for orders.

Vice-Chairman(J)

Dt. 27.11.2018.

pdg.

O.A. No. 909/2018. (S.B.)

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

Dated : 27th November 2018.

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

S.O. 28.11.2018.

Vice-Chairman(J)

Dt. 27.11.2018.

pdg.

O.A. No. 329/2017 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 27.11.2018

C.A. 107/2017 in O.A.329/2017

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

2. The father of the applicant died on 23/04/2000 when he was in service with respondent No.3. Thereafter, Smt. Rekha mother of the applicant submitted application to appoint her on compassionate ground. The application was submitted by Smt. Rekha in the year 2000. It is case of the applicant that the Department rejected the application of Smt. Rekha on the ground that she has crossed the age of 40 years and therefore the applicant submitted application dated 24/11/2008 to appoint him on compassionate ground instead of his mother. The applicant along with this application submitted consent letter of his mother and all the relevant documents. It appears that the Soil Surveyor Officer, Nagpur has forwarded the applicant's application to the Superintending Engineer and Director of Irrigation Research and Development Directorate, Pune. It is

brought to my notice that till today no order is passed on this application.

3. Though the claim of the mother of the applicant was not tenable as she had completed the age of 40 years, but being son of the deceased, it was independent right of the applicant to apply for service on compassionate ground. The respondents were supposed to take decision on this application within a reasonable time, but till today the decision is not taken. In this situation, it is suitable in the interest of justice to direct the respondent Nos. 1 to 4 to pass suitable order on the application dated 24/11/2008 submitted by the applicant for appointment on compassionate ground. The respondents shall decide this application within a period of three months.

4. With these observations, the C.A. and O.A. both the finally disposed of with no order as to costs.

Member (J)

dnk.

O.A. No. 278/2012. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 27th November 2018.

Shri G.G.Bade, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

At the request of the Id. counsel for the applicant, the matter was almost heard in another bench. So, the Id. counsel for the applicant is requested that it should be finally heard in the same bench. The matter should be heard as per the convenience of the Id. counsel for the applicant as soon as possible.

Member(J)
Date:-27/11/2018.
aps.

Member(A)

O.A. No. 760/2014. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 27th November 2018.**

Shri N.D.Thombre, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

At the request of the Id. counsel for the applicant, the matter was almost heard in another bench. So, the Id. counsel for the applicant is requested that it should be finally heard in the same bench. The matter should be heard as per the convenience of the Id. counsel for the applicant as soon as possible.

Member(J)
Date:-27/11/2018.
aps.

Member(A)

O.A. No. 619/2015. (D.B.)

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

Dated : 27th November 2018.

Shri N.R.Saboo, the Id. counsel for the applicant, Shri H.K.Pande, the Id. P.O. for the respondent nos. 1 to 3 and Shri A.Chaware, the Id. counsel for the respondent no. 4.

At the request of the Id. counsel for the applicant, the matter was almost heard in another bench. So, the Id. counsel for the applicant is requested that it should be finally heard in the same bench. The matter should be heard as per the convenience of the Id. counsel for the applicant as soon as possible.

Member(J)
Date:-27/11/2018.
aps.

Member(A)

O.A. No. 769/2018. (D.B.)

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

Dated : 27th November 2018.

Shri Ayyer holding for Shri S.S.Ghate, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the State. Await service of respondent nos. 2 to 4.

The Id. counsel for the applicant requires time to file service affidavit. At his request, **S.O. one week for filing service affidavit.**

Member(J)
Date:-27/11/2018.
aps.

Member(A)

O.A. No. 877/2018. (D.B.)

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

Dated : 27th November 2018.

C.A.No.357/2018:-

Heard Shri N.D.Thombre, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the State. Await service of respondent nos. 2 to 8.

The Director, Health Services, Mumbai is directed to take decision on letter no. dKlyst@c@vklFAk 3&4@15275@ 2018] dated 12/10/2018, which is written by Dean, Government Medical College, Nagpur **within three weeks from the date of this order**. Till that time, Status-quo will be maintained. **Hence, the C.A. No. 357/2018 is allowed.**

In the meantime, the Id. P.O. is at liberty to file reply and supply the same to the Id. counsel for the applicant.

S.O. four weeks.
Steno copy is allowed.

Member(J)
Date:-27/11/2018.
aps.

O.A. No. 499/2018. (D.B.)

Member(A)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 27th November 2018.

Heard Shri A.M.Sharma, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the Respondents.

As pleaded by the Id. counsel for the applicant it appears that the applicant was appointed in the Tribal Development Department as Chowkidar on 09/06/2015 on compassionate ground against his father job. It appears that since his father was working in the Tribal Development Department, the Department was having the documents of his father's Caste, the candidate i.e. his son is also got certificate from CBC on 13/12/2016. The candidate has also given Caste Validity Certificate on 19/12/2017.

However, candidate has been terminated from service vide letter no. vKLFak&15@i7dz@dk&2/11@3951@2017] dated 30/10/2017 on P.B., Pg. No. 46 (Annexure-A-3) which is under challenge.

The applicant's father late Shri Chunnilal Chilatre his service book record at P.B., Pg. No. 15 is mentioned his Caste as Korku. Since, the applicant was appointed as a compassionate ground. There was no need

of asking for CBC. However, Department asked and department has terminated vide impugned order dated 30/10/2017.

At the request of Id. counsel for the applicant, **S.O. tomorrow i.e. 28/11/2018.**

Member(J)
Date:-27/11/2018.
aps.

Member(A)

O.A.Nos.815, 816 & 817/2018. (D.B.)

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

Dated : 27th November 2018.

Heard Shri A.C.Dharmadhikari, the Id. counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the Respondents.

The Id. counsel for the applicant pleaded for the Interim Relief. However, considering the progress for the appointment of new A.P.P., respondents are directed that till filing of affidavit-in-reply, applicants services should not be terminated.

The Id. P.O. submits that he will file the reply within one week time. While filing the reply, he should supply the copy to the other side. The matter will be heard finally after a week time.

S.O. 04/12/2018.

Steno copy is granted.

Member(J)

Date:-27/11/2018.

aps.

O.A.No.570/2018.

Member(A)

(D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 27th November 2018.

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

The Id. Counsel for the applicant has given various citations as below:-

- 1. Hon'ble Supreme Court in Ajay Kumar Choudhary Vs. Union of India & Another, (2015) 7 S.C.C. 291 in Civil Appeal No. 1912 of 2015 decided on 16/02/2015.**
- 2. Hon'ble High Court of Calcutta in Ram Deo Tiwari Vs. Union of India & Ors. In W.P.No.1851 of 2008 decided on 14/06/2013.**
- 3. MAT, Nagpur Bench in Direndrasingh G. Bilwal Vs. State of Maharashtra & 2 Ors. In O.A.No. 916/2017 decided on 16/03/2018.**
- 4. MAT, Nagpur Bench in Manohar A. Ingale Vs. State of Maharashtra & 2 Ors. In O.A.No. 530/2015 decided on 27/10/2016.**

He has also pointed out Maharashtra Police Act's Section 25, 27 and relevant papers also. He has pleaded that till today no Departmental Enquiry is initiated. However,

his applicant was kept under suspension and reverted also.

The Id. P.O. seeks time till tomorrow to clarify the point that whether D.E. was started or not.

S.O. Tomorrow i.e. 28/11/2018.
(P.H.)

Member(J)
Date:-27/11/2018.
aps.

Member(A)

O.A.No.420/2018. (D.B.)

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

Dated : 27th November 2018.

Heard Ms. Bhutada, the Id. counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the Respondents.

2. The Id. P.O. submits the affidavit-in-reply on behalf of the respondent nos. 1 to 3. The same is taken on record. Copy is served to the other side.

3. Issue notices to the newly added respondents.

4. Issue notice to R-4 to 25, returnable on two weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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 **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.

10. **S.O. two weeks.**

Member(J)
Date:-27/11/2018.
aps.

Member(A)

O.A.No.517/2018. (D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and

Shri A.D.Karanjkar, Member(J)
Dated : 27th November 2018.

None for the applicant. Shri V.A.Kulkarni, the Id. P.O. for the Respondents.

The Id. P.O. submits the affidavit-in-reply on behalf of the respondent nos. 1 to 3. The same is taken on record. He submits that he will serve the copy to the other side.

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:-27/11/2018.
aps.

Member(A)

O.A.Nos.738 & 739/2011. (D.B.)

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

Dated : 27th November 2018.

None for the applicant. Shri S.A.Sanis,
the Id. P.O. for the Respondent nos. 1 to 3.
None for respondent no. 4.

**In O.A. No. 738/11, none for the
respondent no. 5.**

The matter was heard on 02/11/2018
also but that day also none appeared for the
applicant. The matter was kept today for
dismissal but today also none appeared for
the applicant.

**Hence the O.A. is dismissed in
default.**

**Member(J)
Date:-27/11/2018.
aps.**

Member(A)

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

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 27th November 2018.

Shri M.Puranik, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State. Await service of respondent no. 2.

2. The Id. Counsel for the applicant submits that his senior is not in town. The Id. P.O. has pointed out that respondent no. 1 is State of Maharashtra, which is not correct because at present it is through the Divisional Commissioner but the State of Maharashtra should be through its Secretary. The Id. Counsel for the applicant is directed to correct the same and after amendment issue notice to the corrected respondent i.e. Divisional Commissioner.

3. Issue notice to newly added respondent, returnable on Two Weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

5. Applicant is authorized and directed to serve on Respondents intimation / notice of

date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

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

9. **S.O. two weeks.**

Member(J)
Date:-27/11/2018.
aps.

Member(A)

O.A.No.293/2018. (D.B.)

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

Dated : 27th November 2018.

Shri A.P.Sadavarte, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

The Id. Counsel for the applicant submits that the reply of respondent no. 2 is necessary. In this case, the Id. P.O. seeks three weeks time.

At his request, **S.O. 18/12/2018.**

Member(J)
Date:-27/11/2018.
aps.

Member(A)

O.A.No.402/2017. (D.B.)

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

Dated : 27th November 2018.

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

The matter was kept for many times
but nobody appears for the applicant.

In view of this, O.A. is dismissed in
default.

**Member(J)
Date:-27/11/2018.
aps.**

Member(A)

O.A.St.No.3137/2017. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 27th November 2018.

C.A.No.581/2017:-

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

2. There is a delay of almost five months and the Id. Counsel for the applicant has filed the C.A. No. 581/2017 for condonation of delay. **Hence the C.A. No. 581/2017 is allowed** and delay is condoned.

3. The Id. Counsel for the applicant submits that he will supply one more copy to the Id. P.O. Issue notice to the respondent in O.A.

4. Issue notice to R-1, returnable on four weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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 **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.

10. **S.O. four weeks.**

Member(J)
Date:-27/11/2018.
aps.

Member(A)