

O.A.No.794/2016.

(S.B.)

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

Dated : 4th January 2019.

R.A. 18/2018.

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

The order is passed by Shree Bhagwan, Member (A).

Hence, it be placed before Shree Bhagwan, Member (A).

Vice-Chairman(J)

Dt. 4.1.2019.

pdg.

O.A.No.231/2018.

(S.B.)

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

Dated : 4th January 2019.

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

The Ld. counsel for the applicant submits that he will file service affidavit during the course of the day.

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

S.O. **four weeks.**

Vice-Chairman(J)

Dt. 4.1.2019.

pdg.

O.A.No.503/2018.

(S.B.)

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

Dated : 4th January 2019.

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

The Ld. P.O. files reply affidavit on behalf of R.3, it is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant. Reply of other respondents is not necessary.

S.O. **two weeks** for filing rejoinder if necessary.

Vice-Chairman(J)

Dt. 4.1.2019.

pdg.

O.A.No.653/2018.

(S.B.)

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

Dated : 4th January 2019.

Shri G.K. Bhusari, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents.

The Ld. C.P.O. submits that the application is premature, since the appeal against the order of punishment in departmental enquiry is pending. The Ld. counsel for the applicant wants to seek instructions for which he seeks some time.

S.O. 14.1.2019.

Vice-Chairman(J)

Dt. 4.1.2019.

pdg.

O.A.No.654/2018.

(S.B.)

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

Dated : 4th January 2019.

Shri A.A. Mardikar, the Ld. counsel for the applicants and Shri A.M. Ghogre, the learned P.O. for the respondents.

The Ld. P.O. files reply affidavit on behalf of R.2 & 3, it is taken on record and a copy thereof is supplied to the Ld. counsel for the applicants.

Hence, for filing of rejoinder, if any, S.O. **four weeks.**

Vice-Chairman(J)

Dt. 4.1.2019.

pdg.

O.A.No.859/2018.

(S.B.)

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

Dated : 4th January 2019.

C.A. 391/2018.

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

Ld. P.O. has placed on record a communication dated 18.2.2018 which is marked "X" for identification, from which it seems that the respondents have shown leniency to consider applicant's request for mutual transfer at the time of Annual General Transfers of 2019.

The Ld. counsel for the applicant wants to take instructions on this.

S.O. 7.1.2019.

Vice-Chairman(J)

Dt. 4.1.2019.

pdg.

O.A.No.863/2018. (S.B.)

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

Dated : 4th January 2019.

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

At the request of Ld. P.O., S.O.
two weeks for filing reply affidavit.

Vice-Chairman(J)

Dt. 4.1.2019.

pdg.

O.A.No.905/2018.

(S.B.)

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

Dated : 4th January 2019.

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

At the request of Ld. C.P.O., S.O. **four weeks** for filing reply affidavit.

Vice-Chairman(J)

Dt. 4.1.2019.

pdg.

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

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

Dated : 4th January 2019.

Shri G.G. Bade, 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.
four weeks for filing reply affidavit.

Vice-Chairman(J)

Dt. 4.1.2019.

pdg.

O.A.No.928/2018. (S.B.)

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

Dated : 4th January 2019.

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

At the request of Ld. C.P.O., S.O. **four weeks** for filing reply affidavit.

Vice-Chairman(J)

Dt. 4.1.2019.

pdg.

O.A.No.931/2018. (S.B.)

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

Dated : 4th January 2019.

Shri G.G. Bade, Ld. counsel for the applicant and Shri S.A.Deo, the learned C.P.O. for the respondent No.1.

Await service to R. 2 to 4.

S.O. **three weeks.**

Vice-Chairman(J)

Dt. 4.1.2019.

pdg.

O.A.No.973/2018. (S.B.)

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

Dated : 4th January 2019.

Miss R.P. Jog, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondent Nos.1 to 3. Shri G.K. Bhusari, Adv. for R.4.

Ld. P.O. seeks time to file reply of R. 1 to 3. Ld. Adv. for R.4 submits that he will file reply of R.4 during the course of the day.

S.O. 14.1.2019.

Interim relief to continue till then.

Vice-Chairman(J)

Dt. 4.1.2019.

pdg.

O.A.No.929/2017.

(S.B.)

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

Dated : 4th January 2019.

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

Ld. counsel for the applicant submits that Mrs. Jog has been appointed as Chief Legal Advisor in the M.S.E.D.C.L. holding Company and, therefore, she wants to file fresh Vakalatnama.

S.O. 7.1.2019.

Vice-Chairman(J)

Dt. 4.1.2019.

pdg.

**O.A.Nos.610 and 939 of 2017.
(S.B.)**

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

Dated : 4th January 2019.

Heard Shri G.G. Bade, the learned counsel for the applicants and Shri A.M. Khadatkar, the learned P.O. for the respondents.

It seems that the Special Tiger Protection Force (in short STPF) was established and there was need to appoint the personnel in the said department. The applicants were, however, on the wait list of Regular Forest Department and in order to absorb them immediately, it was decided to appoint them in STPF. Appointment orders of the applicants show that they have been appointed directly in the STPF department. In fact, the applicants should have objected for their appointment in the

STPF as STPF personnel, since they never applied for such posts. However, they have accepted the appointment and now they are saying that they shall be transferred out of STPF. Article 1 (d) (Page 46) i.e. memorandum of understanding between the Ministry of Environment and Forests (National Tiger Conservation Authority) and the Government of India, the State Forest Department shall recruit the STPF personnel and would make them available to the various departments on deployment in the Tiger Reserve on deputation for a period of three years, their age shall be less than 40 years. The said clause (ii) of Clause 3 (b) of the guidelines (Option-II) at page No.49 of the O.A. shows that the STPF personnel would serve in the force till the age of 40 years and should be lateron absorbed by the Forest Department on the post outside the Tiger Reserve, while ensuring new, suitable substitutes. In fact, the applicants should have

immediately objected for their appointment in the STPF. But having accepted the said appointment without any objection, it will have to be seen as to whether they can re-agitate the issue of their appointment in the STPF. At the same time, the respondents shall also consider as to whether they are willing to relieve the applicants outside the STPF, since they have completed more than three years. The Ld. P.O. submitted that he will take instructions from the concerned department and seeks one week's time.

S.O. **one week**.

Steno copy be provided to the Ld. P.O.

Vice-Chairman(J)

Dt. 4.1.2019.

pdg.

the memorandum clause Article 1 (d) states that the Forest Department shall recruit STPF personnel and would make them available to the various departments on deployment in the Tiger Reserve on deputation for a period of three years, their age shall be less than 40 years. The appointment order shows that the applicants were appointed directly in STPF and not on deputation. Clause 3 (v) of guidelines constituting the State Tiger Protection Force states as under:-

“The STPF
personnel would

serve in the force till the age of 40 year, and should be later absorbed by the Forest Department on posts outside the Tiger Reserve, while ensuring new, suitable substitutes. In States having more than one Tiger Reserve, the STPF personnel would normally be posted in a reserve for a minimum period of three years.”

O.A.No.704/2015.

(D.B.)

**Coram:Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member (A)
Dated : 4th January 2019.**

R.A. 21/2018.

Shri S.C. Deshmukh, Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents 1 and 2. None for R. 3 to 5.

At the request of the Ld. P.O. for filing reply, S.O. **18.1.2019.**

Member (A)

Vice-Chairman(J)

Dt. 4.1.2019.

pdg.

**O.A.Nos. 282, 283, 284, 352, 353 & 875/17
(D.B.)**

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 04th January 2019.**

M.C.A.Nos.34, 35, 36, 37, 38 & 39/2018:-

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

The Id. P.O. filed the Government letter no. vdkv|@vklFk@xV&M@i Hli @33] fnukd 03-01-2019 by Under Secretary, Government of Maharashtra. It is taken on record. Copy is served to the other side.

The Id. P.O. seeks four weeks time. At his request, **S.O. four weeks.**

**Member(J)
Date:-04/01/2019.
aps.**

Member(A)

O.A.No. 960/2018 (D.B.)

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

Dated : 04th January 2019.

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

The Id. counsel for the applicant submits that Shri S.P.Palshikar is not feeling well. At the request of Shri Bharat Kulkarni, **S.O. next week.**

Member(J)
Date:-04/01/2019.
aps.

Member(A)

O.A.No. 639/2018 (D.B.)

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

Dated : 04th January 2019.

Shri Bharat Kulkarni holding for Shri S.P.Palshikar, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondent no. 2. None for the respondent nos. 1 & 3.

The Id. counsel for the applicant submits that Shri S.P.Palshikar is not feeling well. At the request of Shri Bharat Kulkarni, **S.O. next week.**

Member(J)
Date:-04/01/2019.
aps.

Member(A)

O.A.No. 753/2011 (D.B.)

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

Dated : 04th January 2019.

Shri A.B.Mahajan, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

At the request of Id. counsel for the applicant & Id. P.O., **S.O. 05/02/2019 as a last chance.**

**Member(J)
Date:-04/01/2019.
aps.**

Member(A)

O.A.No. 612/2018 (D.B.)

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

Dated : 04th January 2019.

Shri N.D.Thombre, the Id. counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. & Shri S.A.Deo, the Id. C.P.O. for the respondent nos. 1 & 2. None for the respondent no. 3.

Reply has not been filed till now. The Id. C.P.O. and Id. P.O. are directed to communicate Secretary of the department and send a list of O.As. whose replies are awaited and produce the same to the Tribunal.

S.O. two weeks as a last chance.

Steno copy is granted.

**Member(J)
Date:-04/01/2019.
aps.**

Member(A)

O.A.No. 618/2018 (D.B.)

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

Dated : 04th January 2019.

Shri N.D.Thombre, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

The Id. P.O. filed the reply on behalf of the respondent no. 2. The same is taken on record. Copy of the same is given to the other side.

Meanwhile, the Id. P.O. is directed to take necessary action from the department about the conflicting opinion between Minutes of Meeting and M.P.S.C. guidelines.

The matter is **admitted** and kept for final hearing.

The Id, P.O. waives notice for the respondents.

S.O. 01.02.2019.

Steno copy is granted.

Member(J)

Date:-04/01/2019.

aps.

O.A.No. 293/2018

Member(A)

(D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 04th January 2019.**

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

As per the record Annexure-A-8, proposal has been submitted by Collector, Yavatmal to Commissioner and Director, Nagar Parishad, Mumbai on 12/01/2018, till now reply or directions has not been issued. The Id. P.O. submits that he will try to get reply within one week time. However, it is observed that Commissioner and Director, Nagar Parishad, Mumbai has failed in his duty to take a decision within appropriate time.

It is directed to Commissioner and Director, Nagar Parishad, Mumbai to take decision on the proposal of Collector, Yavatmal within two weeks from the date of this order and communicate the same to Collector, Yeotmal and filed the reply through Id. P.O. to this Tribunal.

S.O. 18/01/2019.

**Member(J)
Date:-04/01/2019.**

Member(A)

aps.

O.A.No. 590/2017 (D.B.)

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

Dated : 04th January 2019.

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

Closed for orders.

**Member(J)
Date:-04/01/2019.
aps.**

Member(A)

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

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

Dated : 04th January 2019.

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

Since, none present from the last two dates i.e. 02/01/2019 & 03/01/2019. It seems that the Id. counsel is not interested in prosecuting the O.A.

Hence, Dismissed in Default.

**Member(J)
Date:-04/01/2019.
aps.**

Member(A)

O.A.No. 950/2018 (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 04th January 2019.

Shri G.Iyer, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

2. The Id. counsel for the applicant submits that fresh notice for respondent no. 2 should be issued. Issue fresh notice to the respondent no. 2. He further submits that he will file the service affidavit of respondent no. 3 within a week time.

3. Issue notice to R-2, 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:-04/01/2019.
aps.

Member(A)

O.A.No. 516/2018 (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and**

Shri A.D.Karanjkar, Member(J)
Dated : 04th January 2019.

Mrs. M.Dongare, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

The Id. P.O. is directed to contact personally State Government and consult Secretary and get reply within two weeks time.

S.O. 18/01/2019.

Member(J)
Date:-04/01/2019.
aps.

Member(A)

O.A.No. 961/2018 (D.B.)

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

Dated : 04th January 2019.

Shri N.B.Mohature, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondent nos. 1 to 5. None for the respondent nos. 6 & 7.

The Id. P.O. submits that he will file the reply within three weeks time. However, Principal Secretary, Animal Husbandry and Commissioner, Animal Husbandry department are directed to personally examine the representation of the applicant dated 01/12/2018 at P.B., Pg. Nos. 47 & 48 (Annexure-A-9).

The Id. P.O. is directed to cover there remarks in his reply. **S.O. four weeks.**

Member(J)
Date:-04/01/2019.
aps.

Member(A)

O.A.No. 967/2018 (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 04th January 2019.

Shri W.G.Paunikar, the Id. counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State.

2. The Id. P.O. pointed out that in the O.A. respondent no. 1 i.e. Collector Gadchiroli has not been mentioned correctly and that's why notice was not served to the respondent no. 1 and reply has not been received.

3. The Id. counsel for the applicant is directed to correct the respondent no. 1 forthwith. **After the correction issue notice to Collector, Gadchiroli.**

4. Issue notice to corrected respondent, 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:-04/01/2019.
aps.

Member(A)

O.A.No. 747/2015 (SB)

**Coram : Hon. Shri A.R. Chadha,
Member (A).**

Dated : 04.01.2019

Shri M.R. Khan, learned counsel for the applicant and Shri H.K. Pande, learned P.O. for the respondents.

2. The learned counsel for the applicant submits that due to some personal difficulties the matter may be adjourned on the next date. It may be noted that the matter is of the year 2015 and has been adjourned from time to time at the request of the learned counsel for the applicant.

3. **S.O. after two weeks** as a last chance.

Member (A).

dnk.

O.A.No. 751/2015 (SB)

**Coram : Hon. Shri A.R. Chadha,
Member (A).**

Dated : 04.01.2019

Shri M.R. Khan, learned counsel for the applicant and Shri S.A. Sainis, learned P.O. for the respondents.

2. The learned counsel for the applicant submits that due to some personal difficulties the matter may be adjourned on the next date. It may be noted that the matter is of the year 2015 and has been adjourned from time to time at the request of the learned counsel for the applicant.

3. In view thereof, **S.O. after two weeks** as a last chance.

Member (A).

dnk.

O.A.No. 818/2015 **(SB)**

Coram : Hon. Shri A.R. Chadha,

Member (A).

Dated : 04.01.2019

Ms. Sairanjani P. Nandurkar, learned counsel holding for Mrs. Ashwini Athalye, learned counsel for the applicant and Shri P.N. Warjurkar, learned P.O. for R-1&2. None for R-3.

2. The learned P.O. files affidavit-in-reply to the rejoinder on behalf of R-1&2. The same is taken on record and copy is given to the learned counsel for the applicant.

S.O. after three weeks.

Member (A).

dnk.

O.A.No. 790/2015 (SB)

**Coram : Hon. Shri A.R. Chadha,
Member (A).**

Dated : 04.01.2019

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

2. None for applicant and also no one appeared on the last occasion. The learned P.O. makes detailed submission and relies on para nos. 7.1 and 7.3 of the reply. There appears to be no merit in the case as per the submission made by the learned P.O.

3. **S.O. to next week** as a last chance in view of justice.

Member (A).

dnk.

O.A.No. 323/2015 **(SB)**

**Coram : Hon. Shri A.R. Chadha,
Member (A).**

Dated : 04.01.2019

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

2. The departmental inquiry which is at a last stage may be decided within a period of four months including decision on retiral benefits i.e. Gratuity and regular pension. However, other retiral benefits i.e. GIS and leave encashment can be released at the earliest as the charges are not of grave nature and as such cannot be linked with departmental inquiry.

3. In view thereof, the O.A. stands disposed of.

Member (A).

dnk.

O.A.No. 756/2015 **(SB)**

**Coram : Hon. Shri A.R. Chadha,
Member (A).**

Dated : 04.01.2019

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

2. The learned counsel for the applicant submits that he would require one week time to take instructions from the applicant as to whether he wishes to prosecute further. The

learned P.O. states that this is a case of recovery for not vacating the government premises of Public Works Department and as such no relief should be given to the applicant. In view of this submission, the matter is adjourned by one week for final disposal.

3. **S.O. one week.**

Member (A).

dnk.