

O.A. (St.) No. 324/2018. (S.B.)

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

Dated : 5th April 2018.

C.A. No. 45/2018.

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

At the request of the Ld. counsel for the applicant, S.O. **one week** to file acknowledgment / service affidavit of R. 2 to 6.

Vice-Chairman(J)

O.A. No. 136/2018. (S.B.)

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

Dated : 5th April 2018.

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

The Ld. counsel for the applicant submits that all the respondents are served and he will file service affidavit.

The Ld. C.P.O. submits that the application is patently barred by limitation and, therefore, the matter be heard on preliminary point of admission on the point of limitation.

The Ld. counsel for the applicant submits that he will argue the matter on the point of limitation on the next date.

S.O. **two weeks.**

Vice-Chairman(J)

O.A. No. 52/2017. (S.B.)

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

Dated : 5th April 2018.

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

Closed for orders.

Vice-Chairman(J)

pdg

O.A. No. 111/2017. (S.B.)

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

Dated : 5th April 2018.

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

Closed for orders.

Vice-Chairman(J)

O.A. No. 146/2017. (S.B.)

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

Dated : 5th April 2018.

Heard Shri V.N. Atkapurwar, the Ld. counsel for the applicant and Shri M.I. Khan, the Ld. P.O. for the respondents.

In the reply affidavit, the respondents have referred to the order passed on 29.2.2016. The applicant wants to challenge the said order by amending the O.A. He seeks time to file amendment application. Granted.

S.O. two weeks.

Vice-Chairman(J)

O.A. No. 102/2008. (D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman(J) and
Shree Bhagwan,Member(A)
Dated : 5th April 2018.**

Miss Poonam Moon, Adv. holding
for Shri R.J. Mirza, the Ld. counsel for
the applicant and Shri M.I. Khan, the
Ld. P.O. for the respondents.

S.O. 6.4.2018.

Member(A)

Vice-Chairman(J)

C.P. 09/18 in O.A. No.109/2015. (D.B.)

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

Dated : 05/04/2018

Smt. S.W. Deshpande, Id. counsel
for the applicant and Shri P.N. Warjurkar,
Id. P.O. for the respondents.

At the request of learned counsel
for the applicant, **S.O. next week.**

Member(A)

Vice-Chairman(J)

dnk.

O.A. No.710/2016. (D.B.)

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

Dated : 05/04/2018

Shri R.R. Kothari, Id. counsel holding for Shri R.S. Kothari, Id. counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1 to 5 and Shri N.S. Autkar, Id. counsel for R-6.

At the request of learned counsel for R-6, **S.O. one week.**

Member(A)

Vice-Chairman(J)

dnk.

O.A. No.564/2017. (D.B.)

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

Dated : 05/04/2018

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

At the request of learned counsel for the applicant, **S.O. two weeks** for filing rejoinder, if any.

Member(A)

Vice-Chairman(J)

dnk.

C.P. 03/18 in O.A. No.577/2006. (D.B.)

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

Dated : 05/04/2018

Shri S.M. Khan, Id. counsel for the applicant and Shri A.M. Ghgore, Id. P.O. for R-1. Await service of R-2&3.

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

3. The learned P.O. submits that as per the communication dated 25/11/2016 (Annex-A-10,P-28) the Government has already regularized the suspension period and directed the competent authority to pay arrears to the applicant. The applicant as well as respondents are therefore directed to verify as to how much amount and what amount of arrears have been paid to the applicant.

S.O. two weeks.

Member(A)

Vice-Chairman(J)

dnk.

C.P. 18/18 in O.A. No.524/13. (D.B.)

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

Dated : 05/04/2018

Shri S.U. Bhuyar, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the State.

Shri H.D. Marathe, Id. counsel appears on behalf of R-1 to 4 and submits that he will file vakalatnama to that effect. He also seeks time to file reply. At his request, **S.O. three weeks.**

Member(A)

Vice-Chairman(J)

dnk.

C.P. 20/18 in O.A. No.288/16. (D.B.)

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

Dated : 05/04/2018

Shri Vishal Anand, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the State. Await service of R-1&2.

2. The learned counsel for the applicant submits that he will serve the notice of R-2 since he has received the hamdast late.

3. The learned P.O. submits that he was under presumption that the State may be the party, he will waive the notice of respondent no.1. However since respondent no.1 is also in the array of respondent / party in personal capacity, issue notice to R-1 returnable in **four weeks.** 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 view thereof, the applicant is directed to serve notice of respondent nos. 1&2.

S.O. four weeks.

Member(A)

Vice-Chairman(J)

dnk.

O.A. No.45/2017 (D.B.)

**Coram: J.D. Kulkarni,
Vice-Chairman(J) and
Shree Bhagwan,Member(A)
Dated : 05/04/2018**

Shri A.N. Ansari, Id .counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

At the request of learned counsel for the applicant, **S.O. two weeks** for filing rejoinder, if necessary.

Member(A)

Vice-Chairman(J)

dnk.

O.A. No.411/2017. (D.B.)

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

Dated : 05/04/2018

The applicant in person present.
Shri A.M. Ghogre, Id. P.O. for R-1&2.
None for R-3.

The applicant in person has filed
rejoinder. It is taken on record. Copy is
given to the learned P.O.

Since the pleadings are complete,
the matter is admitted and kept for final
hearing.

The learned P.O. waives notice for
R-1&2.

S.O. four weeks.

Put up along with O.A.no.22/2016
(SB).

Member(A)

Vice-Chairman(J)

dnk.

O.A. No.25/2018. (D.B.)

**Coram: J.D. Kulkarni,
Vice-Chairman(J) and
Shree Bhagwan,Member(A)
Dated : 05/04/2018**

None for the applicant. Shri H.K. Pande, Id. P.O. for 1 to 3 and Shri H.D. Mohod, Id. counsel for R-4&5. None for R-6.

At the request of learned P.O. as well as Id. counsel for R-4&5, **S.O. two weeks** for filing reply.

Member(A)

Vice-Chairman(J)

dnk.

O.A. No.221/2018. (D.B.)

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

Dated : 05/04/2018

Shri P.S. Gawai, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

The learned counsel for the applicant submits that he will remove objections today itself. Therefore the matter be kept tomorrow, i.e., on **06/04/2018.**

Member(A)

Vice-Chairman(J)

dnk.

C.P. 36/17 in O.A. No.487/15. (D.B.)

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

Dated : 05/04/2018

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

The learned counsel for the applicant submits that he has already filed the statement of paid and unpaid amount. The learned P.O. seeks three weeks' time to go through the same and file reply-affidavit. At his request, **S.O. three weeks.**

Member(A)

Vice-Chairman(J)

dnk.

C.P. 22/18 in O.A. No.436/2016. (D.B.)

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

Dated : 05/04/2018

Heard Shri K.S. Malokar, Id. counsel for the applicants and Shri S.A. Sainis, Id. P.O. for the State.

2. The learned counsel for the applicants undertakes to serve the respondents within two weeks. Hence, issue notice to R-1 to 3, returnable in **two weeks**. 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. **S.O. two weeks.**

Member(A)

Vice-Chairman(J)

dnk.

C.P. 23/18 in O.A. No.480/2016. (D.B.)

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

Dated : 05/04/2018

There is a leave note from Shri S.P. Palshikar, Id. counsel for the applicant. Shri M.I. Khan, Id. P.O. for the State.

S.O. four weeks.

Member(A)

Vice-Chairman(J)

dnk.

O.A. No.573/2007. (D.B.)

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

Dated : 05/04/2018

Heard Shri R.V. Shiralkar, Id.
counsel for the applicants and Shri H.K.
Pande, Id. P.O. for the respondents.

Closed for orders.

Member(A)

Vice-Chairman(J)

dnk.

O.A. No.449/2005. (D.B.)

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

Dated : 05/04/2018

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

2. It seems that charge sheet on the basis of which the applicant has been punished in the departmental enquiry was issued by the then Additional Tribal Commissioner, Nagpur who is now holding the post of Member (Administrative) of this Tribunal. In view thereof, with the consent the matter be heard by Single Bench consisting of Shri J.D. Kulkarni, Vice Chairman (Judicial) on the next date.

S.O. next week.

Member(A)

Vice-Chairman(J)

dnk.

**O.A. 545/15 with C.A.479/17 with C.A.577/17,
O.A.Nos.761/15, 802/15, 805/15 & 97/16 (D.B.)**

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 05/04/2018

S/Shri Bharat Kulkarni/ G.G. Bade,
Id. counsel for the applicants and Shri M.I.
Khan, Id. P.O. and other Id. P.Os. in other
O.As. for the respondent nos. 1 to 4.
None for remaining respondents.

Shri N.R. Saboo, Id. counsel for
newly respondents is not present today in
the matters. Hence, matters be kept after
two weeks.

Member(A)

Vice-Chairman(J)

dnk.

O.A. No.22/2016. (S.B.)

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

Dated : 05/04/2018

There is a leave note from Shri S.P. Palshikar, Id. counsel for the applicant. Shri A.M. Ghogre, Id. P.O. for R-1&2. None for intervener.

Put up the matter along with O.A. 411/2017 (D.B.).

S.O. four weeks.

Member(A)

Vice-Chairman(J)

dnk.

C.P. 04/18 in O.A. No.22/2016. (S.B.)

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

Dated : 05/04/2018

There is a leave note from Shri S.P. Palshikar, Id. counsel for the applicant. Shri A.M. Ghogre, Id. P.O. for R-1&2. None for intervener.

Put up the matter along with O.A. 411/2017 (D.B.).

S.O. four weeks.

Member(A)

Vice-Chairman(J)

dnk.

C.P. 04/18 in O.A. No.304/2016. (S.B.)

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

Dated : 05/04/2018

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

2. As per the order dated 12/04/2017 in O.A. 304/2016 the O.A. was partly allowed and the respondents were directed to consider various representations filed by the applicant as regards counting of his service w.e.f. 01/02/1983 to 31/01/2013 as per rules and if the applicant is entitled to counting of such service period, pay and pension be re-fixed.

3. The learned P.O. has placed on record the copy of the communication dated 8/3/2018 which marked Exh-X for the purposes of identification and submits

that the order has been complied. The learned counsel for the applicant submits that he is not satisfied with the order passed by the respondent authorities and submits that the application may be disposed of with liberty to challenge the said communication by filing fresh O.A.

4. In view thereof, nothing survives in this contempt petition no.04/2018 and hence the following order :-

ORDER

The Contempt Petition no.04/2018 stands disposed of with liberty to the applicant to challenge the communication dated 08/03/2018 by filing fresh O.A. No order as to costs.

Member(A)

Vice-Chairman(J)

dnk.