

O.A. No. 715/2018.

(SB)

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

Dated : 30th April 2019

C.A. 272/2018.

Heard Shri P.V. Thakre, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the Ld. P.O. for the respondents.

After reading the application for condonation of delay and the documents filed alongwith the O.A., it seems that the proposal for voluntary retirement was submitted by the applicant on 31st May 2009. That proposal is not decided till today. Under these circumstances, it should not lie in the mouth of the respondents that the application is barred by limitation. Hence, the O.A. be registered. C.A. is disposed of.

O.A. No. 715/2018.

1. Issue notice on O.A. to R. 1 to 5 returnable after summer vacation.
2. Ld. P.O. submitted that notice be waived for all respondents.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is

put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

7. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. S.O. **after summer vacation.**

Member (J)

Dt. 30.4.2019.

Pdg

O.A. No. 59/2019.

(SB)

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

Dated : 30th April 2019

Heard Shri S.P. Palshikar, the Ld. counsel for the applicant and Shri H.K. Pande, the Ld. P.O. for the respondents 1 and 2. None for R.3.

S.O. 11th June 2019.

Member (J)

Dt. 30.4.2019.

pdg

O.A. No. 163/2019.

(SB)

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

Dated : 30th April 2019

C.A. 85/2019.

Heard Shri N.B. Rathod, the Ld. counsel for the applicant and Shri A.M. Ghogre, the Ld. P.O. for the respondents 1 to 3. None for R.4.

Closed for orders.

Member (J)

Dt. 30.4.2019.

pdg

O.A. No. 132/2019.

(SB)

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

Dated : 30th April 2019

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

S.O. 2nd week of June 2019.

Member (J)

Dt. 30.4.2019.

pdg

O.A. No.213 /2019.

(SB)

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

Dated : 30th April 2019

Heard Shri G.K. Bhusari, the Ld. counsel for the applicant and Shri P.N. Warjekar, the Ld. P.O. for the respondent no. 1. Shri P.D. Meghe, Adv. for R.5.

The applicant to file service affidavit of R. 2 to 4.

S.O. **after vacation.**

Member (J)

Dt. 30.4.2019.

pdg

O.A. No. 236/2019.

(SB)

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

Dated : 30th April 2019

Heard Shri R.V. Shiralkar, the Ld. counsel for the applicant and Shri H.K. Pande, the Ld. P.O. for the respondents 1 and 2. None for R.3.

S.O. **after vacation** at the request of Ld. P.O. for filing reply.

Member (J)

Dt. 30.4.2019.

pdg

O.A. No. 197/2018.

(SB)

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

Dated : 30th April 2019

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

Ld. P.O. has filed reply on behalf of R. 1 to 4 and its copy is supplied to the Ld. counsel for the applicant.

Matter is admitted for final hearing.

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

S.O. 3rd week of June 2019.

Member (J)

Dt. 30.4.2019.

pdg

O.A. No.300 /2018.

(SB)

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

Dated : 30th April 2019

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

Ld. P.O. submitted reply of respondent Nos. 1 to 4.

Matter is admitted and kept for final hearing in due course.

Shri V.A. Kulkarni, the Ld. P.O. waives notice for the respondents.

S.O. **in due course.**

Member (J)

Dt. 30.4.2019.

pdg

O.A. No. 681/2018.

(SB)

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

Dated : 30th April 2019

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

At the request of Ld. P.O. for filing reply, S.O. **1st week of June 2019.**

Member (J)

Dt. 30.4.2019.

pdg

O.A. No. 794/2018.

(SB)

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

Dated : 30th April 2019

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

Ld. P.O. has filed reply on behalf of R. 1,2 and 3 and its copy is supplied to the Ld. counsel for the applicant.

Matter is admitted for final hearing.

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

S.O. **in due course.**

Member (J)

Dt. 30.4.2019.
pdg

O.A. No. 949/2018.

(SB)

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

Dated : 30th April 2019

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

Ld. P.O. has filed reply on behalf of R.2 and its copy is supplied to the the Ld. counsel for the applicant.

S.O. after summer vacation.

Member (J)

Dt. 30.4.2019.

pdg

O.A. No. 304/2019.

(SB)

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

Dated : 30th April 2019

C.A. No.173/2019.

Heard Shri S.R. Charpe, the Ld. counsel for the applicants and Shri A.M. Ghogre, the Ld. P.O. for the respondent No.1.

2. The applicants are challenging the orders of recovery which are identical in nature.

3. The applicant are disputing the correctness of the order of recovery on the ground that there is an error committed by the Pay Anomaly Committee. In view of this matter, as the dispute can be decided conveniently in one proceeding, therefore the C.A. is allowed and disposed of.

O.A. No. 304/2019.

1. My attention is invited to the order passed in O.A. No. 892/2017. In that matter, it was observed that as per the objections raised by the Pay Anomaly Committee, now the applicants will have to receive less salary than their juniors and it was in violation of Note No.5, Clause-7 of

the Notification dated 22.4.2009 and relying on the directions in the Notification in O.A. No. 892/2017 in identical matters, direction is given to the respondents not to start recovery. In view of this, it is suitable to direct the respondents not to initiate the proceedings to recover any amount from the applicants till filing of reply by the respondents.

2. S.O. **2nd week of June 2019.**

3. Issue notice to R. 2 to 8 returnable after summer vacation.

4. Shri A.M. Ghogre, the Ld. P.O. waives notice for the respondent No.1. Hamdast granted.

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

6. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

7. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as

limitation and alternate remedy are kept open.

8. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

9. In case notice is not collected within **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. **2nd week of June 2019.**

Member (J)

Dt. 30.4.2019.

pdg

O.A. No. 297/2019.

(SB)

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

Dated : 30th April 2019

Heard Shri Mukesh Chandekar, Adv. holding for Shri S.S. Dhengale, the learned counsel for the applicant and Shri S.A. Sainis, the Ld. P.O. for the respondent No.1.

2. Issue notice. to R. 2 to 5 returnable on **2nd week of June 2019.**

3. Shri S.A. Sainis, the Ld. P.O. waives notice for the respondent No.1. Hamdast granted.

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. **2nd week of June 2019.**

Member (J)

Dt. 30.4.2019.
Pdg

O.A. No. 305/2019.

(SB)

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

Dated : 30th April 2019

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

2. Issue notice to R. 2 to 4 returnable after summer vacation.

3. Shri A.M. Ghogre, the Ld. P.O. waives notice for the respondent No.1. Hamdast granted.

3-A. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

7. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. S.O. **7th June 2019.**

Member (J)

Dt. 30.4.2019.

pdg

O.A. No. 933 of 2017. (SB)

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

Dated : 30th April 2019

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.

Member (J)

Dt. 30.4.2019.

pdg

O.A. No. 934 of 2017.

(SB)

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

Dated : 30th April 2019

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

S.O. **12th June 2019** for further hearing.

Member (J)

Dt. 30.4.2019.

pdg

O.A. No. 558/2015.

(SB)

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

Dated : 30th April 2019

Heard Shri A. Deshpande, Adv. holding for Shri S. Khandekar, the Ld. counsel for the applicant and Shri S.A. Sainis, the Ld. P.O. for the respondents.

At the request of the Ld. counsel for the applicant, S.O. **after summer vacation.**

Member (J)

Dt. 30.4.2019.

pdg

O.A. No. 22/2017.

(SB)

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

Dated : 30th April 2019

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

At the request of the Ld. P.O., S.O.

10.6.2019.

Member (J)

Dt. 30.4.2019.

pdg

O.A. No. 213/2019.

(SB)

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

Dated : 30th April 2019

Heard Shri G.K. Bhusari, the Ld. counsel for the applicant and Shri P.N. Warjekar, the Ld. P.O. for the respondents 1 to 4. Shri P.D. Meghe, Adv. for R.5.

The applicant to file service affidavit regarding respondent Nos. 2 and 3.

S.O. **after vacation.**

Member (J)

Dt. 30.4.2019.

pdg

O.A. No. 457/2018.

(SB)

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

Dated : 30th April 2019

Heard Mrs. K.N. Saboo, the Ld. counsel for the applicant and Shri M.I. Khan, the Ld. P.O. for the respondents 1 to 3 and 5. None for R.4.

It is submitted that the representation of the applicant dated 13.6.2018 is pending with the respondents and no decision is yet taken. Therefore, if direction is given to the respondents to decide the representation of the applicant dated 13.6.2018 and consider the request at the time of Annual General Transfers, 2019, the applicant would get relief. Hence, the respondents are directed to decide the representation of the applicant dated 13.6.2018 while effecting the general transfers of 2019. O.A. stands disposed of accordingly. No order as to costs.

Member (J)

Dt. 30.4.2019.

pdg

O.A. No. 22/2017.

(SB)

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

Dated : 30th April 2019

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

At the request of the Ld. P.O., S.O.
10.6.2019.

Member (J)

Dt. 30.4.2019.

pdg

O.A. No. 46/2019. (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).
Dated : 30th April 2019**

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

S.O.11. 6.2019.

Member (J)

Dt. 30.4.2019.

Pdg

O.A. No. 308/2019. (SB)

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

Dated : 30th April 2019

Heard Shri P.S. Wathore, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the Ld. P.O. for the respondent No.1.

2. It is brought to my notice that the applicant is disabled due to paralysis and percentage of disability is 50%. The Medical Board has issued certificate which is dated 1.3.2000. It is submitted that in the year 2016, the applicant was operated as steel rod is implanted in his leg. It is the grievance of the applicant that in the month of February, 2019, all these facts were brought to the notice of the transferring authority, but without considering the difficulty of the applicant and his readiness to work in naxalite affected area, he is transferred to Amravati which will cause great prejudice. It is submitted that the impugned transfer order is in violation of policy laid down in the G.R. dated 9.4.2018. As per Appendix-1 (2), it is mentioned that the Govt. servants who are disabled and are protected by Disability Act, 1995 and particularly the Govt. servants who are suffering from cancer, paralysis, kidney disease, dialysis, brain tumour etc. they will be given convenient posting if it is available. It is submitted that the applicant is not yet relieved and there are vacancies in the Chandrapur district and he can be adjusted there. In view of this, it is necessary to stay the transfer of the applicant only till filing of reply by the respondents.

3. Issue notice. to R. 2 returnable after summer vacation.

4. Shri A.M. Khadatkar, the Ld. P.O. waives notice for the respondent No.1. Hamdast granted.

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

6. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

8. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

9. In case notice is not collected within **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. **after summer vacation.**

Steno copies be provided to both parties.

Member (J)

Dt. 30.4.2019.

Pdg

O.A. No. 297/2019. (SB)

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

Dated : 30th April 2019

None for the applicant. Shri A.M. Khadatkar, the Ld. P.O. for the respondent No.1.

2. Issue notice. to R. 2 to 5 returnable on **2nd week of June 2019.**
3. Shri A.M. Khadatkar, the Ld. P.O. waives notice for the respondent No.1. Hamdast granted.
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. **2nd week of June 2019.**

Member (J)

Dt. 30.4.2019.

Pdg

O.A. Nos. 610 and 973 of 2017.

(SB)

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

Dated : 30th April 2019

Heard Shri G.G. Bade, the Ld. counsel for the applicants and Shri M.I. Khan, the Ld. P.O. for the respondents.

2. The Ld. counsel for the applicants filed pursis and submitted that on 2.8.2017, the applicants have made representation to respondent No.2 for seeking transfer from S.T.P.F. and that representation is pending. It is submitted by the Ld. counsel for the applicants that specific direction be given to respondent No.2 to decide the representation within stipulated period. Hence the respondent No.2 is directed to take a decision on the representation dated 2.8.2017 within a period of three months from the date of this order. O.A. stands disposed of with no order as to costs.

Member (J)

Dt. 30.4.2019.

pdg

O.A.No.190/2018 (D.B.)

Coram: Shri Shree Bhagwan, Member(A)
Dated : 30th April 2019.

Heard Shri M.R.Khan, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant has pointed out that O.A. was filed on 16.03.2018. However, the Id. P.O. has not filed reply till now. Today also Id. P.O. seeks four weeks time to file reply.

3. **S.O. 11.06.2019 as a last chance for reply.**

Member(A)

Date:-30/04/2019.
aps.

O.A.No.346/2018 (D.B.)

Coram: Shri Shree Bhagwan, Member(A)
Dated : 30th April 2019.

Heard Shri M.V.Joshi, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant submits that O.A. No. 208/2018 was already filed. He filed two more C.As., one for direction and another for amendment. But both the C.As. are not listed on board.

3. **S.O. 03.05.2019.**

Member(A)

Date:-30/04/2019.
aps.

O.A.No.142/2019 (D.B.)

Coram: Shri Shree Bhagwan, Member(A)
Dated : 30th April 2019.

Heard Shri A.D.Girdekar, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant pointed out previous order in O.A. No. 175/2015 (Annexure-A-6) by this Bench and he submits that this matter is identical to issue involved in the same O.A.. As per his submission on P.B., Pg. No. 25, applicant's are at Sr. No. 26 and 27 and in earlier O.A. persons involved are at Sr. Nos. 24 and 25.

3. Prima facie, it appears that issue involved in this O.A. is already covered in decision in the O.A. No. 175/2015 and same should get implemented.

4. However, the Id. P.O. is directed to file reply within two weeks time. **S.O. 04.06.2019 for reply.**

Member(A)

Date:-30/04/2019.
aps.

O.A.Nos.151/2016 & 700/2017 (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 30th April 2019.**

Shri S.B.Tiwari, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

2. Ld. Counsel for the applicant has filed pursis dated 25/04/2019 to withdraw the O.A.. He is permitted to withdraw the same.

3. Hence, **the O.A. is disposed of as withdrawn with no order as to costs.**

Member(J)
Date:-30/04/2019.
aps.

Member(A)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 30th April 2019.

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

2. The main attack of the applicant is on the provision under Section 6, Section 9 and r.w. Rule 7 of the Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act 2013. It is submitted that various provisions under Section 9, Section 10 Section 6 are violated and without giving proper opportunity the decision is taken by the Committee. The objection raised by the applicant cannot be decided summarily at interim stage. The decision is taken by the Committee for initiation of Departmental Enquiry as provided under Section 13 (3) (i) of the 2013 Act as contemplated under Maharashtra Civil Services (Discipline and Appeal) Rules, 1979. It is submitted that the enquiry is yet not initiated.

3. It is submission of Id. P.O. that the Department is intending to place before this Bench the entire record and evidence in support of the allegation made against the

applicant. It is submitted that the conduct of the applicant is severe misconduct and, therefore, opportunity be given to the Department to place this material on record.

4. In view of this, we are of the view that, it is necessary to direct the Department not to proceed with the recommendation of the Committee dated 02/02/2019.

5. In the meantime, the respondents shall place before the Bench the relevant record of Internal Committee. The O.A. be fixed for the final hearing on **S.O. 11/06/2019.**

Member(J)
Date:-30/04/2019.
aps.

Member(A)

O.A.No.395/2018 (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 30th April 2019.**

C.P.11/2019:-

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. It is submitted by Id. counsel for the applicant that two posts are still vacant at Aurangabad.

3. In reply dated 16.04.2019 in para no. 04, respondents have admitted that, the Police Inspectors have been transferred on request vide office order dated 26.02.2019.

4. In view of these admitted facts, we fail to understand why respondents have not taken decision as per order dated 09/10/2018 passed by this Tribunal.

5. In light of above facts, respondents are directed to take immediate decision as per the order dated 09.10.2018 passed by this Tribunal and communicate to applicant as well as this Tribunal through Id. P.O..

6. **S.O. 03/06/2019.**

7. Steno copy is granted.

Member(J)
Date:-30/04/2019.
aps.

Member(A)

O.A.No.26/2019 (D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 30th April 2019.

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant has filed Seniority list on P.B., Pg. No. 29 and he submits that Mr. Bagde at Sr. No. 3 is presently holding charge and he is going to retire on 31/05/2019. The seniority list is not finalized due to 'Code of Conduct of Parliament Election'.

3. The Id. counsel for the applicant has also relied on the Judgment delivered by Principle Bench, M.A.T., Mumbai, in which it has clarified provisions of G.R. dated 05.09.2018 (A-A-10) and further in para no. 25 (ii) of the order of the O.A. No. 38/2019, delivered on 12.02.2019, it has been explained in details.

4. The Id. Counsel for the applicant has also placed on record, G.A.D. circular No. , I v/kj0gh 2018@i zcz208@dk; k12] frukd 05-09-2018 (Annexure-A-10) regarding guidelines for

handing over additional charge. In the said G.R. in para 2 (1) first criteria has been mentioned as seniority.

5. In view of above facts, respondents are directed to give additional charge after 31/05/2019, as per the seniority list maintained by them and senior most person in the seniority list should be given additional charge till finalization of provisional seniority list.

6. **S.O. After Summer Vacation.**

7. **Steno copy is granted.**

Member(J)
Date:-30/04/2019.
aps.

Member(A)

O.A.No.306/2019 (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 30th April 2019.**

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

2. It is submitted by Id. counsel for the applicant that he will remove the office objection in due course. Issue notice to the respondents returnable in the first week of June.

3. Issue notice to R-2, returnable on First week of June. 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. After Summer Vacation.**

Member(J)
Date:-30/04/2019.
aps.

Member(A)

O.A.No.307/2019 (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 30th April 2019.

Shri R.R.Changule, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State.

2. As submitted by Id. counsel for the applicant, the termination of the applicant is in violation of law. It was necessary to conduct the 'Departmental Enquiry' as contemplated under Rule 8 of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979.

3. We have perused the Kotwal Rule, as per the Rule 5, the appointment of Kotwal is upto 01st April of the following year and it is mentioned in the Rule that appointment shall be purely temporary and shall be liable to be terminated on any earlier day, if found necessary without notice and without assigning any reason. To verify, what is correct legal position, the Id. counsel for the applicant is directed to produce the appointment order of the applicant and Id. P.O. is also directed to show whether Kotwal Rules are repealed or till today they are in force.

4. The impugned order is dated 25/10/2017, the order was already executed. Now, the applicant is not in employment, **so there is no question of granting Interim Relief.**

5. Issue notice to R-1 & 2, returnable on after summer vacation. Learned P.O. waives notice for R-3. Hamdast allowed.

6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall 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. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

8. 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.

9. 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.

10. 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.

11. **S.O. after summer vacation.**

Member(J)
Date:-30/04/2019.
aps.

Member(A)

O.A.No.66/2013 (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 30th April 2019.**

C.A.Nos.174 & 175/2019:-

Shri A.S.Murthy, 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. After Summer Vacation for filing affidavit by applicant.**

**Member(J)
Date:-30/04/2019.
aps.**

Member(A)

O.A.No.436/2017 (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 30th April 2019.**

Ms. Chandurkar, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant has filed additional affidavit. It is taken on record. Copy is served to the other side.

3. S.O. 06.06.2019.

**Member(J)
Date:-30/04/2019.
aps.**

Member(A)

O.A.No.625/2018 (D.B.)

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

Dated : 30th April 2019.

Shri S.P.Palshikar, the Id. Counsel for
the applicant and Shri A.M.Ghogre, the Id. P.O.
for the respondents.

S.O. 07.06.2019.

**Member(J)
Date:-30/04/2019.
aps.**

Member(A)

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

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 30th April 2019.**

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

At the request of Id. P.O., **S.O.**
10.06.2019.

Member(J)
Date:-30/04/2019.
aps.

Member(A)

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

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

Dated : 30th April 2019.

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

2. The Id. P.O. submits that he has received parawise reply and he file the same within a week. He is directed to supply the same to the Id. counsel for the applicant in advance.

3. At the request of Id. P.O., **S.O. 03.06.2019.**

Member(J)
Date:-30/04/2019.
aps.

Member(A)

O.A.No.932/2017 (D.B.)

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

Dated : 30th April 2019.

Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

The Id. P.O. submits that he has received the parawise reply. At his request, **S.O. 11.06.2019 for reply.**

Member(J)
Date:-30/04/2019.
aps.

Member(A)