

**O.A. No.743/2015**

**(S.B.)**

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

**Dated : 8<sup>th</sup> January 2019.**

**C.A. No. 393/2018.**

Heard Shri D.R. Rupnarayan, learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

It seems that inadvertently the applicant has not claimed relief in the prayer clause, which, now, he wants to add by amendment. The learned counsel for the applicant submits that he will file an application for condonation of delay also. In the interest of justice, amendment is allowed. The applicant will be at liberty to file an application for condonation of delay within two weeks. Copy be supplied to the other side.

S.O. **two weeks** for filing reply to the amended O.A.

Vice-Chairman(J)

Dt. 8.1.2019.

pdg.

O.A. No.874/2017 (S.B.)

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

**Dated : 8<sup>th</sup> January 2019.**

Heard Miss Apurva Kolhe, Adv . holding for Shri T.U. Tathod, learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

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

Vice-Chairman(J)

Dt. 8.1.2019.

pdg.

O.A. No.259/2018

(S.B.)

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

**Dated : 8<sup>th</sup> January 2019.**

Heard Shri A.P. Sadavarte, learned counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondent No.1.

Ld. P.O. files reply affidavit on behalf of R. 2 and 3, same is taken on record and a copy thereof is supplied to the learned counsel for the applicant.

**ADMIT.**

Shri H.K. Pande, the learned P.O. waives notice for the respondent No.1.

Shri Tariq M. Jaheer, Adv. is filing Vakalatnama on behalf of R. 2 and 3.

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

Interim relief to continue till then.

Vice-Chairman(J)

Dt. 8.1.2019.

pdg.

**O.A. No.912/2018 (S.B.)**

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

**Dated : 8<sup>th</sup> January 2019.**

Heard Shri N.L. Jaiswal, learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents 1 and 2. Shri A.M. Kukday, Ld. Adv. for R. 3 and 4.

Ld. Adv. for R. 3 and 4 undertakes to file Vakalatnama on behalf of R. 3 and 4 and seeks time to file reply. Ld. P.O also seeks time to file reply.

**S.O. three weeks.**

Vice-Chairman(J)

Dt. 8.1.2019.

pdg.

**O.A. No.933/2018 (S.B.)**

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

**Dated : 8<sup>th</sup> January 2019.**

Heard Shri N.S. Autkar, learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

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

Ld. P.O. seeks time.

S.O. **four weeks.**

Vice-Chairman(J)

Dt. 8.1.2019.

pdg.

**O.A. No.963/2018 (S.B.)**

**(V.S. Kamatwar V/s State of Mah. and others).**

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

**Dated : 8<sup>th</sup> January 2019.**

Heard Shri Bharat Kulkarni, learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

The applicant has been kept under suspension w.e.f. 22.3.2018 and till today he has not been reinstated. The applicant has filed representation for revocation of his suspension on 11.6.2018, it is at Annexure A-3 and the same has not yet been decided. The learned counsel for the applicant has placed reliance on the judgment in O.A. No.35/2018 passed by Principal Bench of this Tribunal at Mumbai in which it has been observed by this

Tribunal that continuation of suspension beyond 90 days is disregarded. The said observation is on the basis of the judgment delivered by the Hon'ble Apex Court in case of **Ajay Kumar Choudhari V/s Union of India reported in (2015) 7 SCC-291.**

The said judgment gives guidelines as regards as to how within how many days suspension shall be decided. Time and again, the Govt. has issued Circulars to reconsider the cases of suspended employees periodically. In view thereof, O.A. can be disposed of by giving directions to the respondents to consider the representation of the applicant for revocation of suspension. Hence, I proceed to pass the following order:-

### **ORDER**

- (i) The O.A. stands disposed of with directions to respondent No.2 to consider the representation filed by the applicant dated 11.6.2018

in view of judgment passed by Principal Bench of this Tribunal at Mumbai in O.A. No.35/2018 and also in view of guidelines issued by the Hon'ble Apex Court in case of **Ajay Kumar Choudhari V/s Union of India reported in (2015) 7 SCC-291.**

- (ii) Necessary decision shall be taken within four weeks from the date of this order and it shall be communicated to the applicant in writing.
- (iii) No order as to costs.

Vice-Chairman(J)

Dt. 8.1.2019.

pdg.



O.A.No.976/2018

(S.B.)

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

**Dated : 8<sup>th</sup> January 2019.**

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

The Ld. P.O. appears on behalf of the respondents and submits that the case of the applicant is covered by the judgment delivered by Aurangabad Bench of the Bombay High Court W.P. No. 695/2016. In the said judgment, the amount recovered from the Government employee have been directed to be refunded. Ld. P.O. is, therefore, directed to take instructions as to whether the respondents are ready to refund the amount to the applicant and if yes, within how many days.

For taking instructions, S.O. **one week.**

Vice-Chairman(J)

Dt. 8.1.2019.  
pdg.

**O.A. No.846/2018 (S.B.)**

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

**Dated : 8<sup>th</sup> January 2019.**

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

2. The applicant has prayed for following reliefs:-

- (i) Revoke the suspension and take her back on work with immediate effect.
- (ii) Re-transfer her to her previous place of posting at Chandrapur.
- (iii) Pay the difference of subsistence allowance paid so far and treat the suspension period as duty

beyond 90 days of suspension.”

3. The applicant has been kept under suspension vide order dated 18.2.2017 (Page 20) and admittedly no charge-sheet has been filed against him in the departmental enquiry prior to 90 days. It is stated that now charge-sheet has been served on the applicant. But the Enquiry Officer is not yet appointed. In any case, enquiry has been initiated against the applicant. A criminal case under the Prevention of Corruption Act was also filed. In view of this, it will not be proper to retain the applicant at Chandrapur as prayed for by him in the interest of justice, fair enquiry and to avoid interference of the applicant. Prayer in this regard is, therefore, rejected.

4. So far as suspension is concerned, in reply affidavit, it has been stated that the Review Suspension Committee in its meeting dated 10.12.2018 has also taken a decision and recommended revocation of suspension of the applicant to the Govt. There is no reason as to why the subsequent order cannot be passed as early as possible in this regard. It seems that the Committee has also taken a decision to enhance subsistence allowance at the rate 75% vide order dated 4.12.2018. In view of this, application can be disposed of with following directions:-

**ORDER**

- (i) O.A. is partly allowed.
- (ii) The respondents are directed to take a decision on revocation of

suspension of the applicant within two weeks from the date of receipt of this order.

- (iii) The respondents are also directed to pay enhanced subsistence allowance to the applicant in view of decision taken by the respondents on 4.12.2018 as early as possible.
- (iv) Applicant's prayer for transfer at Chandrapur, however is rejected.
- (v) No order as to costs.

Vice-Chairman(J)

Dt. 8.1.2019.

pdg.

**O.A. No.885/2018 (S.B.)**

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

**Dated : 8<sup>th</sup> January 2019.**

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

The respondents have filed reply affidavit.

S.O. **two weeks** for filing rejoinder, if any.

S.O.

Vice-Chairman(J)

Dt. 8.1.2019.

pdg.

**O.A. No.349/2015**

**(S.B.)**

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

**Dated : 8<sup>th</sup> January 2019.**

Heard Miss Apurva Kolhe, Adv. holding for Shri A.S. Kilor, learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

The learned counsel for the applicant filed written notes of argument on behalf of the applicant, same is taken on record and a copy of which is supplied to the Ld. P.O. Ld. P.O. wants to through it.

Ld. P.O. has placed on record copy of decision whereby sanction has been accorded for prosecution, it is marked "X" for identification. Its copy is supplied to the learned counsel for the applicant.

S.O. **one week.**

Vice-Chairman(J)

Dt. 8.1.2019.

pdg.

**O.A. No.680/2015 (S.B.)**

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

**Dated : 8<sup>th</sup> January 2019.**

Heard Shri A.V. Gawande, learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents 1 to 3. None for R.4.

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

Vice-Chairman(J)

Dt. 8.1.2019.



pdg.

**O.A. No.838/2015**

**(S.B.)**

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

**Dated : 8<sup>th</sup> January 2019.**

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

The applicant is claiming revision in the pension as per the provisions of order dated 26.7.2017. He is also claiming difference in the revised pension. In reply affidavit, the respondents are justifying the fixation of pension and also giving a Chart as to how difference was drawn and paid to the applicant. It is, therefore, necessary for the applicant to state as to whether that Chart is corrected or not. The learned

counsel for the applicant seeks time to file rejoinder in this regard.

S.O. **one week.**

Vice-Chairman(J)

Dt. 8.1.2019.

pdg.

**O.A. No.559/2016**

**(S.B.)**

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

**Dated : 8<sup>th</sup> January 2019.**

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

The applicant was absent on 16.10.2018, 19.10.2018 and on 13.12.2018. However, the applicant claimed for circulation which was granted and matter has been fixed today. Today also, nobody appeared for the applicant. Reply is already filed in the mater and matter is fixed for final hearing, but none appered for the applicant today.

Hence, it be kept for dismissal on **11.1.2019.**

Vice-Chairman(J)

Dt. 8.1.2019.

pdg.

**O.A. No.533/2018 (S.B.)**

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

**Dated : 8<sup>th</sup> January 2019.**

Heard Mrs. N. Gautam, learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

The learned counsel for the applicant requested time to make submission.

S.O. **one week.**

To be treated as part heard.

Vice-Chairman(J)

Dt. 8.1.2019.

pdg.

O.A.No. 500/2015. (D.B.)

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

**Dated : 08<sup>th</sup> January 2019.**

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

The Id. P.O. filed the reply on behalf of the respondent no. 4. It is taken on record. Copy is served to the other side.

The Id. PO. is directed to take instructions from the department, whether vacancy in the parent department is existing?

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

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

**S.O. 22/01/2019.**

**Member(J)**  
**Date:-08/01/2019.**  
aps.

**Member(A)**

O.A.No. 940/2017. (D.B.)

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

**Dated : 08<sup>th</sup> January 2019.**

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

The Id. P.O. filed the reply on behalf of the respondent nos. 1, 3 & 4. It is taken on record. Copy is served to the other side. He further submits that there is no need to file the reply on behalf of the respondent no. 2.

The Id. counsel for the applicant desires time to file Rejoinder. At his request, **S.O. 23/01/2019.**

**Member(J)**  
**Date:-08/01/2019.**  
aps.

**Member(A)**

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

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

**Dated : 08<sup>th</sup> January 2019.**

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

The Id. P.O. has pointed out that the applicant is working in Rural Hospital, Yavatmal. The Id. counsel for the applicant is directed to make local officer as a respondents. He will make certain amendments within one week.

**S.O. two weeks.**

*I.R. granted in order dated 29/11/2018 in para no. 2 is continued till next date of hearing.*

**Member(J)**  
**Date:-08/01/2019.**  
aps.

**Member(A)**

**O.A.No. 677/2018. (D.B.)**

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

**Dated : 08<sup>th</sup> January 2019.**

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

The Id. P.O. filed the reply on behalf of the respondent no. 3. It is taken on record. Copy is served to the other side.

The Id. counsel for the applicant requires time to file Rejoinder, if any.

**S.O. two weeks.**

**Member(J)  
Date:-08/01/2019.  
aps.**

**Member(A)**



O.A.No. 728/2018. (D.B.)

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

**Dated : 08<sup>th</sup> January 2019.**

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

The Id. P.O. seeks one week time. At his request, **S.O. 16/01/2019 as a last chance.**

**Member(J)**  
**Date:-08/01/2019.**  
aps.

**Member(A)**

O.A.No. 937/2018. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)  
Dated : 08<sup>th</sup> January 2019.**

Shri G.K.Bhusari, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State. Await service of respondent nos. 2 & 3.

At the request of Id. counsel for the applicant, **S.O. one week** to file service affidavit.

**Member(J)**  
**Date:-08/01/2019.**  
aps.

**Member(A)**

**O.A.No. 1025/2018. (D.B.)**

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**  
**Dated : 08<sup>th</sup> January 2019.**

**C.A.No.398/2018:-**

Shri A.A.Dhawas, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

The Id. counsel for the applicant filed the Hon'ble High Court, Mumbai bench at Aurangabad in writ petition no. 10551 of 2018, dated 18/09/2018 and MAT, Aurangabad Bench T.A.No. 05/2018 (W.P.No.9261/2018) delivered on 11/09/2018. Which are taken on record. Copy is served to the other side.

The Id. C.P.O. submits that the applicant no. 3 is from Mumbai. The Id. counsel for the applicant is directed to delete the applicant no. 3 and liberty is granted to approach MAT, Mumbai for the applicant no. 3. Though the applicant nos. 1 & 2 is from Yavatmal. So they continue with the same bench.

The Id. counsel for the applicant relies on the Judgment of MAT, Aurangabad Bench and desires interim relief. At his request,

interim relief granted to the extend of applicants. The respondents are directed if any appointment is made, that will be subject to the outcome of the O.A.

**Hence, the C.A.No. 398/2018 is allowed. S.O. three weeks.**

**Member(J)**  
**Date:-08/01/2019.**  
aps.

**Member(A)**

O.A.No. 118/2016. (D.B.)

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

**Dated : 08<sup>th</sup> January 2019.**

Shri P.S.Vairagade holding for Shri H.Dangre, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. two weeks** for taking necessary instructions from the applicant.

**Member(J)**  
**Date:-08/01/2019.**  
aps.

**Member(A)**

O.A.No. 258/2016. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)  
Dated : 08<sup>th</sup> January 2019.**

None for the applicant. Shri A.P.Potnis,  
the Id. P.O. for the respondent nos. 1 to 3.  
None for the respondent no. 4.

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

The Id. P.O. waives notice for the  
respondent nos. 1 to 3.

**S.O. next week.**

**Member(J)**  
**Date:-08/01/2019.**  
aps.

**Member(A)**

O.A.No. 575/2016. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)  
Dated : 08<sup>th</sup> January 2019.**

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

The Id. P.O. pointed out that order of  
this Tribunal dated 07/09/2016 in C.A. No.  
425/2016. In view of that order, the O.A. is  
become infructuous.

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

**Member(J)  
Date:-08/01/2019.  
aps.**

**Member(A)**

O.A.Nos. 02 & 03/2013. (D.B.)

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

**Dated : 08<sup>th</sup> January 2019.**

Shri D.T.Shinde, the Id. counsel for the applicant & Shri S.A.Sainis, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent nos. 4, 5 & 7.

The Id. counsel for the applicant filed some documents on record along with the counter affidavit. It is taken on record. Copy is served to the other side.

The Id. P.O. should file the Rejoinder, if any.

**S.O. 18/01/2019.**

**Member(J)**  
**Date:-08/01/2019.**  
aps.

**Member(A)**



O.A.No. 494/2014. (D.B.)

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

**Dated : 08<sup>th</sup> January 2019.**

Shri G.G.Bade, the Id. counsel for the applicant & Shri M.I.Khan, the Id. P.O. for the respondents.

The Id. counsel for the applicant filed certain documents on record today. It is taken on record. He supplied the same to the other side.

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

**Member(J)**  
**Date:-08/01/2019.**  
aps.

**Member(A)**

O.A.No. 40/2015. (D.B.)

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

**Dated : 08<sup>th</sup> January 2019.**

Shri S.A.Pathak holding for  
Ms.K.K.Pathak, the Id. counsel for the  
applicant & Shri S.A.Sainis, the Id. P.O. for the  
respondents.

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

**Member(J)  
Date:-08/01/2019.  
aps.**

**Member(A)**

O.A.No. 249/2016. (D.B.)

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

**Dated : 08<sup>th</sup> January 2019.**

**C.A.No.364/2018:-**

Shri N.D.Thombre holding for Shri S.P.Palshikar, the Id. counsel for the applicant & Shri H.K.Pande, the Id. P.O. for the respondents.

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

**Hence, C.A.No. 364/2018 for early hearing is disposed of.**

Member(J)  
Date:-08/01/2019.  
aps.

Member(A)

O.A.No. 02/2019. (D.B.)

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

**Dated : 08<sup>th</sup> January 2019.**

Shri N.D.Thombre, the Id. counsel for the applicant & Shri S.A.Deo, the Id. C.P.O. for the State.

The applicant is already appointed vide order no. 1 k: o@t' /f p@vk; (1k@d=KWh depjht@fu; (Dr@6192&97@18] dated 12/06/2018 till 04/02/2019 (Annexure-A-2) at P.B., Pg. No. 17. There is no need to further interfere in this matter. If in the event, the services of the applicant is terminated before 04/02/2019, as he is appointed on contract. Till that period, he shall be entitled to recover the salary for this period.

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

**Member(J)**  
**Date:-08/01/2019.**  
aps.

**Member(A)**

O.A.No. 400/2016. (D.B.)

**Coram: Shri Shree Bhagwan,**  
**Member (A) and**  
**Shri A.D.Karanjkar, Member(J)**  
**Dated : 08<sup>th</sup> January 2019.**

Shri J.R.Kidilay, the Id. counsel for the applicant & Shri M.I.Khan, the Id. P.O. for the Respondents.

During course of arguments, it is submitted by Id. P.O. that now the selection process is completed and selected candidates are appointed. In view of this, if any relief is granted, naturally it may cause prejudice to some persons who are not before this Tribunal.

The Id. counsel for the applicant is submitted that he would examine, whether selection process is completed and appointment order are issued and will take steps to amend the application.

**S.O. two weeks.**

**Member(J)**  
**Date:-08/01/2019.**  
aps.

**Member(A)**