

O.A. No. 648/2017

(S.B.)

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

Dated : 28<sup>th</sup> November 2018.

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

Inspite of specific order that in case notices are not collected within three days and service report is not filed within three weeks before returnable date, application may be dismissed, the applicant has not collected the notice. Hence, the matter be kept for dismissed in the next week.

S.O. one week.

Vice-Chairman(J)

Dt. 28.11.2018.  
pdg.

O.A. No. 982/2017

(S.B.)

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

Dated : 28<sup>th</sup> November 2018.

None for the applicant. Shri M.I. Khan, the learned P.O. for the respondents 1 to 3 and 6. None for R. 4 and 5.

The Ld. P.O. has filed reply affidavit on behalf of R. 1 to 3, same is taken on record.

S.O. **one week** for filing rejoinder, if necessary.

Vice-Chairman(J)

Dt. 28.11.2018.

pdg.

O.A. No. 107/2018 (S.B.)  
and O.A. No.108/2018.

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

Dated : 28<sup>th</sup> November 2018.

Shri A.P. Adhe Ld. counsel for  
the applicants and Shri H.K. Pande,  
the learned P.O. for the respondents.

S.O. **three weeks.**

Vice-Chairman(J)

Dt. 28.11.2018.

pdg.

O.A. No. 204/2018

(S.B.)

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

Dated : 28<sup>th</sup> November 2018.

Heard Shri R.D. Wakode, Ld.  
counsel for the applicant and Shri  
A.M. Ghogre, the learned P.O. for the  
respondent Nos. 1 to 4. None for R.5.

Closed for orders.

Vice-Chairman(J)

Dt. 28.11.2018.

pdg.

O.A. No. 248/2018

(S.B.)

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

Dated : 28<sup>th</sup> November 2018.

Heard Shri J.S. Deshmukh, Ld. counsel for the applicant and Shri A.P. Potnis, the learned P.O. for the respondent Nos. 1 to 3 and 6. None for R.4. Shri A.D. Girdekar, Adv. for R 5.

S.O. **9.1.2019** for filing reply by Ld. P.O.

Vice-Chairman(J)

Dt. 28.11.2018.

pdg.

O.A. No. 610/2018

(S.B.)

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

Dated : 28<sup>th</sup> November 2018.

Heard Shri A.P. Sadavarte, Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondent Nos. 1 to 5. None for R.6. Shri S.N. Gaikwad, Adv. for R.7.

At the request of Ld. P.O. as well as counsel for private respondent, S.O. **17.12.2018** to file reply.

Put up this O.A. with O.A.No.644/2018.

Vice-Chairman(J)

Dt. 28.11.2018.

pdg.

O.A. No. 622/2018

(S.B.)

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

Dated : 28<sup>th</sup> November 2018.

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

At the request of Ld. P.O., S.O.  
**9.1.2019** for filing reply affidavit.

Vice-Chairman(J)

Dt. 28.11.2018.

pdg.

O.A. No. 122/2017

(S.B.)

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

Dated : 28<sup>th</sup> November 2018.

Heard Shri D.I. Charlewar, Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents 1 to 3. Shri J.S. Mokadam, Adv. for R.4.

Ld. Adv. for R.4 seeks time to file reply to the O.A.

S.O. **four weeks.**

Vice-Chairman(J)

Dt. 28.11.2018.

pdg.



O.A. No. 909/2018

(S.B.)

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

**Dated : 28<sup>th</sup> November 2018.**

Heard Shri G.G. Bade, Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondent No.1.

2. Ld. P.O. seeks time to file reply. It is stated that the applicant has already been relieved from his post prior to transfer. The Ld. counsel for the applicant submits that the applicant has filed representation on 29.5.2018 regarding cancellation of his transfer.

3. S.O. **four weeks.**

4. In the meantime, issue notices to R. 2 and 3 returnable in four weeks.

5. Shri M.I. Khan, the learned P.O. waives notice for the respondent No.1. Hamdast granted.

5-A. 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. 28.11.2018.

pdg.

**O.A. No. 912/2018**

**(S.B.)**

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

**Dated : 28<sup>th</sup> November 2018.**

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

Though matter is separated, put up this O.A. on **3.12.2018.**

Vice-Chairman(J)

Dt. 28.11.2018.

pdg.

**O.A. No. 349/2015**

**(S.B.)**

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

**Dated : 28<sup>th</sup> November 2018.**

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

The Ld. counsel for the applicant as well as the Ld. P.O. seek time to produce on record for perusal of this Tribunal record of enquiry.

**S.O. 19.12.2018.**

Vice-Chairman(J)

Dt. 28.11.2018.

pdg.

**O.A. No. 671/2015**

**(S.B.)**

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

**Dated : 28<sup>th</sup> November 2018.**

Heard Shri S.N. Gaikwad, Adv. holding for Shri M.R. Pillai, 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. **30.12.2018.**

Vice-Chairman(J)

Dt. 28.11.2018.

pdg.

**O.A. No. 679/2015 (S.B.)**

**(Sou.S.A.Wankhede V/s State & 2)**

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

**Dated : 28<sup>th</sup> November 2018.**

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

2. The applicant in this case has challenged the Proclamation dated 19.8.2015 (Annexure A-2) issued by respondent No.2 for the post of Police Patil of village Mangrul Navghare on the ground that the same is arbitrary, illegal and unreasonable and in complete violation of the provisions of law. He has also challenged the final list of selection dated 1.10.2015 (A-5). Admittedly, the applicant has participated in the process of

selection and has obtained 65 marks in the written examination and 9 marks in personal interview, total 74 marks, whereas the respondent No.3 who is selected and appointed to the post, has obtained 59 in the written examination and 16 marks in personal interview, total 75 marks. The Ld. counsel for the applicant invited my attention to the Notification dated 19.8.2015 (A-2) and particularly condition Nos. 4 and 7 of the said notification which reads as under:-

“४. अर्जदाराचे नावे शेती असावी. यासाठी चालू वर्षाचा ७/१२, ८ अ पुरावा जोडावा. (पुरुष अर्जदाराचे बाबतीत वडिलांचे नावे व महिला अर्जदाराचे बाबतीत पतीचे नावे शेती असल्यास ग्राह्य धरण्यात येईल).

७. अर्जदाराने राखीव प्रवर्गात अर्ज केला असेल त्याबाबतीत सक्षम प्राधीकार्याचे जातीचे प्रमाणपत्र तसेच असल्यास जात वैधता प्रमाणपत्राची छायाप्रत पुरावा म्हणून सोबत जोडावी.”

3. He also invited my attention to the application form filed by respondent No.3 at Page No.33, from which it seems that the applicant has



not attached 7/12 extract of her landed properly in the village as well as caste validity certificate. It is, therefore, stated that the respondent No.3 should have been rejected.

4. Perusal of the Proclamation clearly shows that the post of Police Patil is reserved for Open (Female) and it was not reserved for any caste and, therefore, there was absolutely no necessity of caste validity certificate. So far as objection regarding non submission of 7/12 extract there is nothing on record to show that, the respondent No.3 does not hold the landed properly in the village or is not a resident of that village. The Ld. counsel for respondent No.3 submits that the respondent No.3 has submitted those documents. The objection is taken after declaration of the result by making representation on 3.10.2015. It clearly shows that there are no bonafides in the objection taken by the applicant. The applicant has already participated in the process of

selection and after unsuccessful on merit, is challenging the entire selection process. He has not prayed specifically for quashing the appointment order of respondent No.3. The respondent No.3 is already working as Police Patil for last three years and considering this aspect, there is absolutely no need to interfere in the process. I find no merit in this O.A. Hence, the O.A. stands dismissed with no order as to costs.

Vice-Chairman(J)

Dt. 28.11.2018.

pdg.

**O.A. No. 691/2015**

**(S.B.)**

**(Smt. Pushpa P. Rekhe V/s SDO,  
Daryapur and two others.)**

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

**Dated : 28<sup>th</sup> November 2018.**

None for the applicant.

Heard Shri A.M. Khadatkar, the learned P.O. for the respondent Nos. 1 & 3. Miss N.A. Palshikar, Adv. holding for Shri A.V. Palshikar, Adv. for R.2.

2. The applicant has challenged the appointment of respondent No.2 on the post of Police Patil of village Nachona, Tehsil-Daryapur, Distt. Amravati. The said post was notified for recruitment vide notification dated 24.8.2015 at Annexure A-1. The post was reserved for Open (Female). Admittedly, the applicant participated in the process of recruitment. The applicant got 40 marks in written examination out of 80 and 7marks in oral interview, thus totalling to 57

marks, whereas the respondent No.2 scored 43 marks in written examination out of 80 and 15marks in oral interview, thus totalling to 58 marks. Accordingly, the respondent No.2 was appointed on merits. Objection taken by the applicant is that the respondent No.2 is not a resident of village Nachona, since her Aadhar card shows some different address. Objection in this regard, however, has been taken after the result was declared and not prior to that. After enquiry, the respondent No.1 found that the respondent No.2 is the resident of that village i.e. Nachona and, therefore, order of appointment has been issued. Thus on merits, from the record no incriminating evidence has been placed on record to show that the respondent No.2 is not a resident of that village. On merit, the respondent No.2 stood and, therefore, she has been appointed. Admittedly, the respondent No.2 has been working as Police Patil since 2015 and,

therefore, in such circumstances, there is absolutely no need to interfere in the appointment of respondent No.2. Hence, I proceed to pass the following order:-

**ORDER**

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

Vice-Chairman(J)

Dt. 28.11.2018.

pdg.

**O.A. No. 724/2015**

**(S.B.)**

**Coram:Shri J.D. Kulkarni,**

**Vice-Chairman (J)**

**Dated : 28<sup>th</sup> November 2018.**

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

Nobody had appeared for the applicant on last three occasions also. Matter be kept for dismissal on **19.12.2018.**

Vice-Chairman(J)

Dt. 28.11.2018.

pdg.

**O.A. No. 478/2017**

**(S.B.)**

**Coram:Shri J.D. Kulkarni,**

**Vice-Chairman (J)**

**Dated : 28<sup>th</sup> November 2018.**

Heard Shri J.S. Deshmukh, Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents 1 to 3 and 6. Shri Kiran Malokar, Adv. for R. 4 and 5.

Ld. Adv. for R. 4 and 5 has filed reply.

Ld. P.O. also files reply of R.3, it is taken on record and a copy thereof is supplied to the other side.

Ld. counsel for the applicant wants to take instructions from the applicant

S.O. **9<sup>th</sup> January 2019** for final hearing.

Vice-Chairman(J)

Dt. 28.11.2018.

pdg.

**O.A. No. 567/2017**

**(S.B.)**

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

**Dated : 28<sup>th</sup> November 2018.**

Heard Shri A.Z. Jibhkate, Ld. counsel for the applicant and Shri, the learned P.O. for the respondents 1 and 2. Shri A. Parihar, Adv. for R. 3 and 4. Shri D.M. Kakani, Adv. for R.5.

Put up this O.A. before the Bench of Shri Karanjkar, Member (J).

**S.O. 6.12.2018.**

Vice-Chairman(J)

Dt. 28.11.2018.

pdg.

**O.A. No. 916/2018**

**(S.B.)**



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

**Dated : 28<sup>th</sup> November 2018.**

Heard Shri D.M. Kakani, Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondent No.1.

2. The applicant vide order dated 29.5.2017 has been posted in the office of Tehsildar, Yavatmal as an Inspecting Officer and is very much working there since then. He has not completed his tenure and vide impugned order dated 26.11.2018, the respondent No.4 Ku.Chandni Sheshrao Shivarkar has been posted in his place. The applicant has not yet been relieved from his post. The Ld. counsel for the applicant invited my attention to the order of promotion in respect of respondent No.4 dated 3.11.2018 (A-3) and condition No.12 of the said order clearly says that if an employee brings political pressure, the departmental action will be taken against him / her. In spite of such

specific condition, the respondent No.4, instead of joining her post, wrote a letter to the Hon'ble Minister Shri Madan Yerawar and on his recommendation, she has been posted in place of the applicant. The applicant has not been given any posting. The impugned order of respondent No.4 in place of the applicant will definitely amount to shifting of the applicant from his place where he has not completed his tenure. In the interest of justice, the respondent No.3 i.e. the Collector, Yavatmal is directed not to relieve the applicant till further orders in view of posting of respondent No.4 in his place.

3. In the meantime, issue notice to respondent Nos. 2 to 4 returnable in four weeks.

4. Shri M.I. Khan, 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. 28.11.2018.

pdg.

**O.A. No. 704/2015**

**(D.B.)**

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

**Dated : 28<sup>th</sup> November 2018.**

**Rev.A.No.21/2018.**

Heard Shri S.C. Deshmukh, the Ld. counsel for the applicants and Shri P.N. Warjekar, the learned P.O. for the respondent No.1.

2. The Ld. P.O. submits that new Counsel is appearing on behalf of the applicant. However, no objection has not been taken from earlier Advocate Shri P.V. Thakre. This point is kept open.

3. Issue notices to R. 2 to 5 returnable in four weeks.

4. Shri P.N. Warjekar, the learned 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. **four weeks.**

Member (A)

Vice-Chairman(J)

Dt. 28.11.2018.

pdg.

**O.A. No. 545,761,802,& 805 of 2015  
and O.A.No.97/2016. (D.B.)**

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

**Dated : 28<sup>th</sup> November 2018.**

**MCA No.32/2018.**

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

2. The applicant is claiming  
correction in the order dated  
5.11.2018. It is stated that in line  
No.10 at page No.21 of the judgment,  
it is mentioned that in O.A. No.  
545/2015, Shri N.T. Gadpayale is  
working as Forest Guard since  
18.7.2015. The said date shall be  
“20.7.1995” instead of 18.7.2015.  
This seems to be a typographical  
mistake which is required to be



corrected. The Ld. P.O. has no objection for correction. Nobody appeared for private respondent Nos. 5 to 15. But the copy has been served to them. The typographical mistake, therefore, may be corrected. Necessary correction be made in the original judgment. Judgment is accordingly corrected. MCA stands disposed of accordingly.

Member (A)

Vice-Chairman(J)

Dt. 28.11.2018.

pdg.

O.A.Nos.267,268 & 269/2011. (D.B.)

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

**Dated : 28<sup>th</sup> November 2018.**

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

As per the request of Id. counsel for the applicant, **S.O. 03/12/2018.**

**Member(J)**  
**Date:-28/11/2018.**  
aps.

**Member(A)**

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

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

**Dated : 28<sup>th</sup> 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.

The applicant was appointed on compassionate ground against death of his father late Shri Chunnilal Bhurya Chillatre. His service book is put on record at P.B., Pg. No. 15, where it is written his Caste "Korku" i.e. Scheduled Tribe. The applicant was appointed on compassionate ground on 09/06/2015 which is at P.B., Pg. No. 13.

After the appointment, respondents directed the applicant to produce CVC Certificate for showing his Caste Verification, though the Caste was already mentioned in his father's service book and the same was not required.

However, the applicant produced CVC Certificate as per P.B., Pg. No. 52 & 53 (both inclusive) dated 19/12/2017. However, the respondents terminated the services of the applicant by order no. vKLFAlk&15@i zdz

@dk&2/1/3951@2017] dated 30/10/2017, this seems to be totally illegal.

The case pertains to "Melghat" which is as per the Constitution of India, Scheduled area of Maharashtra State and there is special provision of administration and upliftment of administration of Scheduled area in the Constitution of India. This "Melghat" area case comes under Scheduled area of the Constitution of India. Passing such illegal order in Scheduled Area will defeat the object of the Government to protect the members of Scheduled Tribe as directed by Constitutions of India.

In view of discussion in foregoing paras:-

### **ORDER**

1. The order no. vkLFAk&15@i zdz @dk&2/1/3951@2017] dated 30/10/2017 is quashed and set aside.
2. The Respondents are directed to take the applicant on duty **within fifteen days** from the date of this order and pay all the back wages since from 30/10/2017.

3. The Government of Maharashtra and Commissioner Tribal Development, Nashik is directed to enquire about the illegal order and fix the responsibilities and take necessary action against the concerned officials.
4. No order as to costs.
5. Steno copy is granted.
6. Matter will be listed after four weeks for compliance of the order.

**Member(J)**  
**Date:-28/11/2018.**  
aps.

**Member(A)**

O.A. Nos. 547 to 555/2017. (D.B.)

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

**Dated : 28<sup>th</sup> November 2018.**

Heard Shri D.R.Karnik, the Id. counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondents.

The Id. counsel for the applicant is relying on the Judgment of MAT, Principal Bench, Mumbai in O.A.Nos. 829 & 830/2015. However, the Id. P.O. is submitted that as per the order of Principal Bench, file has been processed in Mantralaya and he seeks three weeks time to file reply regarding the same to clarify the Government position about the Government order.

This should be treated as most urgent and last chance, **S.O. two weeks.**

**Member(J)**  
**Date:-28/11/2018.**  
aps.

**Member(A)**

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

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

**Dated : 28<sup>th</sup> November 2018.**

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

As per the request of Id. counsel for the applicant, **S.O. 30/11/2018.**

**Member(J)**  
**Date:-28/11/2018.**  
aps.

**Member(A)**

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

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**  
**Dated : 28<sup>th</sup> November 2018.**

Heard 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 a letter No. d{A&1@izl -@vklFAk@dlfo 941@2018] dated 20/11/2018. It is taken on record. Copy is served to the other side.

The Id. counsel for the applicant is requesting for the decision of the appeal taken by the Collector, Akola. However, enough time is taken to decide the appeal and during last hearing i.e. on 17/10/2018, the Id. C.P.O. has submitted that about 52 peoples are to be heard and it will take time but today also progress report is not filed. It is directed to the Id. C.P.O. to file the progress report in next date, that how many peoples appeals are decided and heard and how many peoples are remaining and how much more time will be taken to decide these appeals.

As per the request of Id. C.P.O.,  
**S.O. 19/12/2018.**

**Steno copy is granted.**



**Member(J)**  
**Date:-28/11/2018.**  
aps.

**Member(A)**

O.A. No. 390/2018. (D.B.)

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

**Dated : 28<sup>th</sup> November 2018.**

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

The Id. P.O. submits the affidavit-in-reply for the Respondent no. 2. The same is taken on record. Copy is supplied to the other side.

The Id. Counsel for the applicant requires two weeks time to file Rejoinder, if any.

**S.O. two weeks.**

**Member(J)  
Date:-28/11/2018.  
aps.**

**Member(A)**

O.A. No. 410/2017. (D.B.)

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

**Dated : 28<sup>th</sup> November 2018.**

Shri V.R.Borkar, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent nos. 4 & 5.

In the last occasion in Chamber in the presence of Superintendent of Police, Wireless on behalf of Home Department and he assured us to take necessary action. However, it seems that no action has yet been taken.

The Id. P.O. seeks time for necessary order. At his request, **S.O. Tuesday i.e. 04/12/2018.**

**To be treated as P.H.**

**Member(J)**  
**Date:-28/11/2018.**  
aps.

**Member(A)**

O.A. No. 570/2018. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**  
**Dated : 28<sup>th</sup> November 2018.**

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

The case was heard yesterday and the Id. P.O. was directed to take instructions from the Government regarding D.E. of the applicant. The Id. P.O. submits that it is true that no Departmental Enquiry was initiated against the applicant and no appeal was filed by the applicant in suspension case. The Id. Counsel for the applicant submits that the applicant has submitted representation dated 13/06/2016 on P.B., Pg. No. 50 to 53 (both inclusive). However, on the representation of the applicant department has communicated vide its letter dated 05/12/2017 on P.B., Pg. No. 57 (Annexure-A-11).

All these facts have been brought to the record. **Hence the matter is closed for orders.**

**Member(J)**  
**Date:-28/11/2018.**  
aps.

**Member(A)**

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

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

**Dated : 28<sup>th</sup> November 2018.**

**C.A.No.533/2016:-**

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

The Id. P.O. submits that proposal from the department has been submitted to the Government of Maharashtra and the same is awaited. The Id. P.O. expects the same within two weeks time. The decision will be communicated, as far as condonation of delay is concerned, the applicant reported to the department vide application dated 20/07/2015 and it was expected within six months, this application was to be decided. Six months was expired in January, 2016 and then after one year the applicant has time to approach to this Tribunal i.e. on 20/01/2017 as per the Id. Counsel for the applicant. The Id. Counsel for the applicant has filed the O.A. on 08/12/2016, it is well within time limit.

This Tribunal has passed an order dated 12/06/2018 and in the same order in para no. 2:- the respondent no. 2 was directed to file short affidavit on three points in response to this order. The respondents to file reply as per P.B., Pg. No. 23 dated 18/07/2018. The reply is not very much satisfactory also. In this reply dated 18/07/2018, the respondents are agreed in para nos. 3 and 5 that applicant had scored higher marks than respondent no. 3 but the applicant was shown in Open Category and and by this reply it appears that department is trying to throw the responsibilities to MKCL which is total incorrect.

In reply dated 18/07/18, it appears that respondents have admitted that there is a foul play in appointing the respondent no. 3 by passing the applicant who was having more marks.

In view of above discussions, **the C.A. is allowed.** At any stage, there was no intimation given to the applicant about the appointment of respondent no. 3. The Id. P.O. is directed to ensure that order will received within two weeks.

**S.O. two weeks.**

**Member(J)**  
**Date:-28/11/2018.**  
aps.

**Member(A)**



O.A. No. 325/2012. (D.B.)

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

**Dated : 28<sup>th</sup> November 2018.**

**C.A.No.270/2018:-**

Shri V.R.Chodhari, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

The Id. Counsel for the applicant has filed the C.A.No.270/2018 for Early Hearing, the same **C.A. No. 270/2018 is allowed.**

**S.O. 04/12/2018.**

**Member(J)  
Date:-28/11/2018.  
aps.**

**Member(A)**

O.A. No. 644/2013. (D.B.)

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

**Dated : 28<sup>th</sup> November 2018.**

**C.A.No.210/2018:-**

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

The matter will be heard on 13/12/2018 alongwith the C.A. No. 210/2018.

**S.O. 13/12/2018 for final disposal.**

**Member(J)  
Date:-28/11/2018.  
aps.**

**Member(A)**

**O.A. No. 623/2018. (D.B.)**

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

**Dated : 28<sup>th</sup> November 2018.**

Shri J.S.Deshmukh, 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 has produced one letter from Director, Health Services, Mumbai through Secretary, Public Health, Mantralaya, Mumbai dated 25/08/2018. However, in response to this letter, Principal Secretary, Government of Maharashtra is yet to clarify the matter.

The Id. C.P.O. seeks three weeks time to get instructions and file the reply. In view of this, the Id. C.P.O. is given three weeks time to get reply from the Government.

**S.O. 09/01/2019.**

**Member(J)  
Date:-28/11/2018.  
aps.**

**Member(A)**

O.A. No. 850/2018. (D.B.)

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

**Dated : 28<sup>th</sup> November 2018.**

Shri Nazia Pathan holding for Shri S.V.Sirpurkar, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the Respondents.

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

**Member(J)**  
**Date:-28/11/2018.**  
aps.

**Member(A)**

**O.A. Nos. 913 & 914/2018. (D.B.)**

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**  
**Dated : 28<sup>th</sup> November 2018.**

Shri N.R.Saboo, 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 two weeks. Learned 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. two weeks.**

**Member(J)**  
**Date:-28/11/2018.**  
aps.

**Member(A)**

**O.A. No. 846/2012. (D.B.)**

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

**Dated : 28<sup>th</sup> November 2018.**

**C.A.No.258/2018:-**

Ms. Nandini Thete holding for Shri S.Borkar, the Id. counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the Respondents.

In the order dated 11/09/2018:-

*"The Id. P.O. has submitted that if applicant appears in the office of respondent no. 2 i.e. Commissioner of Police, Nagpur on 18/09/2018, the office will forward necessary pension papers to the competent authority after obtaining due signature of the applicant."*

Today, the Id. P.O. submits that, the applicant collected the papers but did not submit to the office of Commissioner of Police, Nagpur i.e. the reason that his pension papers is not in process.

The Id. Counsel for the applicant further submits that on Thursday the applicant will appear in the office of the Police Commissioner, Nagpur and do the formalities of pension papers.

S.O. two weeks.

Member(J)  
Date:-28/11/2018.  
aps.

Member(A)



O.A. No. 416/2017. (D.B.)

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

**Dated : 28<sup>th</sup> November 2018.**

Ms. R.Pande, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the Respondent nos. 1 to 4. None for the respondent no. 5.

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

**Member(J)  
Date:-28/11/2018.  
aps.**

**Member(A)**

**O.A. No. 677/2017. (D.B.)**

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

**Dated : 28<sup>th</sup> November 2018.**

Shri P.V.Ghare, the Id. counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the Respondent nos. 1 & 2. None for the respondent nos. 3 & 4.

The Id. Counsel for the applicant has pointed out the suspension order of the applicant on P.B., Pg. No. 38 bearing no. d/12/1416@i:dz26@I dk&6/c/4 dated 23/03/2016 and his reversion order is at P.B., Pg. No. 40 bearing no. i hvkst h&2015@i: dz@333@I dk&2] fnukd 12-01-2016] dated 23/03/2016. However, it appears that some cases against the applicant between 14/08/2015 to 28/08/2015 was not brought before the D.P.C.

However, the Id. Counsel for the applicant needs one week time to go through all the relevant G.Rs.. At the same time his case is pending before the Session Court. He was also advice to take instructions about the stage of the case.

**S.O. one week.-**

**To be treated as P.H.**

**Member(J)**  
**Date:-28/11/2018.**  
aps.

**Member(A)**

O.A. St.No. 734/2018 (SB)

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

**Dated : 28.11.2018**

**C.A. 115/2018 in O.A. St. 734/2018**

Heard Shri S.I. Khan, learned counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

2. This application for condonation of delay cause in preferring the application under Section 19 of the Administrative Tribunals Act, 1985. The facts in brief are as under :-

3. It is contention of the applicant that he was serving in the Police Department (Maharashtra State) and he retired from the service on superannuation on 31/07/2012. It is submitted that at the time of retirement of the applicant in the year 2012 amount of Rs.1,00,000/- was deducted from the pensionary benefits of the applicant and he was informed that as the excess amount was paid to him, the amount of Rs.1,00,000/- was recovered from him. It is submitted that the applicant was under impression that the decision taken by the Authorities was lawful, therefore he remained silent.

4. It is the case of the applicant that he learnt in the second week of March, 2018 that the Hon'ble Bombay High Court, Bench at Aurangabad decided one Petition in which Ramchandra Patil was party and Hon'ble

Bombay High Court allowed that Petition in the month of February,2018 and set aside the order of recovery from the Police Personnel of Jalgaon and Nashik Districts. It appears that though it is mentioned in Para-5 of the application that Writ Petition is decided by the Hon'ble Bombay High Court, Bench at Aurangabad, but the applicant has not produced before this Tribunal the copy of that order. Unless and until it is shown by the applicant that his case has nexus with the decision in that Writ Petition, I think it would not be suitable to proceed further in this matter. I, therefore, direct the applicant to produce copy of the order passed by the Hon'ble Bombay High Court, Bench at Aurangabad in February,2018 within three weeks from the date of this order.

**S.O. three weeks.**

**Member (J)**

dnk.