

O.A. 717/2017 (SB)

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

**Dated : 04.05.2018**

**C.A.Nos.64 & 65 of 2018**

Ms. Munshi, learned counsel for the applicant and Shri A.P. Potnis, learned P.O. for the respondents.

The learned P.O. files affidavit-reply to the C.A. No.64/2018 for condonation of delay. It is taken on record. Copy is served on the applicant.

The learned P.O. also files affidavit-reply to the C.A.No.65/2018 for grant of stay. It is taken on record. Copy is served on the applicant.

At the request of learned counsel for the applicant, **S.O. 05/05/2018** for hearing on C.A. for grant of stay.

**Vice Chairman (J)**

dnk.

O.A. 718/2017 (SB)

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

**Dated : 04.05.2018**

Ms. Munshi, learned counsel for the applicant and Shri V.A. Kulkarni, learned P.O. for R-1&2. Await service of R-3&4.

At the request of learned counsel for the applicant, **S.O. After Vacation** for filing service affidavit.

**Vice Chairman (J)**

dnk.

O.A. 220/2018 (SB)

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

**Dated : 04.05.2018**

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

2. The learned counsel for the applicant seeks permission to withdraw the O.A. He has also filed on record pursis dated 09/04/2018 to that effect signed by the applicant.

3. In view thereof, the O.A. stands disposed of as withdrawn with no order as to costs.

**Vice Chairman (J)**

dnk.

O.A. 571/2017 (SB)

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

**Dated : 04.05.2018**

Heard Shri N.R. Saboo, learned counsel for the applicant, Shri S.A. Deo, Id. CPO for R-1&2 and Mrs. A.A. Joshi, learned counsel for R-3.

2. The applicant who is working as Internal Auditor was absorbed in the government service as per order dated 02/02/2008 by respondent-Municipal Administration. He was posted subsequently at various Nagar Parishads and finally at Risod. Since the Chief Officer, Risod, namely, Sudhakar Laxman Pandhale was having grudge against the applicant and at his instance the complaint was filed by maternal uncle of the petitioner, namely, Pralhad Ulemale who was ex-Councilor of Nagar Parishad, Washim. Vide impugned order dated 17/07/2017 the Collector, Washim was pleased to keep the applicant under suspension and the said order of suspension is under challenged in this O.A. The applicant is claiming that the

said order is passed without jurisdiction as the Collector, Washim is not authorized to pass the impugned order and therefore requested that the impugned order of suspension be quashed and set aside.

3. Earlier the respondents tried to justify the order of suspension. The learned CPO was however requested to take instructions as to whether the Collector is empowered to keep the applicant under suspension. The learned CPO today placed on record along with communication dated 17/04/2018 one G.R. dated 07/03/2017. Perusal of the said G.R. shows that the Director of Municipal Administrative Council, Mumbai is the competent authority in respect of services of the applicant. It is the admitted fact that the Collector is not authority to keep the applicant under suspension. The impugned order of suspension therefore seems to be prima facie without jurisdiction. In view of the discussion in forgoing paras, the impugned order of suspension is required to be quashed and set aside. Hence, the following order :-

**ORDER**

The O.A. is allowed. The impugned order of suspension dated 17/07/2017 (Annex-A-5) issued by the Collector, Washim is quashed and set aside. The applicant shall be reinstated in the service forthwith. No order as to costs.

Steno copy be supplied to the learned counsel for parties.

**Vice Chairman (J)**

dnk.

O.A. 604/2017 (SB)

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

**Dated : 04.05.2018**

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

2. Vide order dated 13/03/2018 the respondent no.1 was directed to file reply-affidavit. The learned P.O. submits that the only role of respondent no.1 was to regularize the suspension period. The respondent no.1 has passed the order on 09/04/2018, whereby suspension period has been regularized and now there will be no hurdle for respondent no.2 to take necessary steps to grant admissible pensionary benefits to the applicant. The learned P.O. submits that respondent no.2 has already filed reply-affidavit and submits that it will take step accordingly. In view thereof, the matter be kept on the next date. In the meantime, the respondent no.2 is directed to take necessary steps in the matter.

**S.O. 2<sup>nd</sup> week of June,2018.**

**Vice Chairman (J)**

dnk.

O.A. 923/2017 (SB)

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

**Dated : 04.05.2018**

Ms. S.S. Dhone, learned counsel for the applicant, Shri A.P. Potnis, learned P.O. for R-1,2&5 and Shri Ramesh Gedam, office of R-3&4 on behalf of Shri S. Majid, learned counsel for R-3&4.

Matter be kept **on 05/05/2018** for hearing.

**Vice Chairman (J)**

dnk.



O.A. 939/2017 (SB)

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

**Dated : 04.05.2018**

Shri G.G. Bade, learned counsel for the applicants and Shri S.A. Sainis, learned P.O. for the respondents.

The learned P.O. files reply-affidavit on behalf of R-1 to 5. It is taken on record. Copy is served on the applicant.

The learned counsel for the applicant submits that he is adopting the rejoinder filed in other connected O.A. which is listed today, i.e., O.A.No.610/2017.

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

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

**S.O. After Vacation.**

Put up along with O.A.No.610/2017.

**Vice Chairman (J)**

dnk.

O.A. 610/2017 (SB)

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

**Dated : 04.05.2018**

Shri G.G. Bade, learned counsel  
for the applicant and Shri A.M. Khadatkar,  
learned P.O. for the respondents.

**S.O. After Vacation.**

Put up along with O.A.939/2017.

**Vice Chairman (J)**

dnk.

O.A. 27/2018 (SB)

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

**Dated : 04.05.2018**

Shri G.G. Bade, learned counsel for the applicant, Shri A.M. Ghogre, learned P.O. for R-1&2 and Shri A.A. Khwaja, learned counsel for R-3.

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

The learned P.O. and Id. counsel for R-3 waives respective notices.

**S.O. After Vacation.**

**Vice Chairman (J)**

dnk.

O.A. 170/2018 (SB)

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

**Dated : 04.05.2018**

Shri N.R. Saboo, learned counsel for the applicant, Shri A.M. Khadatkar, learned P.O. for R-1 and Shri H.D. Marathe, learned counsel for R-2 to 4.

2. Shri Marathe, learned counsel files reply-affidavit on behalf of R-2 to 4. It is taken on record. Copies are served on the other sides.

3. As per the order dated 27/04/2018 the respondent no.2, i.e., the Chief Engineer, Water Resource Department, Nagpur was directed to remain present personally and to explain the reason as to why the order was not complied.

4. Shri Marathe, the learned counsel for R-2 to 4 submits that the respondent no.2, i.e., the Chief Engineer, Water Resource Department, Nagpur will remain present tomorrow i.e. on 05/05/2018. Hence, the matter be kept on **05/05/2018**.

**Vice Chairman (J)**

dnk.

O.A. Nos.181, 182, 182 & 184 of 2018 **(SB)**

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

**Dated : 04.05.2018**

Shri G.G. Bade, learned counsel holding for Shri S.P. Palshikar, Id. counsel for the applicants and Shri M.I. Khan, learned P.O. for the respondents.

At the request of learned P.O.,  
**S.O. After Vacation** for filing reply.

**Vice Chairman (J)**

dnk.

O.A. 798/2016 (SB)

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

**Dated : 04.05.2018**

Heard Shri N.R. Saboo, learned counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1 to 3 and Shri Rajul Tajne, Id. counsel for R-4.

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

**Closed for orders** along with other similar matters.

**Vice Chairman (J)**

dnk.

O.A. 826/2016 (SB)

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

**Dated : 04.05.2018**

Heard Shri N.R. Saboo, learned counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1 to 3 and Shri M.A. Sable, Id. counsel for R-4.

**Closed for orders** along with other similar matters.

**Vice Chairman (J)**

dnk.

O.A. 95/2017 (SB)

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

**Dated : 04.05.2018**

Heard Shri N.R. Saboo, learned counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1 and 2 and Shri P.R. Wagh, Id. counsel for R-3&4.

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

**Closed for orders** along with other similar matters.

**Vice Chairman (J)**

dnk.



O.A. 114/2017 (SB)

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

**Dated : 04.05.2018**

Heard Shri N.R. Saboo, learned counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1 to 3 and Shri N. Majethiya, Id. counsel for R-4.

**Closed for orders** along with other similar matters.

**Vice Chairman (J)**

dnk.

O.A. 403/2017 (SB)

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

**Dated : 04.05.2018**

Heard Shri N.R. Saboo, learned counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1 & 2 and none for R-3.

The learned P.O. files reply-affidavit on behalf of R-1&2. It is taken on record. Copy is served on the other side.

**Closed for orders** along with other similar matters.

**Vice Chairman (J)**

dnk.

O.A. 444/2017 (SB)

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

**Dated : 04.05.2018**

Heard Shri N.R. Saboo, learned counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for the respondents.

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

**Closed for orders** along with other similar matters.

**Vice Chairman (J)**

dnk.

**O.A. No. 345/2017 (D.B.)**

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

**Dated : 4<sup>th</sup> May 2018.**

**C.A. No.476/2017.**

Heard Shri N.C. Fadnis, Adv. holding for Adv. Shri V.S. Kukde, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

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

Member(A)  
Chairman(J)

Vice-

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

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

**Dated : 4<sup>th</sup> May 2018.**

**C.A. No.108/2018.**

Heard Miss K.K. Pathak, the  
Ld. counsel for the applicant and  
Shri H,K,Pande, the learned P.O.  
for the respondents.

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

**O.A. No. 40/2015**

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

Member(A)  
Chairman(J)

Vice-

**O.A. No. 53/2012 (D.B.)**

**Coram: Shri J.D. Kulkarni,**

**Vice-Chairman (J) and**

**Shree Bhagwan,  
Member(A)**

**Dated : 4<sup>th</sup> May 2018.**

**C.A. No.109/2018.**

Miss Raut, Adv. holding for Mrs. R.S. Sirpurkar, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents 1 and 3. None for R.3.

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

**O.A. No. 53/2012.**

**S.O. 2<sup>nd</sup> week of June 2018.**

Member(A)  
Chairman(J)

Vice-

**O.A. No. 530/2016 (D.B.)**

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

**Dated : 4<sup>th</sup> May 2018.**

None for the applicant. Shri H.K. Pande, the learned P.O. for the respondents 1 and 2.

Await service to R.3.

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

Member(A)  
Chairman(J)

Vice-

**O.A. No. 762 & 763 of 2016 (D.B.)**

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

**Dated : 4<sup>th</sup> May 2018.**

**C.P. No.25/2017.**

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

2. The suspension order of the  
respective applicants were  
quashed and set aside in the  
common order passed by this  
Tribunal in O.A. Nos. 762 & 763 of  
2016 on 15.6.2017 and the  
respondents were directed to  
consider to regularize the  
suspension period of the applicants  
and the grant them all the arrears



and retiral benefits within three months. The respondents were also directed to release the regular pension to the applicants. In spite of personal notices issued to the respondents, such order has not been complied with. We are, therefore, satisfied that *prima facie* this is a contempt of court.

3. Notices shall be issued to respondent Nos. 2 and 3 directing them to appear before this Tribunal on 12<sup>th</sup> June 2018, explaining the cause as to why the contempt shall not be initiated against them.

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

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

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

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

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. S.O. **12<sup>th</sup> June 2018.**

Member(A)  
Chairman(J)

Vice-

pdg.

**O.A. No. 291/2018 (D.B.)**

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

**Dated : 4<sup>th</sup> May 2018.**

Heard Shri A.M. Sudame, the  
Ld. counsel for the applicant and  
Shri S.A. Deo, the learned C.P.O.  
for the respondent No.2

2. Issue notices to respondent  
Nos. 1, 3 and 4 returnable **after  
summer vacation.**

3. Shri S.A. Deo, the learned  
C.P.O. waives notice for the  
respondent No.2. Hamdast  
granted.

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

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

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

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

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

Member(A)  
Chairman(J)

Vice-

pdg.

**O.A. No.217 /2018 (D.B.)**

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

**Dated : 4<sup>th</sup> May 2018.**

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

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

Member(A)  
Chairman(J)

Vice-

**O.A. No. 151/2018 (D.B.)**

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

**Dated : 4<sup>th</sup> May 2018.**

Heard Shri A.S. Deshpande,  
the Ld. counsel for the applicant  
and Shri H.K. Pande, the learned  
P.O. for the respondents.

At the request of Ld. P.O.,  
S.O. **after summer vacation.**

Member(A)  
Chairman(J)

Vice-



**O.A. No. 391/2017 (D.B.)**

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

**Dated : 4<sup>th</sup> May 2018.**

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

At the request of counsel for  
the applicant, S.O. **after summer  
vacation** for filing rejoinder, if  
necessary.

Member(A)  
Chairman(J)

Vice-

**O.A. No. 257/2017 (D.B.)**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J) and  
Shree Bhagwan, Member(A)  
Dated : 4<sup>th</sup> May 2018.**

Heard Shri G.G. Bade, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

The Ld. P.O. has placed on record an affidavit in reply as directed by this Tribunal vide order dated 10.4.2018. It is taken on record. Ld. P.O. shall file seniority list of Office Superintendents and Sr. T.D.Is on record. Similarly, the applicant may file a short affidavit whether she accepts the post of Sr. T.D.I. at Bhandara. If she files so, respondents take decision accordingly.

**S.O. 5.5.2018.**

Member(A)  
Chairman(J)

Vice-

**O.A. No. 755/2017 (D.B.)**

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

**Dated : 4<sup>th</sup> May 2018.**

**C.A. 110/2018.**

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

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

**O.A. No. 755/2017**

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

Member(A)  
Chairman(J)

Vice-

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

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

**Dated : 4<sup>th</sup> May 2018.**

**C.A. 110/2018.**

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

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

**O.A. No. /2017**

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

Member(A)  
Chairman(J)

Vice-

**O.A. No. 861/2017 (D.B.)**

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

**Dated : 4<sup>th</sup> May 2018.**

Heard Shri N.R. Saboo, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents 1, 2, 3 and 5. Shri S.N. Gaikwad, Adv. for R. 4 and 6.

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

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

Member(A)  
Chairman(J)

Vice-

pdg.

**O.A. No. 482/2005 (D.B.)**

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

**Dated : 4<sup>th</sup> May 2018.**

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

2. Order to be complied with is  
dated 31.8.2015. Today, the  
learned P.O. has placed on record  
one communication dated 3.5.2018  
alongwith synopsis of the case,  
giving details as to what steps the  
State has taken. We are not  
satisfied with the reason giving all  
details. However, Exh.X is also not  
drafted in proper words and it  
reveals from the said letter that the  
Joint Director of Accounts and

Treasuries is not serious about the compliance of the order of this Tribunal. However, the learned P.O. submits that the order will be complied with in all respects within two months. In view of this, we direct the respondents to comply with the order in O.A. No. 482/2005 within two months from today and to see that all the formalities are carried out prior to that date and the amount to which the applicant may be entitled to, be paid to the applicant on or before 6<sup>th</sup> July 2018.

3. Matter be placed before this Tribunal on **7<sup>th</sup> July 2018**. In case the order is not complied with on or before 6<sup>th</sup> July 2018, the Joint Director of Accounts and Treasuries (R2) shall appear personally before this Tribunal.

4. S.O. **7<sup>th</sup> July 2018**.

5. Steno copy be supplied to the Ld. P.O.



Member(A)  
Chairman(J)

Vice-

pdg.