

C.A. 223/19 in O.A. No. 461/19 **(SB)**

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

**Dated : 24.06.2019**

Shri A.P. Chaware, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for the State.

As issue involved is before question of law, therefore, with consent of learned counsel for both the parties, the matter be kept on **25/06/2019**.

**Member (J)**

dnk.

O.A. No. 671/2015 **(SB)**

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

**Dated : 24.06.2019**

Shri S.U. Ambagade, Id .counsel  
for the applicant and Shri S.A. Sainis, Id.  
P.O. for the respondents.

The matter be kept **on 25/06/2019**  
for final hearing.

**Member (J)**

dnk.

O.A. No. 414/2015 (SB)

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

**Dated : 24.06.2019**

Smt. Saboo, 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.**

**Member (J)**

dnk.

C.A.225/19 in O.A. No. 818/18 (SB)

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

**Dated : 24.06.2019**

Smt. Saboo, 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. next week.**

**Member (J)**

dnk.

O.A. No. 726/2018 **(SB)**

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

**Dated : 24.06.2019**

**C.A. 91/2019 -**

Mrs. K.P. Wathore, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1 to 3 & 5. None for remaining respondents.

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

Put up the matter in **next week** along with O.A. 424/2018.

**Member (J)**

dnk.

O.A. No. 424/2018 **(SB)**

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

**Dated : 24.06.2019**

Mrs. K. P. Wathore, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1 to 4 and Shri N.D. Thombre, Id. counsel for R-5&6.

The matter be kept in **next week** along with O.A. 726/2018.

**Member (J)**

dnk.



O.A. No. 924/2018 **(SB)**

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

**Dated : 24.06.2019**

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. P.O., **S.O.**  
**three weeks** for filing reply.

**Member (J)**

dnk.



Rev. A. 22/19 in O.A. No. 165/2019 **(SB)**

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

**Dated : 24.06.2019**

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

The matter be kept for final hearing **on 03/07/2019.**

**Member (J)**

dnk.

O.A. No. 112/2019 (SB)

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

**Dated : 24.06.2019**

The applicant in person present.  
Shri A.M. Khadatkar, Id. P.O. for R-1&2  
and Shri P.R. Bhure, Id. counsel for R-3.

2. Shri Bhure, Id. counsel undertakes  
to file Vakalatnama on behalf of R-3.

3. At the request of Id. P.O. as well  
as Id. counsel for R-3, **S.O. three weeks**  
for filing reply.

**Member (J)**

dnk.

O.A. No. 161/2019 **(SB)**

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

**Dated : 24.06.2019**

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Shri H.K. Pande, 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.

**Heard. Admit.**

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

**S.O. 02/07/2019.**

**Member (J)**

dnk.

O.A. No. 362/2019 **(SB)**

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

**Dated : 24.06.2019**

Shri V.D. Muley, Id. counsel for the applicant and Shri H.K. Pande, 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. 375/2019 (SB)

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

**Dated : 24.06.2019**

Shri A.P. Tathod, Id. counsel for the applicant and Shri A.M. Khadtkar, Id. P.O. for R-1. Await service of R-2 to 4.

2. The learned counsel for the applicant submits that R-2 to 4 are served and he will file service affidavit during the course of day.

3. The learned P.O. requests for time to file reply. Time is granted.

**S.O. two weeks.**

Interim relief to continue till next date.

**Member (J)**

dnk.

O.A. No. 387/2019 (SB)

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

**Dated : 24.06.2019**

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

The learned counsel for the applicant submits that all the respondents are served.

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

**Member (J)**

dnk.

O.A. No. 408/2019 **(SB)**

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

**Dated : 24.06.2019**

Shri S.M. Bhagde, Id. counsel for  
the applicant and Shri H.K. Pande, Id.  
P.O. for the respondents.

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

**Member (J)**

dnk.

O.A. No. 410/2019 (SB)

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

**Dated : 24.06.2019**

G.K. Bhusari, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

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

**Member (J)**

dnk.



O.A. No. 411/2019 (SB)

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

**Dated : 24.06.2019**

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

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

Interim relief to continue till next date.

**Member (J)**

dnk.

O.A. No. 412/2019 **(SB)**

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

**Dated : 24.06.2019**

G.K. Bhusari, Id. counsel holding for Shri S.N. Gaikwad, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1. Await service of R-2 to 4.

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

**Member (J)**

dnk.

O.A. No. 413/2019 **(SB)**

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

**Dated : 24.06.2019**

Shri P.J. Mehta, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

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

Interim relief to continue till next date.

**Member (J)**

dnk.

O.A. No. 760/2017 **(SB)**

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

**Dated : 24.06.2019**

**C.A. 224/2019 -**

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

For the reasons stated in the application, the C.A. is allowed.

**O.A.760/2017 –**

**S.O. 8/7/2019.**

**Member (J)**

dnk.

O.A. No. 860/2018 **(SB)**

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

**Dated : 24.06.2019**

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

The Id. P.O. files reply of R-3. It is taken on record. Copy is served on the applicant. The Id. P.O. submits that reply of other respondents is not necessary.

**Heard. Admit.**

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

**S.O. 8/7/2019.**

**Member (J)**

dnk.

O.A. No. 462/2019 (SB)

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

**Dated : 24.06.2019**

Heard Shri H.M. Bobade, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The impugned transfer order is mainly attacked on the ground that the applicant was posted at Tumsar vide order dated 31/05/2017 and the transfer is premature without following the procedure laid down in the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 ( in short "Transfers Act").

3. The Id. CPO has submitted that the applicant is already relieved from the post on 19/06/2019, therefore, it is not suitable to grant interim relief.

4. In this situation, the applicant to join the transfer post. He is permitted to prosecute this application. The State is directed to submit reply within two weeks.

5. In the meantime, issue notice to R-2 and 3, returnable in **two weeks**. Learned C.P.O. waives notice for R-1. 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.

**S.O. two weeks.**

**Member (J)**

dnk.



O.A. No. 463/2019 (SB)

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

**Dated : 24.06.2019**

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

2. Issue notice to R-2 and 3, returnable **after two 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.

**S.O. after two weeks.**

**Member (J)**

dnk.

O.A. No. 464/2019 (SB)

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

**Dated : 24.06.2019**

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

2. Issue notice to R-2 , returnable **after two 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.

**S.O. after two weeks.**

**Member (J)**

dnk.

O.A. No. 558/2015 (SB)

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

**Dated : 24.06.2019**

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

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

**Member (J)**

dnk.

O.A. No. 818/2015 (SB)

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

**Dated : 24.06.2019**

Heard Shri D. P. Chambhare, Id. counsel holding for Shri A. Athalye, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1&2. None for R-3.

The learned counsel for FDCM is not before the Bench.

**S.O. 05/07/2019.**

The matter be treated as **P.H.**

**Member (J)**

dnk.

O.A. No. 953/2017 (SB)

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

**Dated : 24.06.2019**

Shri S.P. Kumbhekar, Id. counsel holding for Shri P.D. Meghe, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

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

**Member (J)**

dnk.

O.A. No. 467/2019 (SB)

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

**Dated : 24.06.2019**

Heard Shri N.D. Thombre, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the State.

2. During course of argument it is accepted that the applicant is working at IGMC, Nagpur since last 20 years. In view of this, I do not see any reason to grant interim relief.

3. The applicant may join the duties at the transfer station and she may prosecute this application without prejudice to the O.A.

4. Issue notice to R-2 to 4, returnable **after two weeks**. Learned 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 two weeks.**

**Member (J)**

dnk.

O.A. No. 469/2019 (SB)

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

**Dated : 24.06.2019**

Heard Shri S.G. Jagtap, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the State.

2. It is submission of the applicant that he was due for transfer and he had submitted his options. The options which were Bhandara, Nagpur and Gondia Districts were not considered, but he was posted at Brahmapuri. It is submission of the applicant that he has made representation on 17/06/2019 which is under consideration. It is submitted that son of the applicant is under mental stress, his daughter is making preparation for higher education and she is also taking medical treatment. My attention is invited to page no.30 in which the interim order dated 20/06/2019 passed in O.A.460/2019. It is submitted that the successor of the applicant has challenged this transfer order and interim stay is granted, therefore, considering these

facts till decision on the representation submitted by the applicant, he be permitted to work at Amgaon.

3. I have heard the learned P.O. It appears that the applicant has completed two normal tenures at Amgaon. As per Section 3, Sub Section 1 of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (in short "Transfers Act,2005") the Government servant in Group-C shall be transferred from the post held on completion of two full tenures. The language of Section 3, Sub Section 1 of the Transfers Act,2005 is mandatory and therefore if any protection is given to the applicant at this stage, it would be absolutely contrary to the statutory provisions. In view of the language of Section 3, Sub Section 1 of the Transfers Act,2005, no discretion is left with the judicial authority to grant any relief and the Courts are not permitted to act in violation of the law.

4. In view of the above discussion and considering the difficulties of the applicant, at the most direction can be given to the respondents to take

sympathetic view and consider his representation and adjust him in Gondia District or adjoining District if the posts are available, in future. Hence, the following order –

**ORDER**

The respondents are directed to consider the representation made by the applicant with sympathy and adjust him, if posts are available. The O.A. stands disposed of. No order as to costs.

**Member (J)**

dnk.

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O.A. No.709 /2018

(DB)

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

**Dated : 24<sup>th</sup> June 2019**

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

The respondent No.1 has filed reply, it is taken on record and copy thereof is supplied to the Ld. counsel for the applicant.

In the interest of justice last chance is given to the respondents to submit before the Department as to what decision is taken by the respondents in pursuance of order dated 19.3.2019. On perusal of record, the respondents to make any positive submission. In this regard, matter will be heard.

S.O. **1<sup>st</sup> July 2019** for final hearing.

Steno copies be provided to both parties.

Member (J)  
Chairman

Vice-

Dt. 24.6.2019.

Pdg

**O.A. No.26/2019**

**(DB)**

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

**Dated : 24<sup>th</sup> June 2019**

**C.A. 212/2019 in C.P. 19/2019.**

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

Ld. P.O. has filed reply of R.2, it is taken on record and copy thereof is supplied to the Ld. counsel for the applicant.

All matters be kept with O.A.No. 26/2019 and C.A. No. 176/2019 for final hearing on **2<sup>nd</sup> July 2019.**

Member (J)  
Chairman

Vice-

Dt. 24.6.2019.

Pdg

**O.A. Nos.02 & 03 of 2013 (DB)**

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

**Dated : 24<sup>th</sup> June 2019**

**R.A. 20/2019.**

Heard Shri D.T. Shinde, the Ld. counsel for the applicant and Shri S.A. Sainis, the Ld. P.O. for the respondent No.1.

Await service to R. 2 to 5 and 7.

The Ld. counsel for the applicant requires three weeks time to file his submission.

S.O. three weeks.

Member (J)  
Chairman

Vice-

Dt. 24.6.2019.

Pdg

**O.A. No.197/2019 (DB)**

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

**Dated : 24<sup>th</sup> June 2019**

Heard Shri D.T. Shinde, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the Ld. P.O. for the respondent No.1. Shri S.A. Sahu, Adv. for R.2.



Ld. P.O. has filed reply on behalf of R.2, it is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant.

Ld. Adv. for R.2 submits that reply of R.2 is not necessary.

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

Shri V.A. Kulkarni, the Ld. P.O. waives notice for the respondent No.1.

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

Interim relief to continue till then.

Member (J)  
Chairman

Vice-

Dt. 24.6.2019.

Pdg

**O.A. No. 215/2019**

**(DB)**

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

**Dated : 24<sup>th</sup> June 2019**

**C.A. 220/2019.**

Heard Shri S.K. Thengri, the Ld. counsel for the applicant and Shri A.M. Ghogre, the Ld. P.O. for the respondent Nos. 1 to 5. None for R.6.

In the interest of justice, application is allowed.

O.A. be amended within **two weeks.**

Member (J)  
Chairman

Vice-

Dt. 24.6.2019.

Pdg

**O.A. No. 361/2019**

**(DB)**

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

**Dated : 24<sup>th</sup> June 2019**

**C.A. 227/2019.**

Heard Shri P.V. Thakre, the Ld. counsel for the applicants and Shri A.P. Potnis, the Ld. P.O. for the respondents.

C.A. is allowed in terms of prayer clauses. It is disposed of accordingly.

**O.A. No. 361/2019**

S.O. two weeks for filing reply by respondents.

Member (J)  
Chairman

Vice-

Dt. 24.6.2019.

Pdg

O.A. No. 130/2019

(DB)

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

**Dated : 24<sup>th</sup> June 2019**

**C.A. 222/2019.**

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

Ld. P.O. submits that he would file reply to the C.A. and O.A.

**S.O. 2<sup>nd</sup> July 2019.**

Member (J)  
Chairman

Vice-

Dt. 24.6.2019.

Pdg

O.A. No. 281/2019

(DB)

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

**Dated : 24<sup>th</sup> June 2019**

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

S.O. **four weeks** for filing reply of respondents by Ld. CPO.

Member (J)  
Chairman

Vice-

Dt. 24.6.2019.

Pdg

O.A. No. 282/2019

(DB)

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

**Dated : 24<sup>th</sup> June 2019**

Heard Shri S.S. Dhengale, the Ld. counsel for the applicant and Shri A.P. Potnis, the Ld. P.O. for the respondents.

At the request of Ld. P.O., S.O. **three weeks** for filing reply on behalf of respondents.

Member (J)  
Chairman

Vice-

Dt. 24.6.2019.

Pdg

**O.A. No. 445/2010**

**(DB)**

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

**Dated : 24<sup>th</sup> June 2019**

Heard Shri R.V. Shiralkar, the Ld.  
counsel for the applicants and Shri P.N.  
Warjekar, the Ld. P.O. for the  
respondents.

Closed for orders.

Member (J)  
Chairman

Vice-

Dt. 24.6.2019.

Pdg

**O.A. No. 236/2014**

**(DB)**

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

**Dated : 24<sup>th</sup> June 2019**



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

At the request of Ld. P.O., S.O. **two weeks.**

Member (J)  
Chairman

Vice-

Dt. 24.6.2019.

Pdg

**O.A. No. 159/2013**

**(DB)**

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

**Dated : 24<sup>th</sup> June 2019**

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

The Ld. counsel for the applicants has pointed out the order in O.A. No. 159/2013. In the order-sheet, it is very clear that the applicant and his L.Rs would be paid all dues with full and this O.A. should not come in their way. Even till today, no action has been taken for payment of retiral benefits. This case is fit to be taken *suo motu* as a contempt case. However, Ld. P.O. submits that he will take instructions from the Superintendent of Police, Yavatmal and submit his say within two weeks.

Within two weeks, matter should be taken and documents should be filed that the pensionary benefits are being in process of payment to the applicant. If no action is taken till that time, the Superintendent of Police, Yavatmal is directed to remain personally present before this Tribunal.

S.O. **8<sup>th</sup> July 2019.**

Steno copies be provided to both parties.

Member (J)  
Chairman

Vice-

Dt. 24.6.2019.

Pdg

**O.A. No. 413/2013**

**(DB)**

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

**Dated : 24<sup>th</sup> June 2019**

Heard Shri G.K. Bhusari, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the Ld. P.O. for the respondents.

As pointed by the Ld. counsel for the applicant (A-5, P.19), it shows that the certificate regarding necessary dues and any incident has been given in favour of the candidates on 31.3.2012 by the department. The applicant retired on 31.3.2012. Subsequently, Ld. P.O. has pointed out that one F.I.R. has been lodged against the applicant on 30.5.2012. However, alongwith the F.I.R., no details are given. We fail to understand that when the applicant retired on 31.3.2012, why pension papers were not moved and retiral benefits were not given. The Ld. counsel for the applicant desires to take instructions from the department what is the position as on

today and the file regarding the retiral benefits and progress of the F.I.R.

S.O. **one week**.

Steno copies be provided to both parties.

To be treated as part heard.

Member (J)  
Chairman

Vice-

Dt. 24.6.2019.

Pdg

**O.A. No. 343/2019 (DB)**

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

**Dated : 24<sup>th</sup> June 2019**

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

2. Ld. P.O. has filed reply on behalf of respondent Nos. 2 to 5, it is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant.

3. Our attention is invited to the G.R. dated 29.9.2003 (A-4). This G.R. is made applicable to the Irrigation Department, Public Works Department, Rural Development Department and Water Conservation Department. In respect of this, following number of employees are involved:-

Sr.No.	Name of the department.	Strength of employees.
1	Irrigation Department	957
2	Public Works Department	3714
3	Rural Development and Water Conservation Department	362
	Total	5033

4. It is submitted that as per this G.R., the Member of the applicant Association are enjoying pay scale applicable to Class-III Government servants on the principle "pay scale as per work". Our attention is also invited to the Govt. of Maharashtra letter dated 17.4.2012 (A-6) written by Deputy Secretary, Department of Water Resources, Mantralaya, Mumbai and it is addressed to the Accountant General-II (M.S.), Nagpur. In this letter in para 2, he has mentioned about the G.R. dated 29.3.2002 and further it is specifically mentioned that though, the benefit of pay scale is given to Class-IV employees, but they are not entitled for other benefits

which are admissible to Class-III employees and their services would be governed as per the rules applicable to Group-D Govt. servants and their age of retirement shall be as per the service conditions of Group-D Govt. servants. Because of giving them pay scale of Class-III Govt. servants, it does not mean that they have been given promotion. The said letter has been issued with concurrence of Finance Department.

5. It is submitted by the Ld. P.O. that this letter is written only in relation to Water Resources Department and consequently it is not applicable to P.W.D. Apparently we do not see any substance in this submission and, therefore, it is necessary to investigate why Dy. Secretary has written this letter and whether the Govt. can make discrimination between the employees serving in Water Resources Department and P.W.D. when at initial stage, all were given benefit of same G.R.

6. The Ld. P.O. is directed to clear the situation till 27<sup>th</sup> June 2019.

7. S.O. **28<sup>th</sup> June 2019.**



8. Steno copies be provided to both parties.

Member (J)  
Chairman

Vice-

Dt. 24.6.2019.

Pdg

**O.A. No.26/2019**

**(DB)**

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

**Dated : 24<sup>th</sup> June 2019**

**C.A. 176/2019.**

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

**S.O. 2<sup>nd</sup> July 2019.**

Member (J)  
Chairman

Vice-

Dt. 24.6.2019.

Pdg