

O.A. No. 292/2018

(S.B.)

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

Dated : 29th November 2018.

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

Ld. P.O. has filed reply on behalf of R3, it is taken on record and a copy of which is supplied to the learned counsel for the applicant.

S.O. two weeks.

Vice-Chairman(J)

Dt. 29.11.2018.
pdg.

O.A. No. 92/2016

(S.B.)

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

Dated : 29th November 2018.

C.A. 552/2017 & 331/2018.

Shri P.S. Gawai, Ld. counsel for the applicant and Shri A.P. Potnis, the learned P.O. for the respondent Nos. 2 and 3. Shri R.V. Shiralkar, Adv. for R.1.

Matter is already heard by Shri Karanjkar, Member (J). Hence it be kept before Shri Karanjkar, Member (J).

Vice-Chairman(J)

Dt. 29.11.2018.
pdg.

O.A. No. 701/2015

(S.B.)

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

Dated : 29th November 2018.

C.A. 72/2018.

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

The applicant wants to file on record some documents which he has received under the Right to Information Act. Hence, this C.A. In the interest of justice, C.A. is allowed and disposed of. Applicant has already supplied copy of documents to the Ld. P.O.

O.A. No. 701/2015

S.O. for final hearing in **3rd week of**
December 2018.

Vice-Chairman(J)

Dt. 29.11.2018.
pdg.

O.A. No. 919/2018

(S.B.)

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

Dated : 29th November 2018.

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

2. The applicant has been transferred from the post of Circle Officer, Hingna Tehsil office to the post of Aval Karkun in the said office. In fact, he was transferred on the post of Circle Officer on 28.5.2000. However, within six months, he is being transferred again the ground that there is a Govt. policy to change the post amongst the Circle Officers and the Aval Karkuns. The Ld. counsel for the applicant submits that because of present transfer, the applicant will get less salary. The

applicant has not yet been relieved. In view thereof, the respondent is directed not to relieve the applicant till further orders. The applicant shall demonstrate as to how he will cause less salary because of new posting.

3. Issue notice to the remaining respondent returnable on 18.12.2018.

4. Shri A.M. Ghogre, 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. **18.12.2018.**

Vice-Chairman(J)

Dt. 29.11.2018.
pdg.

O.A. No. 702/2015

(S.B.)

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

Dated : 29th November 2018.

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

S.O. 18.12.2018.

To be treated as part heard.

Vice-Chairman(J)

Dt. 29.11.2018.
pdg.

O.A. No. 703/2015

(S.B.)

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

Dated : 29th November 2018.

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

2. Ld. counsel for the applicant submits that the applicant has died on 2.2.2016. No L.Rs are brought on record. Cause of action also seems to be not continuing one after death of the applicant. O.A., therefore, stands disposed of as abated.

Vice-Chairman(J)

Dt. 29.11.2018.

pdg.

**O.A. No. 338/2018 (S.B.)
(P.S. Bodhare V/s State & 2 others.)**

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

Dated : 29th November 2018.

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

2. This is a peculiar case where issue has been complicated by the respondent authorities by not complying with the order passed by this Tribunal. The applicant was transferred from the post of P.S.I., Nagpur Rainbow Distillery to Oosmanabad vide order dated 8.5.2018. Being aggrieved by the said order, the applicant approached the Tribunal and this Tribunal vide order dated 5.6.2018 was pleased to stay the order. In the meantime, the respondents modified the order of

transfer of the applicant, since the respondents were directed to consider the representation of the applicant and the applicant has been posted at Akot vide order dated 20.8.2018. One Shri Onkar Wankhede has been posted in place of the applicant, even though the stay was granted to the applicant's transfer. It is stated that Shri Onkar Wankhede has already joined in place of the applicant and now the applicant is nowhere. From the facts on record, it is clear that it is nothing but contempt of the order of this Tribunal dated 5.6.2018. When the applicant's transfer at Oosmanabad was stayed on 5.6.2018, the applicant should have been allowed to continue at his place at Nagpur. But Shri Onkar Wankhede has been posted in his place inspite of continuation of the stay. Admittedly, the applicant did not opt for Akot in his representation. He has been transferred to Akot.

3. The applicant has given undertaking which is marked "X" for

identification today and submits through the said undertaking that the applicant is ready to accept the posting at Akot. But he may be permitted to join there in the month of June 2019, i.e. at the time of Annual General Transfers, 2019. The Ld. P.O. was requested to take instructions as to whether the post at Nagpur is available to accommodate the applicant till Annual General Transfers, 2019. The Ld. P.O. on instructions submits that the post of P.S.I. at C-II, Nagpur is available and the applicant can be accommodated there till 31.5.2019. In view thereof, the entire controversy can be settled down peacefully, if the applicant is posted at C-II, Nagpur as P.S.I. till 31.5.2019 and absence of the applicant can be treated as compulsory waiting period.

4. The respondent No.2 is, therefore, directed to issue necessary order accordingly forthwith or in any case within a period of one week from

the date of this order. O.A. stands disposed of accordingly.

Vice-Chairman(J)

Dt. 29.11.2018.

pdg.

O.A. No. 930/2017

(S.B.)

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

Dated : 29th November 2018.

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

Ld. P.O. seeks time to file reply.
Time granted.

S.O. **two weeks.**

Vice-Chairman(J)

Dt. 29.11.2018.

pdg.

O.A. No. 17/2018

(S.B.)

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

Dated : 29th November 2018.

Heard Shri N.R. Saboo, Adv. holding for Shri M.R. Khan, the Ld. counsel for the applicant and Shri A.P.Potnis, the learned P.O. for the respondents.

The Ld. counsel for the applicant seeks time to file rejoinder.

S.O. **one week.**

Vice-Chairman(J)

Dt. 29.11.2018.
pdg.

O.A. No. 430/2018

(S.B.)

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

Dated : 29th November 2018.

None for the applicant.

Heard Shri M.I. Khan, the learned P.O. for the respondents.

Reply is already filed by the respondents on record.

ADMIT.

Shri M.I. Khan, the learned P.O. waives notice for the respondents.

S.O. **in due course** for final hearing.

Vice-Chairman(J)

Dt. 29.11.2018.
pdg.

O.A. No. 304/2018

(S.B.)

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

Dated : 29th 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.

Reply of R. 3 and 4 is filed by the respondents on record. It is taken on record and its copy is served on the other side.

ADMIT.

Shri M.I. Khan, the learned P.O. waives notice for the respondents.

S.O. **next week** for final hearing.

Vice-Chairman(J)

Dt. 29.11.2018.
pdg.

O.A. No. 503/2018

(S.B.)

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

Dated : 29th November 2018.

C.A. 300/2018.

Heard Smt. S.W. Deshpande,
the Ld. counsel for the applicant and
Shri V.A. Kukarni, the learned P.O. for
the respondent No.1.

2. Petitioner was granted liberty to
approach this Tribunal within six
weeks from the date of his order i.e.
18.6.2018 by the Hon'ble High Court.
Accordingly the applicant has
appeared before this Tribunal and
filed C.A. for condonation of delay. In
the interest of justice, delay caused is
condoned and the C.A. stands
disposed of.

O.A. No. 503/2018

1. Issue notice to R. 2 to 4 returnable in **four weeks**.
2. Shri V.A. Kukarni, the learned P.O. waives notice for the respondent No.1. Hamdast granted.
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 **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.

8. S.O. **four weeks.**

Vice-Chairman(J)

Dt. 29.11.2018.

pdg.

O.A. No. 627/2018

(S.B.)

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

Dated : 29th November 2018.

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

The Ld. counsel for the applicant submits that, the applicant is only claiming directions to the respondent No.3 to take a decision on the representation filed by him on 30.5.2018 for his transfer to Pandharkawada police station. It is within the ambit of respondent No.3 to consider that representation. It is submitted that the O.A. can be disposed of, if directions are issued. O.A. stands disposed of with direction to respondent No.3 to take a decision on the representation of the applicant dated 30.5.2018 (A.7). The said

decision shall be taken within four weeks from the date of this order and shall be communicated to the applicant in writing. O.A. stands disposed of with no order as to costs.

Vice-Chairman(J)

Dt. 29.11.2018.

pdg.

O.A. No. 654/2018

(S.B.)

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

Dated : 29th November 2018.

C.A. 221/2018.

Heard Shri A.A. Mardikar, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondent No.1.

Application to sue jointly is allowed and disposed of subject to payment of requisite court fee to be paid in the office of this Tribunal.

O.A. No. 654/2018

3. Issue notice to R. 2 and 3 returnable in four seeks.

4. Shri V.A. Kulkarni, 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.

S.O. **four weeks**.

Vice-Chairman(J)

Dt. 29.11.2018.
pdg.

O.A. No. 832/2018

(S.B.)

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

Dated : 29th November 2018.

Heard Shri R.V. Shiralkar, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

Ld. P.O. seeks time to file reply.
Time granted.

S.O. **three weeks.**

Vice-Chairman(J)

Dt. 29.11.2018.

pdg.

O.A. No. 87/2018

(S.B.)

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

Dated : 29th November 2018.

Heard Shri Krishna Manwatkar,
Adv. holding for Shri S.N. Gaikwad,
the Ld. counsel for the applicant and
Shri A.P. Potnis, the learned P.O. for
the respondents.

ADMIT.

Shri A.P. Potnis, the learned
P.O. waives notice for the
respondents.

Put up for final hearing in due
course.

Vice-Chairman(J)

Dt. 29.11.2018.

pdg.

O.A. No. 259/2018

(S.B.)

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

Dated : 29th November 2018.

Heard Shri A.P. Sadavarte, the Ld. counsel for the applicant and Shri A.P. Potnis, the learned P.O. for the respondent No.1. Shri G.G. Bade, Adv. holding for Shri H.D. Marthe, Adv. for R. 2 & 3.

Ld. P.O. as well as Ld. Adv. for R. 2 and 3 seek time to file reply affidavit. Time granted.

S.O. four weeks.

Interim relief to continue till then.

Vice-Chairman(J)

Dt. 29.11.2018.

pdg.

O.A. No. 918/2018

(S.B.)

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

Dated : 29th November 2018.

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

2. The applicant has been kept under suspension on 10.8.2018 and inspite of the fact that 90 days period has already been over, no charge-sheet has been filed against the applicant nor any departmental enquiry is initiated. The Ld. counsel for the applicant places reliance on the judgment passed by the Principal Bench of this Tribunal at Mumbai in **O.A. No. 35/2018 in case of Dilip Jagannath Ambilwade V/s State of Maharashtra and one another delivered on 11.9.2018** wherein it has been stated that if a charge-sheet

is not filed within 90 days of suspension, suspension shall stand revoked. The applicant has filed representation for revocation of his suspension. But no order is passed on it. The Ld. P.O. is, therefore, directed to take instructions in this regard and to make a submission.

3. Issue notice to R.2 returnable on **17.12.2018**.

4. Shri A.P. Potnis, the 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.

5. **S.O. 17.12.2018.**

Vice-Chairman(J)

Dt. 29.11.2018.

pdg.

O.A. No. 700/2015

(S.B.)

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

Dated : 29th November 2018.

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

Ld. P.O. submits that charges in the departmental enquiry and that in the criminal case are not similar and he may be permitted to file an affidavit to that effect.

S.O. **3rd week of December 2018.**

Vice-Chairman(J)

Dt. 29.11.2018.

pdg.

O.A. No. 742/2015

(S.B.)

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

Dated : 29th November 2018.

Shri V.G. Madavi, Adv. holding for Shri D.R. Rupnarayan, the learned counsel for the applicant and Shri H.K.Pande, the learned P.O. for the respondents 1 and 2. None for R.3.

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

Vice-Chairman(J)

Dt. 29.11.2018.

pdg.

O.A. No. 743/2015

(S.B.)

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

Dated : 29th November 2018.

Shri V.G. Madavi, Adv. holding for Shri D.R. Rupnarayan, the learned counsel for the applicant and Shri H.K.Pande, the learned P.O. for the respondents 1 and 2. None for R.3.

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

Vice-Chairman(J)

Dt. 29.11.2018.

pdg.

O.A. No. 94/2016

(S.B.)

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

Dated : 29th November 2018.

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

S.O. for dismissal on
19.12.2018.

Vice-Chairman(J)

Dt. 29.11.2018.

pdg.

O.A. Nos. 836 & 837 of 2017. (S.B.)

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

Dated : 29th November 2018.

Heard Shri S.M. Khan, the learned counsel for the applicants and Shri H.K. Pande,, the learned P.O. for the respondents.

2. It seems that the applicants have challenged different pay scales given to the post of Superintendent in the Departments of Tribal Development and Social Welfare and they are claiming parity in the pay scale. It, however, seems that the said pay scale has been granted as per the M.C.S. (Revised Pay) Rules, 2009 and the said rules are not challenged. The learned counsel for the applicants wants to take instructions in this regard and, therefore, seeks time.

S.O. two weeks.

Vice-Chairman(J)

Dt. 29.11.2018.

pdg.

O.A.No. 843/2015. (D.B.)

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

Dated : 29th November 2018.

Shri Joshi holding for Shri Wathore, the
Id. counsel for the applicant and Shri
H.K.Pande, the Id. P.O. for the respondents.

As per the request of Id. counsel for the
applicant, **S.O. next week.**

Member(J)
Date:-29/11/2018.
aps.

Member(A)

O.A.No. 762/2017. (D.B.)

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

Dated : 29th November 2018.

C.P.No.49/2018:-

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

As per the request of Id. counsel for the applicant, **S.O. one week for filing service affidavit.**

**Member(J)
Date:-29/11/2018.
aps.**

Member(A)

O.A.No. 374/2017. (D.B.)

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

Dated : 29th November 2018.

C.P.No.48/2018:-

Shri N.R.Saboo, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the Respondents.

The Id. P.O. has submitted communication letter no. dz ft dklk@jkg; k@vdk@dkfo@1992@2018] dated 20/11/2018 by Deputy Collector, EGS, Gondia. The order has been passed after substantial delay. However, the Id. counsel for the applicant submits that the claim has been rejected. So he wants' to file separate O.A., with the same liberty. Hence, **C.P. No. 48/2018 is disposed of.**

**Member(J)
Date:-29/11/2018.
aps.**

Member(A)

O.A.No. 49/2005. (D.B.)

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

Dated : 29th November 2018.

C.P.No.44/2018:-

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

The Id. P.O. has submitted the G.R. No. 4] dated 04/10/2018, by which the applicant pay scale has been fixed in the scale of Rs.5500-9000 and in pursuant to that Dean, Government Medical College, Nagpur has also issued order no. [X.Ak@yAk&3@11864&66@18\]](#) fnukd 27@11@2018. The Bill is pending in the Treasury.

Now, the Id. P.O. is directed that department should enquire that pay and arrears should be paid in the two weeks time and pension papers should be processed.

S.O. 13/12/2018.

Member(J)
Date:-29/11/2018.
aps.

Member(A)

O.A.No. 104/2017. (D.B.)

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

Dated : 29th November 2018.

C.A.No.314/2018:-

Heard Shri J.B.Gandhi, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the Respondent nos. 1 & 2. None for the respondent nos. 3 & 4.

The Id. counsel for the applicant pleads for the early hearing and he has filed C.A. No. 314/2018. **Therefore, the C.A. No. 314/2018 is allowed.**

S.O. 20/12/2018.

**Member(J)
Date:-29/11/2018.
aps.**

Member(A)

O.A.No. 594 & 689/2017. (D.B.)

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

Dated : 29th November 2018.

C.P.No.41/2018:-

Heard Shri Bharat Kulkarni, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the Respondents.

The Id. P.O. submits that he will file reply during the course of the day. The same should be supply to the other side. The Id. P.O. seeks two weeks time.

S.O. two weeks.

Later on:-

The Id. P.O. submits the affidavit-in-reply on behalf of the respondent no. 3. The same is taken on record. He submits that he will serve the copy to the other side.

Alongwith the reply he has filed the Government order no. vknfo&19Mv/knfov@ukx@evd594 o 689@2017@Jh ?Akj i j} i pHAkbz@5007] dated 06/11/2018 on P.B., Pg. No. 24 of the reply and in the same reply P.B., Pg. No. 18 in para no. 5 also it is mentioned that order of the Tribunal is in the

process for compliance. However, they requires Six Weeks time to comply the same.

Since, the respondent no. 3 i.e. The Dairy Development Officer personally present and said that we are in the process to follow the order and for that we need **Six Weeks time.**

In view of all the above, **C.P. stands disposed of.**

Member(J)
Date:-29/11/2018.
aps.

Member(A)

O.A.No. 770/2015. (D.B.)

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

Dated : 29th November 2018.

C.A. No.361/2018 in C.P.No.50/2018:-

Heard Shri Sardar holding for Shri V.A.Kothale, the Id. counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the Respondents.

The Id. P.O. has filed the copy of the G.R. No. U; k; ki & 2017@izd#245&17½ @r#A&1] dated 22/11/2018, by which Government has take the necessary action. He also filed C.A.No.361/2018 for exemption from personal appearance to respondent no. 1. Hence, the **C.A. No. 361/2018 is allowed.**

Since the appointment letter has been issued, nothing survives in the matter.

Hence, C.P. No. 50/2018 stands disposed of.

**Member(J)
Date:-29/11/2018.
aps.**

Member(A)

O.A.No. 376/2007. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 29th November 2018.

C.P.No.20/2017:-

Shri N.R.Saboo, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the Respondents.

The Id. Counsel for the applicant submits that he will do the necessary changes in the Contempt Petition.

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

Member(J)
Date:-29/11/2018.
aps.

Member(A)

O.A.No. 487/2015. (D.B.)

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

Dated : 29th November 2018.

C.P.No.36/2017:-

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

The Id. counsel for the applicant submits that his client is not feeling well and he didn't clear me the point about appropriate payment has been made or not.

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

Member(J)
Date:-29/11/2018.
aps.

Member(A)

O.A.No. 896/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 29th November 2018.

Shri Jibhkate, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the Respondent nos. 1 to 3. None for the respondent no. 4. Shri R.S.Khobragade, the Id. counsel for the respondent no. 5.

The Id. counsel for the applicant has filed the affidavit-in-reply on behalf of the respondent no. 3. The same is taken on record. Copy of the same is given to the other side.

The Id. counsel for the applicant has placed on record the G.R. No. I vkj 0gh&1018@1644@i zdz2@99@ckjk] dated 02/07/2002, another G.R. No. I okfu 1815@i zdz 216@I ok 2] dated 30/05/2015 and one more G.R. No. dl vki @2c@V\$@U; ki z 104@"Ak-fu-03-09-2015@MAWryokj; MKWnGoh] MKWns"Aeq[A] MKWx.Akj dj] MKW j cM; MKWFAkj kr] MKWj?Apd'kh@1025@18] fnukrd 25-08-2018-

The Id. counsel for the respondent no. 5 pleaded about the content of G.R. No. I okfu& 1518@i zdz168@I ok&2] dated 29/08/2018 which is reasoned one.

The Id. counsel for the applicant has submitted in para no. 5 of the affidavit –in-reply about the committee constituted by the Government on these issues of Doctors. Id. C.P.O. may take instructions to that effect and communicate the same.

Considering all these G.Rs., the applicant issue will be taken into consideration. **S.O. tomorrow i.e. 30/11/2018 for order.**

Member(J)
Date:-29/11/2018.
aps.

Member(A)

O.A.No. 445/2010. (D.B.)

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

Dated : 29th November 2018.

Shri R.V.Shiralkar, the Id. counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the Respondents.

The Id. Counsel for the applicant submits that as per the circular dated 01/03/1999 from the office of Director General of Police and vide its order dated 21/09/2004, common seniority list of Police Constable in District Police and Police Constable in Motor Transport Section were ought to be maintained and further promotion should be given as per that Seniority List.

The Id. Counsel for the applicant pointed out that according to D.G. Police circular dated 01/03/1999 and approval given by Home Department, Government of Maharashtra order dated 21/09/2004. In some of the Districts like Osmanabad, S.P. has prepared common seniority list. However, in Akola District as per the D.G. and Government of Maharashtra, Home Department Common Seniority List has not been prepared.

The Id. Counsel for the applicant has not made S.P. Akola as a party in the O.A.. Hence the Id. Counsel for the applicant is directed to make the necessary party by doing amendment in the O.A. as a respondent no. 4. The Id. Counsel for the applicant carryout the amendment within a week. The Id. Counsel for the applicant is further directed to bring on record the service book of the applicant.

S.O. Three Weeks.

Member(J)
Date:-29/11/2018.
aps.

Member(A)

O.A.No. 257/2017. (D.B.)

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

Dated : 29th November 2018.

Ms. V.B.Gohatre and her father in person and Shri P.N.Warjurkar, the Id. P.O. for the Respondents.

As per the order dated 31/10/2018, the applicant joined at Bambragad as Office Superintendent on 01/11/2018. As per her contention she has already worked in Tribal and Naxal Affected Area for more than Eight Years.

In view of this now she has two grievances:-

1. That she should be posted out of Tribal and Naxal Affected Area.
2. Her salary from 01/04/2017 to 31/10/2018 should be paid.

As far as her transfer is concerned, she has to file representation to Additional Tribal Commissioner, Nagpur. So far as the claim of salary is concerned, this issue is kept open which will be heard separately.

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

Member(J)
Date:-29/11/2018.
aps.

Member(A)

O.A.No.588/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 29th November 2018.

M.I.Dhatrak, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. It appears that already a detailed order has been passed by this Tribunal in group of O.A.Nos. 141, 158 & 159 of 2017 on 27th March,2017 and therefore in present O.A. No. 588 of 2018 also the same kind of order will continue, which is as under :-

"The applicants have prayed for quashing and setting aside the impugned clause no.10(1)of the G.R. dated 7/8/2012. The learned counsel for the applicants has placed on record a copy of order passed by this Tribunal in O.A.No.84/2017, dated 16/2/2017 in which the operation of the G.R. dated 7/8/2012 has been stayed. The learned PO agrees that in many other matters, operation of the said G.R. has been stayed. In view thereof, the relief claimed by the applicants and the operation of the clause of the G.R. as mentioned in para G of the prayer clause is stayed till further

orders. The learned PO seeks time to file affidavit-in-reply in the O.A."

3. Issue notice to Respondent, returnable on four 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. four weeks.**

Member(J)
Date:-29/11/2018.
aps.

Member(A)

O.A.No.545/2008. (D.B.)

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

Dated : 29th November 2018.

C.A.No.546/2017:-

Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the Respondents.

It seems that the applicant case was first decided by M.A.T. in detailed. The order of the same is not filed on record. The Id. Counsel for the applicant is requested to file complete order of the MAT. The said order was challenged in Hon'ble Supreme Court and Hon'ble Supreme Court at P.B., Pg. No. 51 dated 23/08/2016, remanded back to department head to decide whether enquiry is called against the applicant.

Subsequently, the Special I.G. Police (Administration), Maharashtra State vide letter dated 30/04/1998 at P.B., Pg. No. 52 (Annexure-E) has passed an order dismissing the appeal of the applicant.

The Id. Counsel for the applicant is directed to file appointment letter of the applicant. He further allowed to correct the post of the respondent no. 2. **S.O. two weeks.**

Member(J)
Date:-29/11/2018.
aps.

Member(A)

O.A.No.281/2015. (D.B.)

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

Dated : 29th November 2018.

Shri G.G.Bade, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the Respondents.

At the request of Id. Counsel for the applicant, **S.O. 03/12/2018.**

**Member(J)
Date:-29/11/2018.
aps.**

Member(A)

O.A.No.448/2014. (D.B.)

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

Dated : 29th November 2018.

Shri G.G.Bade, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the Respondent nos. 1 to 4. None for the respondent nos. 5 to 23.

The Id. P.O. submits that the applicant is seeking promotion to Circle Officer. The Id. P.O. desires to take instructions from Collector, Nagpur.

At the request of Id. P.O., **S.O. next week.**

Member(J)
Date:-29/11/2018.
aps.

Member(A)

O.A.No.270/2018. (D.B.)

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

Dated : 29th November 2018.

Shri C.R.Golat, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the Respondents.

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

**Member(J)
Date:-29/11/2018.
aps.**

Member(A)

O.A.No.261/2016. (D.B.)

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

Dated : 29th November 2018.

Shri P.J.Mehta, the Id. Counsel for the applicant, Shri M.I.Khan, the Id. P.O. for the Respondent nos. 1 to 3 and Shri B.D.Pandit, the Id. Counsel for the respondent no. 4.

The case pertains to the recruitment of Constable in Police Department. The Id. P.O. seeks time to file documents by which he can prove that respondent no. 4 is meritorious than the applicant. Meanwhile, he may give copy of the same to the respondent no. 4 and applicant too.

S.O. two weeks for Rejoinder, if any.

Member(J)
Date:-29/11/2018.
aps.

Member(A)

