

O.A. No.629/2017. (S.B.)

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

Dated : 4th January 2018.

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

Closed for orders.

Vice-Chairman(J)

pdg

O.A. No.183/2017. (S.B.)

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

Dated : 4th January 2018.

C.A. 525/2017.

Heard Shri S. Singh, the Ld. counsel for the applicant and Shri D.M. Kakani, the Ld. special counsel for the respondents.

Closed for orders.

Vice-Chairman(J)

pdg

O.A. No.931/2017. (S.B.)

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

Dated : 4th January 2018.

C.A. 525/2017.

Heard Shri S. Singh Bajwa, the Ld. counsel for the applicant and Shri D.M. Kakani, the Ld. special counsel for the respondents.

Closed for orders.

Vice-Chairman(J)

pdg

O.A. No.126/2017. (S.B.)

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

Dated : 4th January 2018.

C.A. 550/2017.

1. Heard Shri Anand Deshpande, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the Ld. P.O. for the respondent No.1. None for R. 2 and 3.
2. The applicant wants to add the Director of Education (Secondary and Higher Secondary), Pune as respondent No.4 in the O.A. Since the applicant has served under the said respondent for a certain period, he wants to make amendment to that effect. For the reasons stated in the application, application for amendment is allowed. Amendment be incorporated within one week.
3. On amendment, issue notice to newly added respondent No.4 returnable after **four weeks.**
4. Shri V.A. Kulkarni, the Ld. P.O. waives notice for respondent No.1. Hamdast granted.
5. The respondents will be at liberty to file additional affidavit to the amended O.A.

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

7. 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.

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

9. The service may be done by hand delivery, speed post or courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within three weeks. Applicant is directed to file Affidavit of compliance and notice.

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

Vice-Chairman(J)

O.A. No.79/2017. (S.B.)

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

Dated : 4th January 2018.

C.A. 70/2017.

Heard Shri Sudhir Malode, the Ld. counsel for the applicant and Shri H.K. Pande, the Ld. P.O. for the respondents.

This is an application for condonation of delay in filing the O.A. The so-called delay is of three months only. For the reasons stated in the application, considering the fact that the applicant is claiming proper fixation of pension and refund of amount recovered from him illegally, application for condonation of delay is allowed in the interest of justice and equity.

O.A. No.79/2017.

The respondents have filed reply on behalf of R.4, the same is taken on record and a copy of which is supplied to the Ld. Counsel for the applicant. Reply affidavit of respondent Nos. 4 to 6 are now filed. Ld. P.O. seeks time to file reply of R. 1 to 3.

S.O. **two weeks** to file reply affidavit of R. 1 to 3.

Vice-Chairman(J)

pdg

O.A. No. 961/2017. (S.B.)

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

Dated : 4th January 2018.

Heard Shri A.P. Tathod, the Ld. counsel for the applicant and Shri A.M. Ghogre, the Ld. 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 two weeksq time to file reply affidavit.

S.O. two weeks.

Vice-Chairman(J)

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

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

Dated : 4th January 2018.

1. Heard Miss Rucha Pande, the Ld. counsel for the applicant and Shri A.M. Ghogre, the Ld. P.O. for the respondent Nos. 1 to 3.
2. The Ld. counsel for the applicant submits that she has already amended the O.A. But notices are not issued to the newly added respondents.
3. In view thereof, issue notice to respondent Nos. 4 and 5 returnable **after four weeks**.
4. Shri A.M. Ghogre, the Ld. P.O. waives notice for respondent Nos. 1 to 3. Hamdast granted.
5. Ld. P.O. seeks time to file reply affidavit of respondents.
6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.
7. 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.
8. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative

Tribunals (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

9. The service may be done by hand delivery, speed post or courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within three weeks. Applicant is directed to file Affidavit of compliance and notice.

S.O. **four weeks.**

Vice-Chairman(J)

pdg

O.A. No. 897/2017. (S.B.)

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

Dated : 4th January 2018.

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

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

The Ld. counsel for the applicant submits that the amount of Rs. 10,901/- is being recovered from the pension of the applicant from June 2017 and the said recovery is illegal and arbitrary. Such recovery is stayed till filing of reply.

S.O. **four weeks.**

Vice-Chairman(J)

pdg

O.A. No. 630/2013. (S.B.)

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

Dated : 4th January 2018.

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

The Ld. counsel for the applicant seeks time.

S.O. 12th January 2018.

Vice-Chairman(J)

pdg

O.A. No. 119 & 120 of 2014. (S.B.)

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

Dated : 4th January 2018.

Heard Shri Vipul Bhise, the Ld. counsel for the applicants and Shri A.M. Ghogre, the Ld. P.O. for the respondents.

The applicants are claiming regularization and extension of benefit of regularization as a Laboratory Technician from the date of his initial appointment. During the pendency of application, the Government issued a G.R. dated 30th March 2016 whereby the services of the applicants have been regularized, but from 30.3.2016, i.e. the date of the G.R. The Ld. counsel for the applicants submits that he wants to challenge the G.R. and particularly the date of implementation of the G.R. by way of amendment and seeks time to file amendment application accordingly.

S.O. **two weeks.**

Vice-Chairman(J)

pdg

O.A. No. 739/2017. (S.B.)

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

Dated : 4th January 2018.

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

The Ld. counsel for the applicant has filed rejoinder on behalf of the applicant, it is taken on record and a copy thereof is supplied to the Ld. P.O.

ADMIT.

Shri P.N. Warjekar, the Ld. P.O. waives notice for all the respondents.

S.O. **three weeks for final hearing.**

Vice-Chairman(J)

pdg

O.A. No. 507/2017. (S.B.)

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

Dated : 4th January 2018.

Heard Shri T. Rahul, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the Ld. P.O. for the respondents.

The Ld. P.O. has filed reply on behalf of R.4, the same is taken on record and a copy of which is supplied to the Ld. Counsel for the applicant. Ld. P.O. seeks time to file reply of R. 2 and 3.

S.O. two weeks.

Vice-Chairman(J)

pdg

**O.A. Nos. 183 and 931 of 2017. (S.B.)
(C.A. 525/2017 in O.A. No.183/2017).**

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

Dated : 4th January 2018.

1. Heard Shri S. Singh Bajwa, the Ld. counsel for the applicants and Shri D.M. Kakani, the Ld. special counsel for the respondents.

2. In both these O.As, the respective applicants have claimed that their respective suspension orders be revoked and they be reinstated in service.

3. The applicant in O.A. No.183/2017 P.R. Madavi has been kept under suspension vide order dated 27.11.2014, whereas the applicant in O.A. No.931/2017 V.T. Shende has been kept under suspension vide order dated 21.4.2017. It is the claim of the applicants that inspite of specific directions issued by the Honble Apex Court in **Ajay Kumar Choudhary V/s Union of India reported**

in (2015) 7 SCC 291 and the judgment delivered by the Hon'ble Bombay High Court in case of *State of Maharashtra V/s Shivram Sambhajirao Sadavarte reported in 2001 (3) Mh.L.J. 249*, the respondent authorities have not taken any action in respect of suspension of the applicants and, therefore, the applicants cannot be kept under suspension for an indefinite period.

4. The respondent No.1 in O.A. No. 183/2017 has taken an objection by filing C.A.No. 525/2017 to the jurisdiction of this Tribunal. In O.A.No.931/2017, the State has taken similar objection but orally. It is the contention of respondent No.1 that the Govt. of Maharashtra has not issued any nonfiction U/s 15 (2) and (3) of the Administrative Tribunals Act, 1985 and, therefore, this Tribunal has no jurisdiction to decide the O.As.

5. Shri D.M. Kakani, the Ld. special counsel for the respondents has relied on the judgment delivered by this Tribunal, Mumbai Bench in *T.A.No.43/1993 (Regular C.A. No.379/1987 in Regular Civil Suit No. 285/1981 (District Pune)*

on 30.6.1995 in case of Maharashtra Water Supply and Sewerage Board and others V/s Sheikh Afjal Abdul Rehman.

In the said case, it was held that the *Maharashtra Water Supply and Sewerage Board* is a company controlled by the Government and the Government has not issued notification U/s 15 (2) of the Administrative Tribunals Act, 1985, making the provision of the said Act applicable to local or other departments and the company or society controlled or owned by the State Government and, therefore, the provisions of the Administrative Tribunals Act, 1985 are not applicable.

6. In this regard, it is material to mention that the applicants have filed a copy of one G.R. dated 23.3.2017 issued by Govt. of Maharashtra whereby a decision has been taken to give status of Government servant to the employees of Maharashtra Jeevan Pradhikaran. It has been mentioned in the said G.R. that a separate action will be taken to declare such employees as Govt. servants. In view of this subsequent development, it is necessary to see whether the status of

Govt. servant has been granted to the employees of the Maharashtra Jeevan Pradhikaran like the applicants and whether any subsequent action has been taken by the Government as per G.R. dated 23.3.2017. In view of this, it will not be proper to dispose of the O.As on this preliminary point at this juncture. It will be in the interest of justice and equity to direct the respondents to file an affidavit so as to make the disputed fact clear. The respondent No.1 is therefore directed to file an affidavit as regards G.R. dated 23.3.2017 and to state as to whether the Govt. has decided to treat the employees like the applicants as Govt. servants and whether the Govt. has taken any separate action as stated in the G.R. to give the employees like the applicants the status of Govt. servants.

S.O. **5.1.2018.**

Vice-Chairman(J)

Cont. Pet. 31/17 in O.A. No. 366/15 (DB)

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

Dated : 04.01.2018.

Shri Neware, Id. counsel holding for Shri S.R. Charpe, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

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

Vice Chairman (J)

dnk.

O.A. No. 808/2016 (DB)

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

Dated : 04.01.2018.

C.A.512/17 in C.P. St. 2788/17

Heard Shri N.S. Badhe, Id. counsel for the applicants and Shri A.P. Potnis, Id. P.O. for the respondents.

2. A detailed order was passed on 7/12/2017 and the respondents were directed to take steps to comply with the order within one week. The learned P.O. has placed on record the communication which is marked Exh-X from which it seems that in order in dispute has been complied. The learned counsel for the applicant also agreed with the same. In view thereof, the C.A. as well as Cont. Petition (St.) stand disposed of.

Vice Chairman (J)

dnk.

Cont. Pet. 08/17 in O.A. No. 566/16 **(DB)**

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

Dated : 04.01.2018.

Heard Shri P.V. Thakre, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. The learned counsel for the applicant submits that the impugned order has been

complied. The learned P.O. has also filed on record reply-affidavit along with the compliance order. The copy of the same is served on the applicant. In view of the fact that the impugned order has been complied, the Cont. Petition No.08/17 stands disposed of accordingly.

Vice Chairman (J)

dnk.

O.A. No. 639/2009 (DB)

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

Dated : 04.01.2018.

C.A. 362/17 in Cont. Pet. No.25/17

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

2. The learned P.O. has placed on the record communication dated 15/12/2017 along with the certain documents and submits that the said communication and the documents are marked Exh-X. The learned P.O. submits that the order has been complied. The learned counsel for the applicant wants to go through the same and

therefore at his request, the matter be kept in
Next week.

Vice Chairman (J)

dnk.

O.A. No. 948/2017 (DB)

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

Dated : **04.01.2018.**

None for the applicant.

Shri S.A. Deo, Id. CPO for respondent
no.2. Await service of R-2.

At the request of Id. CPO, **S.O. three**
weeks for filing reply.

Vice Chairman (J)

dnk.

Cont. Pet. 02/15 in O.A. No. 642/11 (DB)

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

Dated : 04.01.2018.

Heard Shri R.V. Shiralkar, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the respondents.

2. In O.A.Nos. 255/2011 and 642/2011 this Tribunal was pleased to pass order on 30/08/2013 whereby the O.As. were partly allowed to the extent of claim of interest. The respondents were directed to pay interest to all the applicants on outstanding amount from the date on which same has become due at prevalent rates in respective years.

3. The respondent no.3 has filed affidavit-in-reply on 21/09/2017 and it is stated that the order has been complied. The receipt on behalf of applicants for receiving the interest amount is also filed along with the said affidavit. The learned counsel for the applicants submits that the Contempt Petition can be disposed of only on condition that the applicants will be given liberty to file representation, if they are not satisfied with the calculation of the interest. In view thereof, the Cont. Pet. No.02/2015 in O.A. 642/2011 stands disposed of with liberty to the applicants

to file representation, if they are not satisfied with the interest calculated by the respondents. No order as to costs.

Vice Chairman (J)

dnk.

Cont. Pet. 02/16 in O.A. No. 914/12 **(DB)**

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

Dated : 04.01.2018.

Shri P.N. Warjurkar, Id. P.O. for the applicant and Smt. P.D. Sood, in person for the respondent.

2. Smt. P.D. Sood in person for the respondent present and seeks time to file reply-affidavit in the Contempt Petition. In fact the matter is pending since 2016 and since last two

years reply is not filed. In the interest of justice a last chance is granted to the respondent to file reply.

S.O. four weeks.

Vice Chairman (J)

dnk.

Cont. Pet. 05/17 in O.A. No. 499/14 **(DB)**

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

Dated : 04.01.2018.

Heard Shri M.V. Mohokar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. In O.A.No.499/2014 this Tribunal on 03/03/2015 has directed the respondents to decide the period of suspension of the applicant according to law and to release the outstanding terminal benefits to the applicant within three months. The aspect of interest was kept open.

3. The learned counsel for the applicant admits the fact that the suspension period of the applicant has been decided and the outstanding

terminal benefits for the said period has been paid to the applicant. Therefore the main order passed by this Tribunal has been complied.

4. The learned counsel for the applicant however submits that the applicant has filed affidavit on 5/12/2017 along with the copy of the representation dated 23/11/2017 to the respondent authorities whereby the applicant has claimed interest on the arrears paid to the applicant. The applicant is claiming interest as per the provisions of Rule 129 (A) & (B) of the Maharashtra Civil Services (Pension), Rules, 1982. The order passed by this Tribunal in O.A.499/2014, it was specifically stated that the aspect of interest was kept open. In view of this, the question of payment of interest cannot be a part of Contempt proceedings. The applicant, however, will be entitled to claim such interest by filing representation, which he has already filed.

5. The learned counsel for the applicant submits that the application can be disposed of and directions may be issued to the respondent authorities to consider his representation within stipulated period and liberty be granted to the applicant to file separate O.A., if he is not satisfied with the order regarding interest. The learned P.O. also agrees that the application can be disposed of. In view thereof, the Contempt Petition No.05/2017 in O.A.499/2014 stands disposed of. The respondents are

directed to take decision on the representation filed by the applicant as regard interest on delayed payment within a period of three months from the date of this order. The applicant will be at liberty to file separate O.A., if interest is not paid or his representation is not considered satisfactorily.

Vice Chairman (J)

dnk.

Cont. Pet. 07/17 in O.A. No. 270/17 **(DB)**

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

Dated : 04.01.2018.

Heard Shri G.N. Khanzode, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. In view of the order was passed in O.A. No. 270/2017 on 23/6/2017, the respondent no.3 was directed to grant benefit of second time bound promotional pay scale to the applicant w.e.f. 26/10/2011 instead of 1/10/2014 and arrears were to be paid within three months. The learned P.O. submits that the applicant has been paid all arrears and order has been complied. He has also placed on record the communication to that effect which is marked Exh-X along with the documents. The documents includes the receipt of payment of arrears received by the applicant. The learned counsel for the applicant however submits that the order is not fully complied. He, therefore, seeks one week time to go through the same.

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

Vice Chairman (J)

dnk.

Cont. Pet. 11/17 in O.A. No. 90/16 **(DB)**

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

Dated : 04.01.2018.

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

2. The learned P.O. submits that the Review petition has already been filed in the O.A. in view of the observations made by the Honble High Court and the same is pending for receipt of return of notices. The matter be therefore kept along with Review Petition St. No.2915/2017.

Vice Chairman (J)

dnk.

Cont. Pet. 12/17 in O.A. No. 833/11 **(DB)**

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

Dated : 04.01.2018.

Heard A.V. Kale, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

2. As per the order dated 20/11/2017 this Tribunal was pleased to direct Shri Mahesh Pathak, Principal Secretary, Food and Civil Supplies to file affidavit answering the questions mentioned in the order. In view of the said order, Shri Mahesh Pathak, Principal Secretary,

Food and Civil Supplies has filed the affidavit. The same is taken on record. Copy of the same is served on the applicant. The learned counsel for the applicant submits that he wants time to go through the affidavit and therefore at his request, **S.O. one week.**

Vice Chairman (J)

dnk.

Cont. Pet. 13/17 in O.A. No. 804/11 **(DB)**

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

Dated : 04.01.2018.

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

2. As per the order dated 5/11/2014 in O.A. 804/2011 the respondents were to pay the interest at the rate of prevailing GPF rate of the year for delayed payment under each head from the date of retirement, i.e., 30/4/2011 till the date of payment. The learned P.O. has filed on record the letter dated 11/10/2017 mentioning therein that all the amount has been paid except interest on the arrears. The learned counsel for the applicant however placed on record one communication received from the A.G. to the

Tahsildar, Samudrapur dated 20/11/2017 from which it seems that the some compliance is to be made by the applicant. The learned P.O. submits that last bill was already submitted to the Treasury Office and the same is expected to be passed within a week. The learned P.O. is therefore directed to see that all the payment is made to the applicant on or before 11/01/2018.

S.O. 11/01/2018.

Vice Chairman (J)

dnk.

Cont. Pet. 14/17 in O.A. No. 112/15 **(DB)**

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

Dated : 04.01.2018.

Heard the applicant in person and Shri M.I. Khan, Id. P.O. for the respondents.

2. As per order dated 11/06/2015 in O.A. 112/2015 this Tribunal was pleased to direct the respondents to pass necessary order within three months from the date of receipt of the order and thereafter to pay the retiral benefits immediately. It seems that the applicant got retired on 30/6/2013 and his pension was not released only because the period of absence from 29/1/1990 to 24/1/1996 was not decided. For that purpose he filed O.A.No. 40/1995 which was decided on 3/2/2009. Thereafter the pension was not released because no due / no inquiry certificate was not submitted and therefore the respondents were directed to decide the absence period and to pay the pensionary benefits. The applicant has received provisional pension, GPF arrears and gratuity amount. However the regular pension is not received till today. It is stated that the said proposal has already been submitted and passed by the Treasury. The learned P.O. submits that the proposal for revised pension has been submitted to the A.G. and it is expected to be passed within a week. He, therefore, seeks one week time for the compliance. Today Dr. Manisha Khobragade, Medical Officer (Admn.) present on behalf of respondent no.5. She is directed to see that the proposal submitted to the A.G. shall be sanctioned and the arrears will be paid to the applicant within two weeks at any costs. Hence, matter be kept after two weeks.

S.O. after two weeks.

Steno copy be supplied to the learned P.O.

Vice Chairman (J)

dnk.

Cont. Pet. 15/17 in O.A. No. 707/09 **(DB)**

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

Dated : 04.01.2018.

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

2. As per order dated 9/6/2016 in O.A. No. 707/2009 this Tribunal was pleased to direct the respondents to review the orders dated 4/2/2003 and 18/5/2007 which were quashed and set aside and to grant a less harsh punishment to the late applicant so that his family gets some reasonable financial relief.

3. The learned P.O. has placed on record the affidavit-in-reply on behalf of respondent no.3, the Divisional Commissioner, Nagpur along with the order passed on 9/3/2017 and other

documents. From the documents and affidavit it is clear that the respondent authorities have complied with the order passed by this Tribunal. The punishment has been reduced and not only that the family pension has been sanctioned in favour of the applicant. The learned counsel for the applicant however submits that he will be granted one week time to make a statement in this regard.

S.O. one week.

Vice Chairman (J)

dnk.

Cont. Pet. 17/17 in O.A. No. 687/14 **(DB)**

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

Dated : 04.01.2018.

Shri R.V. Shiralkar, Id. counsel holding for Shri A.C. Dharmadhikari, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 to 3 and Ms. Dhanashree Gurnule, Id. counsel holding for Ms. V. Khadekar, Id. counsel for R-4&5. None for R-6.

2. As per order passed in O.A.no.687/2014 on 25/6/2015 the respondents were directed to finalize the pension case of the applicant within three months and to make payments under different heads and to pay interest also. The learned counsel for R-4&5 submits that the order has been complied and she may be granted time to file affidavit. At her request, **S.O. two weeks.**

Vice Chairman (J)

dnk.

Cont. Pet. 18/17 in O.A. No. 574/16 (DB)

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

Dated : 04.01.2018.

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

2. The learned counsel for the applicant submits that in the applicant's affidavit dated 13/11/2017 he has specifically stated that he has

not received the amount which includes GIS, Commuted amount of monthly pension, arrears of pension from 2/8/2013 till date and the medical bill while working at Morshi. In spite such specific affidavit, the applicant has yet not received the benefits.

3. The learned P.O. submits that the most of the amounts have been paid to the applicant and the bill of GIS is to be submitted to the Treasury Office, but the applicant has not approached the office as his signature is required. The learned counsel for the applicant is therefore requested to direct to the applicant to appear the Office on Monday, i.e., on 8/1/2018. The respondents are directed to immediately submit the bill to the Treasury Office and to see that the all amount is paid to the applicant forthwith. For compliance, **S.O. two weeks.**

Vice Chairman (J)

dnk.

Cont. Pet. 24/17 in O.A. No. 530/14 **(DB)**

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

Dated : 04.01.2018.

Shri A.P. Jibhkate, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondent nos. 2 to 4. Shri S.S. Pandit, Id. counsel for R-1.

At the request of Id. counsel for the applicant, **S.O. Next week.**

Vice Chairman (J)

dnk.

Cont. Pet. 32/17 in O.A. No. 75/16 **(DB)**

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

Dated : 04.01.2018.

Shri N.R. Saboo, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1 to 3 and Shri S.S. Shinde, Id. counsel for R-4.

At the request of Id. counsel for the applicant as well as Id. P.O., **S.O. two weeks** along with other connected matter.

Vice Chairman (J)

dnk.

Cont. Pet. 33/17 in O.A. No. 42/16 **(DB)**

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

Dated : 04.01.2018.

Shri N.R. Saboo, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1 to 3 and Shri S.S. Shinde, Id. counsel for R-4.

At the request of Id. counsel for the applicant as well as Id. P.O., **S.O. two weeks** along with other connected matter.

Vice Chairman (J)

dnk.

Cont. Pet. 29/17 in O.A. No. 378 to 381/16 **(DB)**

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

Dated : 04.01.2018.

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

2. As per order passed in O.A. Nos. 378,379,380 & 381 of 2016 on 20th February,2017, the recovery, if any, made from the applicants was to be refunded within a period of six weeks and the entire compliance was to be made by revising all the pensionary benefits also. The learned P.O. has placed on record the communication dated 20/12/2017 along with communication dated 19/12/2017 giving details of the amounts paid to the applicants. The learned P.O. submits that the order of this Tribunal has been complied. Shri Bharat Kulkarni, Id. counsel for the applicant also admits that the Tribunal's order has been duly complied. The Contempt

Petition no.29/17 in O.A. Nos. 378 to 381/16 therefore stands disposed of with no order as to costs.

Vice Chairman (J)

dnk.

Cont. Pet. 34/17 in O.A. No. 69/05 **(DB)**

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

Dated : 04.01.2018.

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

2. As per the order passed in MCA No.70/16 in C.A. 554/16 in O.A. 69/2005 on 9/1/2017, the

respondents were directed to decide the applicants representation within a period of six months from the date of the order. Admittedly till today no representation has been decided.

3. The learned P.O. submits that as per the communications dated 16/11/2017 and 20/11/2017 (P-37&38) the respondent no.4 was directed to take decision on the representation filed by the applicant. The respondent no.4. is therefore directed to remain present before this Tribunal on the next date and to state as to whether the decision has been taken on the representation and if not, why ?. He shall file affidavit in person to that effect.

4. **S.O. two weeks.**

Vice Chairman (J)

dnk.

Cont. Pet. 35/17 in O.A. No. 394/14 **(DB)**

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

Dated : 04.01.2018.

Smt. B.M. Kesare, Id. counsel holding for Shri N.S. Khandewale, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The learned counsel for the applicant seeks one week time to file affidavit as regards

the compliance of the order. At her request, **S.O. one week.**

Vice Chairman (J)

dnk.

Cont. Pet. 36/17 in O.A. No. 487/15 **(DB)**

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

Dated : 04.01.2018.

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

2. As per order dated 4th May,2017 it was directed that the applicant and learned P.O. to file statement regarding unpaid amount. The learned P.O. submits that he has given the statement in the reply-affidavit filed on behalf of respondent no.3 in the Misc. Application. The learned counsel for the applicant seeks two weeksqtime to file affidavit. At his request, **S.O. two weeks.**

Vice Chairman (J)

dnk.

Cont. Pet. 37/17 in O.A. No. 233/11 (DB)

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

Dated : 04.01.2018.

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

2. The learned P.O. files affidavit on behalf of R-2, Deputy Director of Health Services, Nagpur and submits that the order has already been complied. The same is taken on record. Since nobody appeared for the applicant today, the matter be kept after **one week**.

Vice Chairman (J)

dnk.

