

(D.B.)

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

Dated : 14/02/2020.

**O.As. 919, 921 of 2017 & 83,320,321,322, 323,
324 & 764 of 2018 -**

Shri Shailesh Kolhe, Id. counsel holding for Shri S.S. Deshpande, Id. counsel for the applicants and Shri A.M. Khadatkhar, Id. P.O. & other Id. P.Os. for the respondents.

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

Member (J)

Vice-Chairman

dnk.

O.A. 219/2019 (D.B.)

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

Dated : 14/02/2020.

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

The Id. P.O. files reply on behalf of R-1 to 4. It is taken on record. Copy is served on the applicant.

The matter is admitted and it be kept for final hearing.

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

S.O. 4/3/2020.

Member (J)

Vice-Chairman

dnk.

O.A. 281/2019 (D.B.)

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

Dated : 14/02/2020.

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

The Id. P.O. files reply on behalf of R-3. It is taken on record. The reply of R-4 is already filed. It is submitted that reply of R-3&4 is sufficient to decide the matter.

The matter is admitted and it be kept for final hearing.

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

S.O. in due course.

Member (J)

Vice-Chairman

dnk.

O.A. 607/2019 (D.B.)

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

Dated : 14/02/2020.

None for the applicant. Heard Shri V.A. Kulkarni, Id. P.O. for the respondents.

The Id. P.O. files reply on behalf of R-2&3. It is taken on record. It is submitted that reply of R-1&4 is not necessary.

The matter is admitted and it be kept for final hearing.

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

S.O. in due course.

Member (J)

Vice-Chairman

dnk.

O.A. 772/2019 (D.B.)

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

Dated : 14/02/2020.

Shri S.G. Lacharwar, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1 to 4. None for other respondents.

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

Member (J)

Vice-Chairman

dnk.

O.A. 785/2019 (D.B.)

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

Dated : 14/02/2020.

Heard Shri M.M. Sudame, Id. counsel for the applicant Shri S.A. Sainis, Id. P.O. for the respondents.

The Id. P.O. files reply on behalf of R-2. It is taken on record. Copy is served on the applicant. It is submitted that reply of R-1&3 is not necessary.

The matter is admitted and it be kept for final hearing.

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

S.O. 4/3/2020.

Member (J)

Vice-Chairman

dnk.

O.A. 789/2019 (D.B.)

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

Dated : 14/02/2020.

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

2. The Id. P.O. files reply on behalf of R-2. It is taken on record. Copy is served on the applicant. In para-3 of the said reply the respondent no.2 is submitted that the disciplinary proceeding cannot be quashed, but the applicant may insist to complete the disciplinary proceeding within a stipulated period.

3. The learned counsel for the applicant submitted that the date of the birth of the applicant is 6/6/1962 and he would stand retire on 30/6/2020. It appears from the record that the charge sheet was served on the applicant on 21/11/2008, no good reason is shown why there is inordinate delay in not completing the inquiry. It appears that the respondents have wasted period of about 12 years, for which no cogent explanation is given, however, considering the nature of the charges, we think it suitable to direct the respondents to complete the inquiry

within a period of three months from the date of this order. Hence, the respondents are directed to complete the inquiry within a period of three months from the date of this order and on their failure to conclude the inquiry within a stipulated period, the inquiry would stand closed.

4. In view of above, the O.A. stands disposed of. No order as to costs.

Member (J)

Vice-Chairman

dnk.

O.A. 952/2019 (D.B.)

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

Dated : 14/02/2020.

S.S. Raut, Id. counsel holding for Shri
S.S. Ghate, Id. counsel for the applicant and
Shri A.P. Potnis, Id. P.O. for R-1.

Await service of R-2 to 4.

S.O. four weeks for filing service
affidavit.

Member (J)

Vice-Chairman

dnk.

O.A. 513/2017 (D.B.)

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

Dated : 14/02/2020.

Shri A.R. Kanholkar, Id. counsel holding for Shri L.H. Kothari, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

2. The Id. P.O. submitted that the record and proceeding of the inquiry is not received and therefore he seeks further time. At his request, **S.O. two weeks.**

Member (J)

Vice-Chairman

dnk.

O.A. 601/2019 (D.B.)

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

Dated : 14/02/2020.

Heard Ms. S.U. Ganjare, Id .counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1 to 3.

2. The reply of R-3 is already filed. The learned P.O. submitted that reply of R-3 is sufficient and it is not necessary to file reply of R-1 to 3. The matter is admitted and it be kept for final hearing.

3. Issue notice on merit to the newly added respondent no.4, returnable **after 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 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.

S.O. after four weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 50/2015 (D.B.)

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

Dated : 14/02/2020.

Heard Shri M.R. Joharpurkar, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The applicant is directed to produce the record disclosing that the Tournament in which he participated, was arranged by the Organisation which was affiliated with the Maharashtra Olympic Committee or the Tournament was arranged by the Maharashtra Olympic Committee.

S.O. two weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 133/2015 (D.B.)

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

Dated : 14/02/2020.

Heard Shri S.S. Dhengale, Id .counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

2. The learned P.O. submitted that he has received the record and proceeding of the disciplinary inquiry. The Id. P.O. is directed to file it in the Registry.

3. The learned counsel for the applicant is permitted to inspect the record of the inquiry and the matter be kept for further arguments on the next date.

S.O. 28/2/2020.

Member (J)

Vice-Chairman

dnk.

O.A. 614/2014 with C.A. 48/2020 (D.B.)

(Dr. V.D. Kamble Vs. State of Mah.)

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

Dated : 14/02/2020.

Heard Shri B.J. Lonare, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The learned counsel for the applicant submitted that the representation was made by him on 1/6/2017 for his regularisation in service as he was fulfilling the requirements under G.R. dated 15/6/2017. The learned counsel for the applicant submitted that the respondent no.3, the Dean, Government Dental College and Hospital, Nagpur has forwarded this proposal to the Director, Medical Education and Research (M.S.), Mumbai. It is also submitted that the representation was made by the applicant also on 8/7/2017 and it was also forwarded to the Director, Medical Education and Research (M.S.), Mumbai. It is grievance of the applicant that till today no decision is taken by the Government on the proposal.

3. In view of this, the respondent nos.1&2 are directed to take decision on the representation of the applicant within three months from the date of this order and

regularise him in service, if he is fulfilling the material requirements in the G.R. dated 15/6/2017.

4. In view thereof, the O.A. stands disposed of along with C.A.. No order as to costs.

Steno copy be granted....

Member (J)

Vice-Chairman

dnk.

O.A. 616/2014 (D.B.)

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

Dated : 14/02/2020.

None for the applicant. Heard Shri P.N. Warjurkar, Id. P.O. for R-1 to 3. None for R-4.

2. The learned P.O. submitted that the information is given by the Government Dental College & Hospital, Nagpur that the limited protection was given to the applicant and he was retained in service issuing appointment orders for 120 days and such orders were subject to condition that if bounded candidate is appointed, then appointment of the applicant would be terminated. As per the order of the M.A.T. in this application as regular candidate Dr. Vadana Gadwe was appointed vide order dated 21/7/2017, therefore, the services of the applicant are already terminated w.e.f. 25/7/2017.

3. In this situation, we would like to hear the learned counsel for the applicant.

S.O. two weeks.

Member (J)

Vice-Chairman

dnk.

***O.A. 720/2019 (D.B.)**

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

Dated : 14/02/2020.

Heard Shri S.K. Verma, Id .counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The learned P.O. was directed during last hearing to clarify on which date the select list was published. Today the learned P.O. has placed on record letter of Additional Director General of Police (Wireless) (M.S.), Pune dated 14/1/2020 and vide this letter, the respondent no.3 i.e. ADG has confirmed that the list was published on 13/8/2016 and it was lapsed on 13/8/2017. The learned P.O. has filed copy of advertisement dated 30/11/2019. In the advertisement, in para-16.2.2 (P-302) the following observation is made –

^ 'kkI u] 'kkys f'k{k.k o dHk foHkkx] fu.kz dkd jkdH/k&2002@i:dz68@dh; # &2] fnukd 18 vkkLV]2016 e/hy rjrmhu# kj [kGkMwvkj{k.kkdfjrk fdelys jph vV ykx# jkg.kkj ukgh- rI p R; k iDkKzhy [kGkMwmenokj mi yC/k >kys ukghr rj I nj vkj{k.k brj= vnykny u djrk R; k iDkKzhy fcxj [kGkMwmenokjkekQZr Hkj.; kr ; bZy-**

3. However, the said G.R. is of different department, but in case of appointments

Government policy remains same for all the departments. The learned P.O. is directed to produce the G.R. dated 18/8/2016 as mentioned in para-16.2.2 (P-302) of the advertisement on the next date.

S.O. 28/2/2020.

Member (J)

Vice-Chairman

dnk.

O.A. 159/2013 (D.B.)

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

Dated : 14/02/2020.

Shri S.N. Gaikwad, Id .counsel holding
for Shri S.P. Palshikar, Id. counsel for the
applicants and Shri H.K. Pande, Id. P.O. for the
respondents.

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

Member (J)

Vice-Chairman

dnk.

O.A. No. 107/2020 (D.B.)

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

Dated : 14/02/2020.

Heard Shri N.A. Jachak, learned counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The applicant is challenging the order issued by the respondent no.2 giving him posting for a period of 11 months. It is submitted on behalf of the applicant that though he was appointed on a post reserved for Scheduled Tribe (S.T), but he was terminated and he challenged his termination and he was reinstated in service by the order of this Tribunal in O.A.227/2009 with C.A. 181/2014 order delivered on 24/2/2015. It is contention of the applicant that he was in service since the year 1997 and thereafter he is in continuous service and now all of a sudden the respondent no.1 has issued the G.R. dated 21/12/2019 and the respondent no.2 given posting to the applicant only for a period of 11 months. It is apprehension of the applicant that there is a possibility of his termination from the service within a short period and therefore interim protection be given to the applicant not to terminate the service of the applicant till decision in the O.A.

3. The learned CPO has opposed the prayer for interim relief on various grounds and mainly on the basis of the Judgment in case of the **Chairman &**

Managing Director, FCI Vs. Jagdish, 2017 (4)

Mh.L.J., 898. After hearing both the sides, it seems that in similar matters the Hon'ble High Court, Bench at Nagpur and Aurangabad have given interim reliefs to the Petitioners before them. The learned counsel for the applicant submitted that the contentions raised by the applicant as well as by the respondents, are required to be decided on merits and therefore it is suitable in the interest of justice to give interim protection to the applicant till final hearing of the O.A. As various submissions are made which are based on questions of law, such submissions cannot be decided at the threshold without hearing the parties on merits, therefore, we are of the view that it is necessary to give interim protection to the applicant till filing of reply by the respondents. The respondents are directed not to terminate the services of the applicant till filing of the reply. If the respondents have urgency in this matter, they can file reply immediately in the matter so that matter would be heard expeditiously.

4. Issue notice to the respondents, returnable **after three weeks**. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

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

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

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

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

S.O. after three weeks.

Member (J)

Vice-Chairman

dnk.

***O.A. 189/2010 (D.B.)**

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

Dated : 14/02/2020.

Heard Shri D.R. Bhojar, learned counsel for the applicant, Shri A.M. Khadatkhar, Id. P.O. for R-1&2 and Shri B. Kulkarni, learned counsel for R-3.

2. The learned P.O. desires to take instructions on the following points –

(i) What was the date of practical examination of the post of Bandsman as per advertisement dated 2/2/2010 of Wardha District (Annex-A-2) as mentioned in after physical test.

(ii) Why in the final result of the post of Bandsman, the marks obtained in the said practical of Bandsman post has not been shown and also not calculated for merit.

(iii) Whether the final merit list was shown and signed by the Selection Committee, if so it should be produced on record.

S.O. three weeks.

Steno copy be granted...

Member (J)

Vice-Chairman

dnk.

***O.A. 499/2002 (D.B.)**

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

Dated : 14/02/2020.

Heard Shri Bharat Kulkarni, learned counsel for the applicant and Shri V.A. Kulkarni, learned P.O. for the respondents.

2. The applicant is contending that since his entry in the service, he is discharging the duties as Steno-Typist in the pay scale Rs.4000-6000 and therefore the respondents be directed to regularise the services of the applicant on the post of Steno-cum-Typist. We have gone through the order passed by this Bench in O.A.583/1998. In that O.A., the said fact was contended by the applicant. While deciding the application in para-17 the Bench observed that it was difficult for the Bench to consider the case on merits in absence of the dates when the applicant acquired educational qualification and he passed the examination in typing and stenography.

3. In that O.A., direction was given to the respondents to consider the case of the applicant separately for the post of Steno-cum-Typist. It seems that in pursuance of this order

passed in O.A. 583/1998 vide order dated 13/7/2001 the Government was pleased to create post of Clerk-cum-Typist and the applicant was appointed on that post. Thereafter, the Contempt Petition was filed by the applicant and thereafter vide order dated 22/3/2002 the post of the Steno-cum-Typist was created and posting was given to the applicant. It is grievance of the applicant that he is entitled to claim the post of Clerk-cum-Steno since his initial appointment. It is undisputed that the applicant was engaged in service as daily wages labourer from 13/3/1984. It is case of the applicant that since the initial appointment, the applicant is serving as Steno-cum-Typist. It is pertinent to note that the applicant was regularised in service and given the post of the Clerk. The applicant was not engaged in service as Steno-cum-Typist. In view of the order in O.A.583/1998, the case of the applicant was considered and the Government was pleased to create post of Steno-cum-Typist for the applicant and accordingly the direction given by this Bench is complied by the respondents. As there was no post sanctioned, consequently, the post of Steno-cum-Typist was created for the applicant vide order dated 22/3/2002 and the applicant was regularised on that post. In our opinion, the post of the Clerk was created for the applicant and he was regularised w.e.f. initial appointment on the said post. The respondents have rightly opposed the claim of the applicant

on the ground that the post of Steno-cum-Typist was not on the establishment of the respondent no.4 when the applicant joined the service as daily wages worker.

4. In view of this, we do not see any merit in this application. Consequently, it is dismissed. No order as to costs.

Member (J)

Vice-Chairman

Dnk..

O.A. No. 1080/2019 **(SB)**

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

Dated : 14.02.2020

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

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

Member (J)

dnk.

O.A. No. 884/2019 **(SB)**

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

Dated : 14.02.2020

Shri S.D. Shukla, Id .counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

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

Member (J)

dnk.

O.A. No. 883/2019 **(SB)**

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

Dated : 14.02.2020

Shri V.R. Thote, Id .counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1 to 5. None for R-6.

The Id. P.O. files reply on behalf of R-3. It is taken on record. Copy is served on the applicant.

S.O. two weeks for filing reply on behalf of other respondents.

Member (J)

dnk.

O.A. No. 541/2017 **(SB)**

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

Dated : 14.02.2020

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

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

Member (J)

dnk.

O.A. No. 732/2016 **(SB)**

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

Dated : 14.02.2020

Shri B.J. Lonare, Id .counsel holding for
Shri N.B. Bargat, Id .counsel for the applicant
and Shri P.N. Warjurkar, Id. P.O. for the
respondents.

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

Member (J)

dnk.

O.A. No. 460/2017 (SB)

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

Dated : 14.02.2020

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

2. The learned P.O. has produced letter received from the Tahsildar, Bramhapuri dated 3/1/2020. It is submitted that amount of Rs.2,71,095/- on account of DCRG, amount of Rs.47,302/- on account of GIS, Rs.3,49,800/- on account of leave encashment, amount Rs.2,99,114/- on account of GPF and amount of Rs.97,912/- on account of provisional pension is paid to the applicant.

3. The learned counsel for the applicant submitted that the respective amounts are received by the applicant and there is no substance in the O.A. Hence, the O.A. stands disposed of. No order as to costs.

Member (J)

dnk.

O.A. No. 92/2020 (SB)

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

Dated : 14.02.2020

Heard Shri S.N. Gaikwad, Id. counsel holding for Shri G.K. Bhusari, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The learned counsel for the applicant submitted Pursis and informed that the applicant does not want to prosecute this application. Hence, the O.A. is disposed of as withdrawn. No order as to costs.

Member (J)

dnk.

O.A. No. 840/2019 (SB)

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

Dated : 14.02.2020

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

2. It is submitted that the applicant was not due for transfer. She was on medical leave and when she was on leave, she was transferred from Amravati to Gadchiroli before expiry of the normal period. The learned counsel for the applicant submitted that the applicant has made representation dated 3/9/2019 for posting at another suitable place on the ground of her illness.

3. In view of this, the respondents are directed to decide the representation of the applicant at the time of general transfers of the year 2020. The O.A. stands disposed of. No order as to costs.

Member (J)

dnk.

O.A. No. 03/2020 **(SB)**

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

Dated : 14.02.2020

MCA 06/2020 in O.A. 03/2020

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

2. The learned counsel for the applicant submitted that he is filing application for amendment of the O.A. and by the propose amendment, the applicant is intending to join the Government of Maharashtra, Public Health Department (M.S.) through its Secretary. The learned counsel for the applicant submitted that during the course of day he will file the application.

S.O. one week.

Member (J)

dnk.

O.A. No. 670/2019 (SB)

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

Dated : 14.02.2020

Heard Shri B.J. Lonare, Id .counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. It appears from the facts that the applicant was posted at Desaiganj on his own request. The applicant was due for transfer. The applicant submitted his options vide Annex-R-2 and only three options were given by the applicant. As per the G.R. on which reliance is placed by the applicant (dated 9/4/2018), it was duty of the applicant to give atleast 10 options, but this obligation is not discharged by the applicant. It is contention of the applicant that without considering the seniority of other employees, the applicant is transferred. I do not see any merit in the contention for the simple reason that the head of the department has to judge which Government servant is suitable in which place. As sufficient choice is not given by the applicant to the department, therefore, considering the vacancy, the applicant is posted at Aheri. The provisions of the G.R. are directory in nature, they are not mandatory. There is no violation of any provision in the Maharashtra Government Servants Regulation of Transfers

and Prevention of Delay in Discharge of Official Duties Act, 2005. However, in the interest of justice, it will be suitable to give liberty to the applicant to make representation to the Department for convenient posting.

3. In view of this, the O.A. stands disposed of. The applicant is permitted to make representation to the respondents for giving him convenient posting during the general transfer of the year, 2020. No order as to costs.

Member (J)

dnk.

O.A. No. 727/2019 (SB)

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

Dated : 14.02.2020

Heard Shri Bharat Kulkarni, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1&2. None for R-3.

2. In order dated 9/9/2019, the respondent no.2 was directed to consider the representation of the applicant. It is submitted by the learned counsel for the applicant that till today he is not relieved from his post. The learned P.O. submitted that now post at Hinganghat is not vacant.

3. In view of this, the respondents are directed to decide the representation of the applicant at the time of general transfers of the year 2020. The O.A. stands disposed of. No order as to costs.

Member (J)

dnk.

O.A. No. 412/2017 **(SB)**

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

Dated : 14.02.2020

C.A. 49/2020 -

Heard Shri R.V. Shiralkar, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1 to 3 and none for R-4.

The C.A.No. 49/2020 is allowed. The necessary amendment be carried out forthwith.

S.O. two weeks.

Member (J)

dnk.

**

O.A.Nos.198,199,200&201/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :14/02/ 2020.

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

2. The Id. P.O. desires time to file reply. Interim relief is kept open for deciding the matter after filing the reply by respondents.

3. **S.O. two weeks.**

Vice Chairman

Date:-14/02/2020.
aps.

O.A.No.354/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :14/02/ 2020.

Heard Shri S.M.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 submits that he has received reply, he further desires time to file Rejoinder.

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

4. The Id. P.O. waives notices for the respondents.

5. **S.O. two weeks.**

Vice Chairman

Date:-14/02/2020.
aps.

O.A.No.407/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :14/02/ 2020.**

Heard Shri M.K.Mishra, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. three weeks to file reply as a last chance.**

Vice Chairman

Date:-14/02/2020.

aps.

O.A.No.890/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :14/02/ 2020.**

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

2. At the request of P.O., **S.O. three weeks.**

Vice Chairman

Date:-14/02/2020.
aps.

O.A.No.963/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :14/02/ 2020.

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

2. The Id. P.O. has filed reply on behalf of the respondent no. 2. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the O.A..

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

4. The Id. P.O. waives notices for the respondents.

5. **S.O. 01st week of March, 2020.**

Vice Chairman

Date:-14/02/2020.

aps.

O.A.No.276/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :14/02/ 2020.

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

2. The Id. P.O. has filed reply on behalf of the respondent nos. 2 & 3. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the O.A..

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

4. The Id. P.O. waives notices for the respondents.

5. **S.O. 25.02.2020.**

Vice Chairman

Date:-14/02/2020.

aps.

O.A.No.102/2020(S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :14/02/ 2020.

C.A.No.46/2020:-

Heard Shri N.R.Saboo, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the State.

2. **C.A. No.46/2020 for permission to file Jt. O.A. is allowed.**

3. Issue notice to R-2 to 4, returnable on four weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

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

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

7. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of

compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

9. **S.O. four weeks.**

Vice Chairman

Date:-14/02/2020.

aps.

O.A.Nos.103,104,105,106/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :14/02/ 2020.

Heard Shri M.R.Khan, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. Issue notice to R-2, returnable on four weeks. Learned C.P.O. waives notice for R-1. 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. 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. four weeks.**

Vice Chairman

Date:-14/02/2020.

aps.

O.A.No.985/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :14/02/ 2020.

Heard Shri A.A.Dhawas, the Id. Counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the respondent nos. 1 & 2 and Shri S.N.Gaikwad, the Id. counsel for the respondent no. 3.

2. The applicant has relied on Judgment in the case of **Vijendra Kumar Verma Vs. Public Service Commission, Uttarakhand & Ors. in (2011) 1 Supreme Court Cases (L & S) 21**. He mainly relied on ratio mentioned in Placitum D of the said Judgment. However, Id. counsel for the respondent no. 3 is directed to file the original copy of the actual Judgment on record and supply the copy of the same to the other sides.

3. The Id. counsel for the applicant has filed **Hon'ble Supreme Court Judgment in Ashok Kumar Sharma Vs. Chander Shekhar in Case No. 600, 601 of 1993, 5407, 5408 of 1992**. It is taken on record. Copies are served to the other side.

4. The Id. counsel for the applicant, Id. counsel for the respondent no. 3 as well as Id. P.O. is directed to go through the Judgments filed on record.

5. **S.O. one week.**

Vice Chairman

Date:-14/02/2020.

aps.

O.A.No.184/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :14/02/ 2020.

Heard Shri N.S.Warulkar, the Id. Counsel for the applicant, Shri V.A.Kulkarni, the Id. P.O. for the respondent nos. 1 & 2. None for the respondent no. 3.

2. At the request of Id. P.O., **S.O. 18/02/2020.**

Vice Chairman

Date:-14/02/2020.

aps.

O.A.No.551/2016 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :14/02/ 2020.**

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

2. **S.O. three weeks.**

Vice Chairman

Date:-14/02/2020.
aps.

O.A.No.792/2016 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :14/02/ 2020.

Heard Shri S.S.Shingane, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. As per the relief clause P.B., Pg. No. 12 para (9) (I), respondents have filed letter dated 16/01/2019 and in para no. 2 following benefits have been given to the applicant. However, the Id. counsel for the applicant submits that his prayer clause 9 (I) which is as follows:-

"Direct the respondents to give deemed date of the appointment to the applicant i.e. from 03.11.00 as the applicant had been selected in MPSC exam 1999 on the post of Assistant Engineer Grade 2 in the respondent Establishment, further direct the respondents to give applicant the continuity of service from 06.04.1995 (i.e. appointment of applicant as J.E. in CPWD) and 03.11.00 to 27.12.2005, pay fixation as per deemed date of appointment and difference of salary with interest from 03.11.00 till it is implemented, in the interest of justice."

3. In prayer clause above, applicant has requested for interest from 03.11.2000 till payment is made. The Id. counsel for the applicant is directed to file representation to the respondents regarding his interest part and calculation till he received the

payment, that calculation chart should be on record and it should be supplied to the Id. P.O. too.

4. S.O. 05.03.2020.

5. Matter be treated as P.H.

Vice Chairman

Date:-14/02/2020.

aps.

O.A.No.678/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :14/02/ 2020.

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

2. As submitted by Id. P.O. on P.B., Pg. No. 21 (Annexure-A-5) it appears that applicant has been given one level extra pay from 05.09.2009, when he was posted to Gadchiroli as per the Government G.R. dated 06/08/2002 (Annexure-A-1, P.B., Pg. No. 10). However, the Id. counsel for the applicant is not able to satisfy with the same. So he is directed to file payslips from 7th pay commission right from Clerk to Head Clerk before next date of hearing and supply the copy of the same to the Id. P.O. in advance.

3. S.O. two weeks.

4. Matter be treated as P.H.

Vice Chairman

Date:-14/02/2020.

aps.