

O.A. No. 421/2019(SB)

**Coram : Hon'ble Shri A.D. Karanjkar,
MEMBER (J)**

Dated : 15.10.2019

Heard Shri Bharat Kulkarni, learned counsel for the applicant and Shri H.K. Pande, learned Presenting Officer for the respondents.

2. Learned Presenting Officer submitted that during the course of the day affidavit in reply on behalf of the respondents would be filed. He undertook to serve the copy of the same on the learned Advocate for the applicant.

3. In view of the above, S.O. after DIWALI VACATION.

MEMBER (J)

ORAL ORDERS 15.10.2019-SB-HDD

O.A. No. 982/2017(SB)

**Coram : Hon'ble Shri A.D. Karanjkar,
MEMBER (J)**

Dated : 15.10.2019

Heard Shri J.S. Deshmukh, learned counsel for the applicant, Shri M.I. Khan, learned Presenting Officer for the respondent Nos. 1 to 3 & 6 and Smt. Trupti Mahindrakar, learned Advocate holding for Shri Nalim Majithia, learned Advocate for respondent Nos. 4 & 5.

2. At the request of learned counsel for the applicant, S.O. 28.11.2019.

MEMBER (J)

ORAL ORDERS 15.10.2019-SB-HDD

O.A. No. 622/2018(SB)

**Coram : Hon'ble Shri A.D. Karanjkar,
MEMBER (J)**

Dated : 15.10.2019

Heard Shri J.S. Deshmukh, learned counsel for the applicant and Shri M.I. Khan, learned Presenting Officer for the respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 3 and the same is taken on record and copy thereof has been served on the learned Advocate for the applicant.

3. At the request of learned counsel for the applicant, S.O. 28.11.2019.

MEMBER (J)

ORAL ORDERS 15.10.2019-SB-HDD

O.A. No. 920/2018(SB)

**Coram : Hon'ble Shri A.D. Karanjkar,
MEMBER (J)**

Dated : 15.10.2019

Heard Shri J.S. Deshmukh, learned counsel for the applicant, Shri M.I. Khan, learned Presenting Officer for the respondent Nos. 1 to 3 & 6 and Shri M.L. Vairagade, learned Advocate holding for Shri B.N. Jaipurkar, learned Advocate for respondent Nos. 5. None appears for respondent No. 4 though duly served.

2. At the request of learned Counsel for the applicant, S.O. 28.11.2019.

MEMBER (J)

ORAL ORDERS 15.10.2019-SB-HDD

O.A. No. 901/2018(SB)

**Coram : Hon'ble Shri A.D. Karanjkar,
MEMBER (J)**

Dated : 15.10.2019

Heard Shri Vishal Anand, learned counsel for the applicant and Shri Shrikant Deo, learned Chief Presenting Officer for the respondents.

2. Learned Chief Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1 to 4 and the same is taken on record and copy thereof has been served on the learned Advocate for the applicant.

3. In view of the above, the present OA is admitted and it be kept for final hearing in due course of time.

MEMBER (J)

ORAL ORDERS 15.10.2019-SB-HDD

O.A. No. 241/2019(SB)

**Coram : Hon'ble Shri A.D. Karanjkar,
MEMBER (J)**

Dated : 15.10.2019

Heard Shri J.S. Deshmukh, learned counsel for the applicant Shri A.M. Khadatkar, learned Presenting Officer for the respondent Nos. 1 to 3 & 6. None appears for respondent Nos. 4 & 5.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 6 and the same is taken on record and copy thereof has been served on the other side.

3. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of other respondents. Time granted.

4. S.O. 28.11.2019.

MEMBER (J)

ORAL ORDERS 15.10.2019-SB-HDD

O.A. No. 240/2019(SB)

**Coram : Hon'ble Shri A.D. Karanjkar,
MEMBER (J)**

Dated : 15.10.2019

Heard Shri J.S. Deshmukh, learned counsel for the applicant, Shri A.P. Potnis, learned Presenting Officer for the respondent Nos. 1 to 3 & 6 and Shri Kiran Malokar, learned counsel for respondent Nos. 4 & 5.

2. At the request of learned counsel for the applicant, S.O. 28.11.2019.

MEMBER (J)

ORAL ORDERS 15.10.2019-SB-HDD

O.A. No. 574/2019(SB)

**Coram : Hon'ble Shri A.D. Karanjkar,
MEMBER (J)**

Dated : 15.10.2019

Heard Mrs. K.N. Saboo, learned counsel for the applicant Shri P.N. Wajurkar, learned Presenting Officer for the respondents.

2. Learned counsel for the applicant prays for issuance of fresh notice to respondent No. 4.

3. Hence, issue fresh notice to respondent No. 4, returnable after DIWALI VACATION.

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. after DIWALI VACATION.**

10. Steno copy and hamdust granted.

MEMBER (J)

O.A. No. 739/2019(SB)

**Coram : Hon'ble Shri A.D. Karanjkar,
MEMBER (J)**

Dated : 15.10.2019

Heard Shri N.D. Thombre, learned counsel for the applicants and Shri P.N. Warjurkar, learned Presenting Officer for the respondents.

2. The applicants have filed the present Original Application for grant of stay to their transfers till 31st May 2020 and in the alternative to direct the respondents that they may be allowed to work at their present place till the decision is taken on their absorption in the Medical Education Department, as per the transfer order.

3. In view of the above, the respondents are directed to take decision on the proposal dated 24th June, 2019, which is forwarded to the Chief Secretary, Public Health Department, Mumbai. The copy of the said proposal is placed on record at page No. 39, Annexure 'A-8'. The decision shall be taken within a period of two months from today.

4. Hence, S.O. after two months.

MEMBER (J)

ORAL ORDERS 15.10.2019-SB-HDD

O.A. No. 768/2019(SB)

**Coram : Hon'ble Shri A.D. Karanjkar,
MEMBER (J)**

Dated : 15.10.2019

Heard Shri A.P. Sadavarte, learned counsel for the applicant and Shri A.P. Potnis, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer for the respondents, S.O. after three weeks for filing affidavit in reply.

MEMBER (J)

ORAL ORDERS 15.10.2019-SB-HDD

O.A. No. 377/2019(SB)

**Coram : Hon'ble Shri A.D. Karanjkar,
MEMBER (J)**

Dated : 15.10.2019

Heard Mrs. S.A. Tiwari, learned Advocate holding for Shri P.J. Mehta, learned counsel for the applicant and Shri H.K. Pande, learned Presenting Officer for the respondents.

2. The present Original Application is admitted. It be kept for final hearing after DIWALI VACATION.

MEMBER (J)

ORAL ORDERS 15.10.2019-SB-HDD

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

**Coram : Hon'ble Shri A.D. Karanjkar,
MEMBER (J)**

Dated : 15.10.2019

Heard Shri P.S. Khubalkar, learned counsel for the applicant and Shri Shrikant Deo, learned Chief Presenting Officer for the respondents.

2. In paragraph No. 4.5 of the Original Application, it is mentioned that on 31st August, 2019 Smt. Amita Pillewar has joined the post on which the applicant was working at Amravati.

3. In view of the above, issue notices to the respondents, returnable after three weeks.

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. Learned counsel for the applicant has invited my attention to the representation dated 3.9.2019 addressed to the Principal Secretary, Tribal Development Department, Mantralaya, Mumbai. In this background, the Principal Secretary, Tribal Development Department, Mumbai, is directed to take

decision on the representation filed by the applicant within a period of three weeks.

10. **S.O. after three weeks.**

11. Steno copy and hamdust allowed to both the parties.

MEMBER (J)

ORAL ORDERS 15.10.2019-SB-HDD

O.A. No. 495/2018(SB)

**Coram : Hon'ble Shri A.D. Karanjkar,
MEMBER (J)**

Dated : 15.10.2019

Heard Shri S.C. Deshmukh, learned counsel for the applicant and Shri A.M. Khadatkar, learned Presenting Officer for the respondents.

2. The present case is heard at length and reserved for orders.

MEMBER (J)

ORAL ORDERS 15.10.2019-SB-HDD

O.A. No. 838/2018(SB)

**Coram : Hon'ble Shri A.D. Karanjkar,
MEMBER (J)**

Dated : 15.10.2019

Heard Shri Shashibhushan Wahane, learned counsel for the applicant and Shri H.K. Pande, learned Presenting Officer for the respondents.

2. At the request of learned Presenting Officer, S.O. 5th November, 2019.

3. In the meantime, the respondents are directed to comply with the order dated 26.08.2019 passed by this Tribunal and report the compliance, on the next date.

4. Steno copy is allowed for the use of learned Presenting Officer

MEMBER (J)

ORAL ORDERS 15.10.2019-SB-HDD

O.A. No. 260/2016(SB)

**Coram : Hon'ble Shri A.D. Karanjkar,
MEMBER (J)**

Dated : 15.10.2019

Heard Shri R.S. Parsodkar, learned counsel for the applicant and Shri H.K. Pande, learned Presenting Officer for the respondents.

2. The present case is heard at length and reserved for orders.

MEMBER (J)

ORAL ORDERS 15.10.2019-SB-HDD

O.A. No. 996/2018(SB)

**Coram : Hon'ble Shri A.D. Karanjkar,
MEMBER (J)**

Dated : 15.10.2019

Shri T.U. Tathod, learned counsel for the applicant (**absent**). Shri A.M. Khadatkar, learned Presenting Officer for the respondents, present.

2. Since nobody appeared for the applicant, S.O. after DIWALI VACATION.

MEMBER (J)

ORAL ORDERS 15.10.2019-SB-HDD

**Coram : Hon'ble Shri A.D. Karanjkar,
MEMBER (J)**

Dated : 15.10.2019

**REV. 02/19 IN O.A.771/16, REV.03/19 IN
O.A.773/16, REV. 04/19 IN O.A.23/17, REV.
05/19 IN O.A.477/17, REV. 06/19 IN O.A. 24/17,
REV. 07/19 IN O.A.476/17, REV. 08/19 IN O.A.
633/17, REV. 09/19 IN O.A. 479/17, REV. 10/19
IN O.A.772/16, REV. 11/19 IN O.A. 862/17 AND
REV.12/19 IN O.A.981/17**

Heard Shri M.L. Vairagade, learned Advocate holding for Shri B.N. Jaipurkar, learned counsel for the applicants (original respondent Nos. 4 & 5), Shri A.M. Ghogre, learned Presenting Officer for the respondent Nos. 2 to 4 (Ori. Respondents 1 to 3) and shri J.S. Deshmukh, learned Advocate for respondent No. 1 (Original Applicant).

2. At the request of learned counsel for the applicants (original respondent Nos. 4 & 5), S.O. to 07.11.2019 as a last chance.

MEMBER (J)

ORAL ORDERS 15.10.2019-SB-HDD

O.A. No. 401/2019(SB)
With C.A. No. 240/2019

**Coram : Hon'ble Shri A.D. Karanjkar,
MEMBER (J)**

Dated : 15.10.2019

Heard Shri R.V. Shiralkar, learned counsel for the applicant, Shri S.A. Sanis, learned Presenting Officer for the respondent Nos. 1 to 3 and Shri S.N. Gaikwad, learned counsel for respondent No. 4 (intervenor).

2. It is the contention of the applicant that vide order dated 26.06.2012 he was transferred to Ashram School, Pusad, but immediately thereafter vide order dated 16.08.2012 he was sent on deputation at Umarkhed to discharge duty as warden of the hostel. It is contended that the applicant working at Umarkhed till 01.11.2017 and he was not due for transfer, but disregarding this he is transferred vide order dated 31.5.2019 to Govt. Ashram School Mahur.

3. It is contention of the learned Presenting Officer for respondent Nos. 1 to 3 and learned counsel for respondent No. 4 that the applicant was not deputed to work at Umarkhed, but the applicant was holding the additional charge. Learned Presenting Officer submitted that he would produce the material documents to establish this fact.

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O.A. No. 401/2019(**SB**)
With C.A. No. 240/2019

Therefore, two weeks' time is granted to produce the relevant documents on record.

4. In this background, it is suitable for the respondent Nos. 1 to 3 to adjust the respondent No. 4 at any other suitable place near to Pusad.

5. The present case be treated as part heard.

6. S.O. after two weeks.

7. Steno copy is allowed to both the parties.

MEMBER (J)

ORAL ORDERS 15.10.2019-SB-HDD

O.A. No. 353/2018(SB)

**Coram : Hon'ble Shri A.D. Karanjkar,
MEMBER (J)**

Dated : 15.10.2019

Heard Shri S.N. Gaikwad, learned counsel for the applicant and Shri A.M. Ghogre, learned Presenting Officer for the respondents.

2. It is submitted that the applicant was ill, therefore, he visited the Police Hospital, Yavatmal on 15.01.2018 and he was advised 5 days' rest. The applicant thereafter went to Government Medical Hospital, Yavatmal for proper treatment and he was in treatment of the hospital for some period. The applicant also visited private hospital of Dr. B.S. Yelke for the medical treatment. It is contended by the applicant that he was suffering from Enteric fever and after recovery he submitted fitness certificate to the office and requested for the medical leave.

3. It is grievance of the applicant that order is passed on 17.4.2018 and instead of granting medical leave to the applicant his absence is treated as extraordinary leave under rule 63 of the Maharashtra Civil Services (Leave) Rules, 1981. According to the applicant, the approach of the

respondents is illegal and it cannot be justified.

4. I have perused the order dated 8th March, 2018 and order dated 17th April, 2018. No reason is disclosed in the order dated 17th April, 2018 why request of the applicant for the medical leave was rejected. It is contention of the applicant that there was medical leave and 300 days' earned leave at his credit. In my opinion, before rejecting the prayer of the applicant for the medical leave, it was necessary for the authority to direct the applicant to appear before the Medical Board or any Competent Medical Body for verification of the fact whether the applicant was really ill and he was bed ridden from 15.01.2018 to 14.02.2018 total 31 days, but without doing this exercise this, the Police Commissioner, Amravati directly treated the absence period of the applicant as extraordinary leave. This approach of the respondents is illegal and, therefore, the order dated 17.04.2018, Annexure 'A-11' page-21 of the paper book of O.A., is hereby quashed and set aside.

5. The Police Commissioner, Amravati, is directed to give an opportunity to the

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O.A. No. 353/2018(**SB**)

applicant to produce the entire record of his medical treatment and decide his application / representation accordingly.

6. With the above observations and directions, the present Original Application stands disposed of without any order as to costs.

MEMBER (J)

ORAL ORDERS 15.10.2019-SB-HDD

O.A. 316/2015 (D.B.)

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

Dated : 15/10/2019.

Shri P.J. Mehta, Id .counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

At the request of Id .counsel for the applicant, **S.O. After Vacation.**

Member (J)
Chairman

Vice-

dnk.

O.A. 829/2016 (D.B.)

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

Dated : 15/10/2019.

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

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

Member (J)
Chairman

Vice-

dnk.

O.A. 610/2018 (D.B.)

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

Dated : 15/10/2019.

C.A. 367/2019 -

Heard Shri A.P. Sadavarte, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1 to 5. None for other respondents.

For the reasons stated in the application, the C.A.No.367/2019 is allowed. The necessary amendment be carried out within one week.

O.A. 610/2018 –

After amendment, issue notice to the newly added respondents' returnable **in four weeks.** Hamdast allowed.

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

3. 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.

4. 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.

5. 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.

6. 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. four weeks.

Member (J)
Chairman

Vice-

dnk.

O.A. 727/2018 (D.B.)

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

Dated : 15/10/2019.

Shri T.J. Patil, Id .counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1. Await service of R-2.

2. At the request of learned counsel for the applicant, issue fresh notice to R-2, returnable **in three weeks.** 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. three weeks..**

Member (J)
Chairman

Vice-

dnk.

O.A. 82/2019 (D.B.)

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

Dated : 15/10/2019.

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

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

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

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

S.O. in due course.

Member (J)
Chairman

Vice-

dnk.

O.A. 324/2019 (D.B.)

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

Dated : 15/10/2019.

Shri J.S. Deshmukh, Id .counsel for
the applicant and Shri S.A. Deo, Id. CPO for
the respondents.

At the request of Id. CPO, **S.O.**
28/11/2019 for filing reply.

Put up along with O.A.424/2019.

Member (J)
Chairman

Vice-

dnk.

O.A. 424/2019 (D.B.)

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

Dated : 15/10/2019.

Shri J.S. Deshmukh, Id .counsel for
the applicant and Shri S.A. Deo, Id. CPO for
the respondents.

At the request of Id. CPO, **S.O.**
28/11/2019 for filing reply.

Put up along with O.A.324/2019.

Member (J)
Chairman

Vice-

dnk.

O.A. 327/2019 (D.B.)

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

Dated : 15/10/2019.

Shri A.P. Sadavarte, Id .counsel for
the applicant and Shri M.I. Khan, Id. P.O. for
R-1 to 3. None for other respondents.

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

**Member (J)
Chairman**

Vice-

dnk.

O.A. 763/2019 (D.B.)

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

Dated : 15/10/2019.

None for the applicants. Shri M.I.
Khan, Id. P.O. for R-1.

It appears that notices of R-2&3 are
yet not collected.

S.O. in due course.

Member (J)
Chairman

Vice-

dnk.

O.A. 732/2019 (D.B.)

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

Dated : 15/10/2019.

Heard Shri R.B. Dhore, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the State.

2. Issue notice to R-2 to 5, returnable **in three weeks**. Learned 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. Applicants are 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. Applicants are 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. three weeks.

Member (J)
Chairman

Vice-

dnk.

O.A. 838/2019 (D.B.)

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

Dated : 15/10/2019.

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for the State.

2. Issue notice to R-2&3, returnable **in three weeks**. Learned 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. three weeks.

Member (J)
Chairman

Vice-

dnk.

O.A. 839/2019 (D.B.)

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

Dated : 15/10/2019.

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for the State.

2. Issue notice to R-2&3, returnable **in three weeks**. Learned 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. three weeks.

Member (J)
Chairman

Vice-

dnk.

O.A. 314/2014 (D.B.)

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

Dated : 15/10/2019.

Shri S.P. Chavhan, 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. After
Vacation.**

**Member (J)
Chairman**

Vice-

dnk.

C.P. 22/19 in O.A. 478/2017 (D.B.)

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

Dated : 15/10/2019.

Heard Shri J.S. Deshmukh, Id
.counsel for the applicant, Shri M.I. Khan, Id.

P.O. for R-1 to 4 and Shri K.S. Malokar, Id.
counsel for R-5&6.

2. The learned counsel for R-5&6 submitted that the sanction is given by the Government to comply the order and two weeks' time is required for compliance.

3. At the request of Id. counsel for R-5&6, S.O. 1st week of After Vacation

Member (J)
Chairman

Vice-

dnk.

O.A. 769/18 with C.A. 375/19 (D.B.)

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

Dated : 15/10/2019.

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

2. The applicant is challenging her reversion. The applicant is reverted on the ground that as per the Roster the post was reserved for NT (D) category and the applicant was belonging to VJ (A) category. In this regard for proper adjudication, it is necessary to peruse the Roster as on 31/5/2011.

S.O. 04/11/2019.

Member (J)
Chairman

Vice-

dnk.

O.A. 558/2015 (D.B.)

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

Dated : 15/10/2019.

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

2. The Memo dated -- /4/2012 was served on the applicant. The applicant was called upon to explain his misconduct in preparing the certified copies relating to property Nazul Sheet No.8, Plot Nos. 1 to 124 relating to Mutation entry nos. 16536,16537 and 16538 when said Mutation entries were not verified by the Authority. The respondents informed the applicant their intention to proceed under Rule 10 of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 for the said misconduct. In reply the applicant informed the respondents that he simply prepared the copies of the Mutation entries and placed before the concerned Officer for signature and while doing so, the applicant was under impression that the other Officers had examined whether the Mutation entries were verified or were not verified. It was submitted by the applicant that it was not his duty to examine whether the Mutation entries were verified and approved by the office, consequently, he submitted that no misconduct was committed by him. After considering the submissions of the applicant, the Disciplinary Authority passed the order dated 6/7/2012 and by this order the Disciplinary Authority directed to withhold one

increment of the applicant for two years. Being aggrieved of this order, the applicant preferred appeal before the Deputy Director, Land Record, Amravati. The Deputy Director, Land Record, Amravati decided the appeal and came to the conclusion that there was no substance in the appeal, but according to the Deputy Director, Land Record the charges against the applicant were very serious and consequently he enhanced the punishment. The Deputy Director directed to withhold next annual increments of the applicant for a period of three years with permanent effect. In this O.A. both the orders are challenged by the applicant.

3. It is contention of the respondents that act of the applicant was serious and therefore the Disciplinary Authority rightly awarded the punishment and there no illegality in the procedure followed by the Disciplinary Authority. So far as enhancement of punishment is concerned, the learned P.O. was unable to satisfy us under which provision the Appellate Authority, i.e., the Deputy Director enhanced the punishment. After hearing both the sides, it appears that the Deputy Director sue-motu

enhanced the punishment and considering the nature of the enhanced punishment we are of the firm view that for awarding such punishment it was necessary to conduct the disciplinary inquiry as provided under Rule-8 of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979. As major punishment is awarded without following the procedure, therefore, the enhanced punishment awarded by the Deputy Director cannot be sustained.

4. So far as the punishment awarded by the Disciplinary Authority is concerned, it seems that the procedure laid down under the Rule-10 of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 was followed. As there is no illegality in the procedure, therefore, considering the circumstances in our opinion no interference is necessary in the matter. In the result, we pass the following order –

ORDER

- (i) The O.A. is partly allowed.
- (ii) The impugned order passed by the Appellate Authority on 21/04/2014 is hereby set aside.
- (iii) No order as to costs.

Member (J)
Chairman

Vice-

O.A. 706/2015 (D.B.)

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

Dated : 15/10/2019.

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

2. Today the learned counsel for the applicant has produced the order of promotion dated 28/07/2017. It is taken on record and marked Exh-X for the purposes of identification.

3. Vide order dated 29/05/2014 (Annex-A-2, P-54) batch mates of the applicant were promoted on the post of Police Inspector. So far as the applicant and 13 other Officers were concerned, vide Annex-A-5 dated 14/10/2014 they were informed that the Writ Petition No.465/2009 was pending before the Hon'ble High Court and in Review Application No.138/2012 order was passed on 8/2/2013 and consequently decision was taken by the respondent no.1 not to promote the applicant and 13 other Police Officers on the post of Police Inspector till decision of the Writ Petition.

4. Now it is submitted that the Writ Petition No.465/2009 is decided on 28/06/2016 and thereafter the respondents

promoted the applicant vide order dated 28/7/2017. It is grievance of the applicant that considering the seniority of the applicant, the respondents should have given him the deemed date promotion w.e.f. 29/5/2014, but it is not done. We have gone through the Judgment in Writ Petition No.465/2009 in which the Hon'ble High Court has given the directions, therefore, in our opinion it is suitable to direct the respondents to give deemed date promotion to the applicant considering his seniority as per the direction given by the Hon'ble High Court in Para-10 of the Judgment. The respondents are directed to comply this direction within two months.

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

Member (J)
Chairman

Vice-

dnk.

O.A.No.113/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :15/10/ 2019.

C.A.No.547/2017:-

Heard Shri G.K.Bhusari holding for Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. After Diwali Vacation.**

Vice

Chairman
Date:-15/10/2019.
aps.

O.A.No.120/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :15/10/ 2019.

Heard Shri S.P.Chavhan holding for Shri S.S.Bhalerao, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

2. The Id. P.O. filed reply on behalf of the respondent nos. 1, 3 & 4. It is taken on record. Copy is served to the other side. He further submits that reply of respondent no. 2 is not necessary.

3. Hence, the matter is **admitted** and kept for final hearing.

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

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

Vice

Chairman

Date:-15/10/2019.

aps.

O.A.No.618/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :15/10/ 2019.

Heard Shri S.P.Chavhan holding for Shri A.D.Girdekar, the Id. Counsel for the applicant, Shri S.A.Sainis, the Id. P.O. for the respondent nos. 1 to 3 and Shri S.N.Gaikwad, the Id. counsel for the respondent no. 4.

2. The Id. P.O. filed reply on behalf of the respondent no. 3. It is taken on record. Copy is served to the other side. He further submits that it is sufficient for respondent nos. 1 & 2 also. The respondent no. 4 submits that he is adopting the same reply.

3. Hence, matter is **admitted** and kept for final hearing.

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

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

Vice

Chairman
Date:-15/10/2019.
aps.

O.A.Nos.306 & 307/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :15/10/ 2019.

None for the applicant. Shri S.A.Sainis, the Id. P.O. for the Respondents. Await service of respondent nos. 2 & 3 in O.A. No. 306/2018.

2. The Id. P.O. filed the reply on behalf of the respondent nos. 2 in O.A. No. 307/2018. It is taken on record. He further submits that he will serve the copy to the other side.

3. This is the forth chance. None appeared on 06/11/2018, 17/01/2019, 30/09/2019 and today too. Hence, **dismissed in default.**

Vice

Chairman

Date:-15/10/2019.

aps.

O.A.Nos.422 & 423/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :15/10/ 2019.

Heard Shri J.S.Deshmukh, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondent nos. 1 to 4. Shri K.S.Malokar, the Id. counsel for the respondent no. 5 in O.A. No. 422/2019.

2. At the request of Id. P.O., **S.O. 28/11/2019 for reply.**

Vice

Chairman
Date:-15/10/2019.
aps.

O.A.No.435/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :15/10/ 2019.

Heard Shri R.S.Khobragade, the Id. Counsel for the applicant, Shri M.I.Khan, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent no. 4.

2. The Id. P.O. filed reply on behalf of the respondent no. 3. It is taken on record. Copy is served to the other side. He further submits that it is sufficient for other respondents.

3. Hence, the matter is **admitted** and kept for final hearing.

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

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

Vice

Chairman

Date:-15/10/2019.

aps.

O.A.Nos.445 & 446/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :15/10/ 2019.

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

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

3. Hence, the matter is **admitted** and kept for final hearing.

4. **S.O. 14/11/2019.**

5. *The Id. counsel for the applicant is at liberty to file Rejoinder, if any,*

Vice

Chairman
Date:-15/10/2019.
aps.

O.A.Nos.575 & 576/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :15/10/ 2019.

Heard Shri J.S.Deshmukh, 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. 28/11/2019 for reply.**

Chairman
Date:-15/10/2019.
aps.

Vice

O.A.No.235/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :15/10/ 2019.

Heard Shri A.P.Sadavarte, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant submits that he has filed service affidavit long back i.e. on 16.04.2019. However, reply has not been filed till now. The Id. P.O. submits that he will file reply particularly for respondent no. 3 and 4 at earliest.

3. If reply is not file till next date, matter be heard on merit.

4. **S.O. 15/11/2019.**

Chairman
Date:-15/10/2019.
aps.

Vice

O.A.No.494/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :15/10/ 2019.

Heard Ms. Sangita Kule holding for Mrs.S.K.Paunikar, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

2. Matter is **admitted** and kept for final hearing.

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

4. At the request of Id. counsel for the applicant, **S.O. After Diwali Vacation.**

Vice

Chairman

Date:-15/10/2019.

aps.

O.A.No.197/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :15/10/ 2019.

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant submits that he has received parawise reply. However, he seeks two weeks time to file reply. **S.O. two weeks.**

Vice

Chairman
Date:-15/10/2019.
aps.

O.A.No.129/2016 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :15/10/ 2019.

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant has placed on record G.R. No. ~~ds/11/2012@id: 432@b10]~~ dated 05/09/2013 for Revenue and Forest Department regarding filling of the post of Kotwal and in service condition rules in said G.R., there is not mentioned about the certificate required by the candidate by Talathi regarding his residential condition in the village. However, as per the advertisement published by respondent, Talathi – Washim, dated 31/10/2015 (Annexure-A-6, P.B., Pg. No. 21) on P.B., Pg. No. 23 under terms and conditions at column no. 3, it is written that applicant should be resident of said Talathi Saja and again at point no. 7 in line no. 3, it is mentioned that applicant needs to be provide certificate of Talathi about his residential place in the same Saja.

3. The G.R. dated 05/09/2013 and conditions mentioned in P.B., Pg. No. 23 are contradictory.

4. The Id. P.O. is directed to take necessary instructions from the respondents that there is a

difference or divagation in the advertisement.

There is no said provision in the said G.R..

5. **S.O. 22/11/2019.**

6. *Matter is treated as P.H..*

Vice

Chairman

Date:-15/10/2019.

aps.

O.A.No.527/2016 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :15/10/ 2019.

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

2. At the request of Id. counsel for the applicant, **S.O. After Diwali Vacation.**

Chairman
Date:-15/10/2019.
aps.

Vice

O.A.No.689/2016 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :15/10/ 2019.

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

2. None appeared on 10/11/2016,
08/12/2016, 05/01/2017, 03/09/2019 and
today also.

3. Hence, **dismissed in default.**

Chairman
Date:-15/10/2019.
aps.

Vice

O.A.No.65/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :15/10/ 2019.

Heard Shri S.P.Chavhan holding for Shri G.G.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. counsel for the applicant, **S.O. After Diwali Vacation.**

Chairman
Date:-15/10/2019.
aps.

Vice

O.A.No.158/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :15/10/ 2019.

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

2. The Id. P.O. requested for time. As per his request, **S.O. 15/11/2019.**

Chairman
Date:-15/10/2019.
aps.

Vice

**O.A.Nos.717&718/17withC.A.Nos.64 &
65/18 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :15/10/2019.**

Heard Mrs. Saboo holding for Ms. M.P.Munshi, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

2. At the request of Id. counsel for the applicant, **S.O. 18/10/2019.**

Vice

Chairman
Date:-15/10/2019.
aps.