

O.A. 389/2016 (SB)

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

Dated : 26.03.2018

Shri Shaikh Soharabuddin, Id. counsel holding for Shri S.J. Kadu, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

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

Vice Chairman (J)

dnk.

O.A. 791/2017 (SB)

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

Dated : 26.03.2018

Shri Bharat Kulkarni, Id. counsel for the applicant, Shri S.A. Deo, Id. CPO for R-1. Shri Marathe, Id. counsel holding for Advocate Shri V.G. Palshikar appears on behalf of R-2 to 4 and submits that he will file vakalatnama during the course of day.

The learned CPO seeks time to file reply.

S.O. three weeks.

Vice Chairman (J)

dnk.

O.A. 109/2017 (SB)

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

Dated : 26.03.2018

Shri Nayase, Id. counsel holding for Shri G.G. Bade, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

The learned counsel for the applicant seeks time to file rejoinder. At his request, **S.O. two weeks**.

Vice Chairman (J)

dnk.

Rev. 09/16 in O.A. 736/15 **(SB)**

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

Dated : 26.03.2018

Shri R.V. Shiralkar, Id. counsel for
the applicant and Shri A.M. Ghogre, Id.
P.O. for R-1 to 3. None for R-4.

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

Vice Chairman (J)

dnk.

O.A. 52/2017 (SB)

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

Dated : 26.03.2018

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

At the request of learned counsel for the applicant, **S.O. 28/03/2018**.

Put up along with other connected matter.

Vice Chairman (J)

dnk.

O.A. 111/2017 (SB)

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

Dated : 26.03.2018

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

At the request of learned counsel for the applicant, **S.O. 28/03/2018**.

Put up along with other connected matter.

Vice Chairman (J)

dnk.

O.A. 290/2009 (SB)

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

Dated : 26.03.2018

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

At the request of learned counsel for the applicant, **S.O. 27/03/2018**.

Vice Chairman (J)

dnk.

O.A. 792/2016 (SB)

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

Dated : 26.03.2018

C.A.528/2017 -

Shri H.D. Mohod, Id. counsel holding for Shri S.S. Shingane, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

At the request of learned counsel for the applicant, **S.O. three weeks**.

Vice Chairman (J)

dnk.

O.A. St. 1441/2016 (DB)

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

Dated : 26.03.2018

C.A.368/2016 -

Shri Nayase, Id. counsel holding
for Shri G.G. Bade, Id. counsel for the
applicant and Shri H.K. Pande, Id. P.O.
for R-1. Await service of R-2 to 4.

At the request of learned P.O.,
S.O. three weeks for filing reply to the
C.A.

Vice Chairman (J)

dnk.

O.A. 89/2018 (DB)

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

Dated : 26.03.2018

None for the applicant.

Shri S.A. Deo, Id. CPO for R-1.
Await service of R-2.

The applicant to file service
affidavit of R-2.

S.O. three weeks.

Vice Chairman (J)

dnk.

O.A. 95/2018 (DB)

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

Dated : 26.03.2018

Shri E.S. Sahasrabuddhe, Id. counsel holding for Shri S.B. Tiwari, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1. Await service of R-2.

At the request of learned counsel for the applicant, **S.O. three weeks** for filing service affidavit of R-2.

Vice Chairman (J)

dnk.

O.A. 772/2017 (DB)

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

Dated : 26.03.2018

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

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

Vice Chairman (J)

dnk.

O.A. 147/2018 (DB)

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

Dated : 26.03.2018

Shri N.A. Jachak, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

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

Vice Chairman (J)

dnk.

C.P. 32/2017 in O.A.75/2016 **(DB)**

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

Dated : 26.03.2018

There is a leave note from Shri N.R. Saboo, Id. counsel for the applicant. Shri A.M. Khadatkar, Id. P.O. for R-1 to 3. None for R-4.

S.O. two weeks.

Put up along with C.P.33/2017 in O.A.42/2016.

Vice Chairman (J)

dnk.

C.P. 33/2017 in O.A.42/2016 **(DB)**

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

Dated : 26.03.2018

There is a leave note from Shri N.R. Saboo, Id. counsel for the applicant. Shri A.M. Khadatkar, Id. P.O. for R-1 to 3. None for R-4.

S.O. two weeks.

Put up along with C.P.32/2017 in O.A.75/2016.

Vice Chairman (J)

dnk.

C.P. 20/2018 in O.A.376/07 **(DB)**

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

Dated : 26.03.2018

There is a leave note from Shri N.R. Saboo, Id. counsel for the applicants. Shri H.K. Pande, Id. P.O. for the respondents.

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A. 656/2016 (DB)

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

Dated : 26.03.2018

Shri V.G. Wankhede, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondent.

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

Since the pleadings are complete, the matter is admitted and kept for final hearing.

The learned P.O. waives notice for R-1.

S.O. Six weeks.

Put up along with O.A.671/2017.

Vice Chairman (J)

dnk.

O.A. 671/2017 (DB)

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

Dated : 26.03.2018

Shri V.G. Wankhede, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondent.

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

Since the pleadings are complete, the matter is admitted and kept for final hearing.

The learned P.O. waives notice for R-1.

S.O. Six weeks.

Put up along with O.A.656/2016.

Vice Chairman (J)

dnk.

O.A. 638/2017 (DB)

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

Dated : 26.03.2018

None for the applicant. Shri A.M. Ghogre, Id. P.O. for the respondent nos. 1 & 3 and Shri A.R. Fule, Id. counsel for R-2.

Shri Fule, Id. counsel files reply on behalf of R-2. It is taken on record. Copy is served to the learned P.O.

The learned P.O. seeks time to file reply. At his request, **S.O. four weeks.**

Vice Chairman (J)

dnk.

O.A. No. 786/2017. (S.B.)

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

Dated : 26th March 2018.

Heard Shri A.S. Deshpande, the Ld. counsel for the applicant and Shri M.I. Khan, the Ld. P.O. for the respondents 1 and 2. Shri S.S. Dhengale, Adv. for R.3.

2. In this O.A., the applicant is claiming following reliefs:-

“(i) Be pleased to quash and set aside the impugned appointment order dated 1.9.2015 (Annexure A-8), issued by respondent No.2 i.e. the S.D.M. Mangrulpir, Distt. Washim in favour of respondent No.3 as it being arbitrary, capricious, illegal and bad in law.

(ii) Be pleased to direct the respondent No.2 S.D.M. Mangrulpir, Distt. Washim to appoint the present applicant on the post of Police Patil of village Chambhai.”

3. The respondents have filed reply affidavit. Respondent No.2 in the reply affidavit has taken objection to the maintainability of the O.A. on the ground that earlier O.A. on the similar facts and circumstances and reliefs have been rejected and, therefore, on this count only, O.A. is closed for orders.

Vice-
Chairman(J)

O.A. No. 140/2018. (S.B.)

(R.A.Lohakare V/s State and 3 others)

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

Dated : 26th March 2018.

Oral order.

Heard Shri N.D. Thombre, the Ld. counsel for the applicant and Shri S.A. Sainis, the Ld. P.O. for the respondents.

2. The applicant in this O.A. has prayed that the communication dated 2.2.2018 issued by respondent No.1 (Annexure A-7) be

quashed and set aside. By this communication, it is alleged that the applicant while acting as an Assistant Superintendent has made payment of Rs. 69,378/- without authority unauthorizedly. It seems from the said communication that a show cause notice was already issued to the applicant to submit his explanation. In the meantime, the competent authority i.e. the Medical Superintendent, Rural Hospital, Hingna has been directed not to pay the amount to the applicant till enquiry in this regard is completed. The applicant is retiring on 31.20.2018.

3. The Ld. counsel for the applicant also pointed out the letter dated 15.12.2014 vide which it was

stated that the amount of Rs. 91,420/- has been paid illegally by the applicant. He, therefore, submits that there is a difference in the amount also which is claimed against the applicant and the respondents are not making enquiry in not paying the amount and salary.

4. As already stated in the application, only prayer that the impugned letter (P.7) be quashed and set aside.

5. The Ld. P.O. invited my attention to the application dated 8.5.2017 (Annexure A-6) and submits that the applicant was called for personal hearing in between 15.5.2017 to 17.5.2017.

But he did not appear. It seems from the conduct of the applicant even before this Tribunal when he was interrogated that the applicant is adamant in not attending before the competent authority, though now he says that he will attend before the competent authority.

6. From the aforesaid discussion, it will be clear that the applicant has been given show cause notice to which he had replied. But still he disputed the amount and the said reply is not found satisfactory and, therefore, the respondents want to initiate departmental enquiry. The respondents may take necessary steps of initiating departmental enquiry in this regard. So far as the

dispute about the amount to be recovered from the applicant is concerned, the applicant is directed to appear before the competent authority as and when called by the respondents. If inspite of his explanation given or personal hearing, if the applicant is not satisfied with the result, he may approach this Tribunal by filing fresh O.A.

7. For the reasons stated above, the impugned order cannot be quashed at this juncture. In view thereof, the O.A. stands dismissed with no order as to costs.

Vice-Chairman(J)

pdg

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

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

Dated : 26th March 2018.

None for the applicant. Shri P.N. Warjekar, the Ld. P.O. for the respondents.

The Ld. P.O. has filed reply on behalf of R.5, it is taken on record. He prays for time to file reply on behalf of other respondents.

S.O. four weeks.

Vice-
Chairman(J)

pdg

O.A. No. 562/2017. (S.B.)

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

Dated : 26th March 2018.

C.A. 02/2018.

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

2. The Ld. counsel for the applicant invited my attention to the order passed by this Tribunal on 26.4.2017 whereby the interim relief claimed by the applicant was rejected, so also the request of restraining the respondents from issuing appointment order in respect of candidates applied as per the advertisement dated 15.9.2017 was also allowed. The Ld. counsel for the applicant invited my attention to operative order of this Tribunal dated 26.9.2017 clause III which reads as under:-

“It is, however, made clear that in case the applicants appear for walk-in-interview as per the advertisement dated 15.9.2017, the respondents shall not restrain the

applicants from participating in the interview and shall not reject the applicants' claim for appointment only because they are below the age of 62 years as per the communication dated 13.6.2017, if they are otherwise found suitable on merits."

3. The Ld. counsel for the applicant submits that the applicant was issued appointment order. But he is aggrieved by condition No.15 of the appointment order dated 10.10.2017.

4. The Ld. P.O. strongly objected for the amendment on the ground that the nature of the application will be changed, if the amendment is allowed and the cause of action for the appointment is different than that the claim in the O.A. I have perused the documents and pleadings and subsequent events that had happened. The appointing authority served a letter dated 10.10.2017 on the applicant, which is completely an independent cause

of action. If the applicant is aggrieved by the appointment order, he will be at liberty to challenge the said appointment order by filing separate O.A. I am satisfied that if the amendment is allowed, entire cause of action as well as relief claimed in the O.A. will be changed. In view thereof, application stands dismissed with no order as to costs.

O.A. No. 562/2017.

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

Shri M.I. Khan, the Ld. P.O. waives notice for the respondents.

Vice-
Chairman(J)

pdg

O.A. No. 928/2017. (S.B.)

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

Dated : 26th March 2018.

None for the applicant. Shri S.A. Deo, the Ld. C.P.O. for the respondent No.1.

Applicant to file service in respect of R. 2 to 4.

S.O. two weeks.

Vice-
Chairman(J)

pdg

O.A. No. 929/2017. (S.B.)

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

Dated : 26th March 2018.

None for the applicant. Shri S.A. Deo, the Ld. C.P.O. for the respondent No.3.

Applicant to file service in respect of R. 1 and 2.

S.O. **two weeks.**

Vice-
Chairman(J)

pdg

O.A. No. 38/2017. (S.B.)

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

Dated : 26th March 2018.

Heard Shri Bharat Kulkarni, the learned counsel for the applicants and Shri S.A. Sainis, the Ld. P.O. for the respondents.

The learned counsel for the applicant submits that he has already filed rejoinder in O.A. Nos. 37 and 39 of 2017 and he is adopting the said rejoinder in this O.A. In view thereof, all the three matters are clubbed together.

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

Shri S.A. Sainis, the Ld. P.O. waives notice for the respondents.

Keep this O.A. with O.A. Nos. 37 and 39 of 2017.

Vice-
Chairman(J)

pdg

O.A. No.147 /2017. (S.B.)

Coram: Shri J.D. Kulkarni,

Vice-Chairman(J)

Dated : 26th March 2018.

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

Ld. P.O. seeks two weeks' time to file
reply to the amendment application.

S.O. two weeks.

Vice-
Chairman(J)

pdg

O.A. No.240 /2017. (S.B.)

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

Dated : 26th March 2018.

Shri Barun Kumar, the Ld. counsel for the applicant and Shri P.N. Warjekar, the Ld. P.O. for the respondent Nos. 1 and 2. None for R. 3 and 4.

S.O. three weeks.

Vice-
Chairman(J)

pdg

O.A. No. 491/2017. (S.B.)

Coram: Shri J.D. Kulkarni,

Vice-Chairman(J)

Dated : 26th March 2018.

None for the applicant. Shri P.N. Warjekar, the Ld. P.O. for the respondents.

S.O. **three weeks** for filing reply by Ld. P.O.

Chairman(J) Vice-

pdg

O.A. No. 730 /2017. (S.B.)

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

Dated : 26th March 2018.

None for the applicant. Shri M.I.Khan,
the Ld. P.O. for the respondent Nos. 1 to 4.
None for R. 5.

No rejoinder is filed by the applicant.

ADMIT.

Shri M.I.Khan, the Ld. P.O. waives
notice for the respondent Nos. 1 to 4.

S.O. for final hearing in due course.

Vice-

Chairman(J)

pdg

O.A. No. 797 /2017. (S.B.)

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

Dated : 26th March 2018.

Shri A.V. Muley, the learned counsel
for the applicant and Shri V.A. Kulkarni, the
Ld. P.O. for the respondents.

S.O. **two weeks.**

Vice-
Chairman(J)

pdg

O.A. No. 976/2017. (S.B.)

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

Dated : 26th March 2018.

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

S.O. **three weeks.**

Vice-
Chairman(J)

pdg

O.A. No. 145/2018. (S.B.)

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

Dated : 26th March 2018.

Shri A.S. Deshpande, the learned counsel for the applicant and Shri S.A. Deo, the Ld. C.P.O. for the respondents.

S.O. **27.3.2018** to take instructions from the applicant.

Vice-
Chairman(J)

O.A. No. 431/2017. (S.B.)

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

Dated : 26th March 2018.

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

It is a part heard matter and on the last date, the learned counsel for the applicant sought time to take instructions from the applicant as regards withdrawal of the O.A. On instructions, the learned counsel for the applicant submits that the applicant is not ready to withdraw the O.A. and since the matter is already heard on merits, necessary order may be passed.

S.O. 27.3.2018.

Vice-
Chairman(J)

pdg

