O.A.No.981/2018 (D.B.)

<u>Coram</u>:Shri Shree Bhagwan, Vice Chairman and Shri A.D.Karanjkar, Member(J) <u>Dated</u> :25/11/2019.

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

2. The Id. P.O. filed affidavit-in-reply of respondent no. 2. It is taken on record. Copy is served to the other side.

3. The ld. counsel for the applicant seeks time to file Rejoinder. At his request, **S.O. two weeks**.

Member(J) Date:-25/11/2019. aps.

O.A.No.60/2019 (D.B.)

<u>Coram</u>:Shri Shree Bhagwan, Vice Chairman and Shri A.D.Karanjkar, Member(J) <u>Dated</u> :25/11/2019.

None for the applicant. Shri M.I.Khan, the Id. P.O. for the respondent nos. 1 to 3 and Shri P.S.Raut holding for Shri P.S.Patil, the Id. counsel for the respondent no. 4.

2. S.O. in due course.

Member(J) Date:-25/11/2019. aps.

O.A.No.172/2018 (D.B.)

<u>Coram</u>:Shri Shree Bhagwan, Vice Chairman and Shri A.D.Karanjkar, Member(J) <u>Dated</u> :25/11/2019.

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

2. **S.O. 11/12/2019.**

Member(J) Date:-25/11/2019. aps.

O.A.No.707/2015 (D.B.)

<u>Coram</u>:Shri Shree Bhagwan, Vice Chairman and Shri A.D.Karanjkar, Member(J) <u>Dated</u> :25/11/2019.

Heard Shri Bharat Kulkarni, the ld. Counsel for the applicant and Shri M.I.Khan, the ld. P.O. for the respondents.

2. The respondents are directed to ensure the Bench whether they have fixed the seniority in pursuance of the directions issued in letter dated 14/06/2010?

- 3. S.O. one week.
- 4. Matter is treated as P.H.

Member(J) Date:-25/11/2019. aps.

O.A.No.499/2002 (D.B.)

<u>Coram</u>:Shri Shree Bhagwan, Vice Chairman and Shri A.D.Karanjkar, Member(J) <u>Dated</u> :25/11/2019.

M.C.A.Nos. 08 & 09/2019:-

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

2. Closed for orders.

Member(J) Date:-25/11/2019. aps.

O.A.Nos.920,921,922,923&924/19D.B.

<u>Coram</u>:Shri Shree Bhagwan, Vice Chairman and Shri A.D.Karanjkar, Member(J) <u>Dated</u> :25/11/2019.

Heard Shri M.P.Kariya, the ld. Counsel for the applicant and Shri S.A.Deo, the ld. C.P.O. for the State.

 Issue notice to R-2 & 3, returnable on <u>four</u> 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 <u>three</u> <u>days</u> and if service report on affidavit is not filed

three days before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. **S.O. four weeks**.

9. Issue of limitation is kept open.

Member(J) Date:-25/11/2019. aps.

0.A.No.872/2019 (D.B.)

<u>Coram</u>:Shri Shree Bhagwan, Vice Chairman and Shri A.D.Karanjkar, Member(J) <u>Dated</u> :25/11/2019.

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

2. S.O. four weeks.

Member(J) Date:-25/11/2019. aps.

0.A.No.862/2019 (D.B.)

<u>Coram</u>:Shri Shree Bhagwan, Vice Chairman and Shri A.D.Karanjkar, Member(J) <u>Dated</u> :25/11/2019.

C.A.No. 405/2019:-

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

2. C.A.No. 405/2019 for Jt. Application is allowed.

3. S.O. four weeks.

Member(J) Date:-25/11/2019. aps.

0.A.No.850/2018 (D.B.)

<u>Coram</u>:Shri Shree Bhagwan, Vice Chairman and Shri A.D.Karanjkar, Member(J) <u>Dated</u> :25/11/2019.

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

2. S.O. 04/12/2019.

Member(J) Date:-25/11/2019. aps.

0.A.No.561/2015 (D.B.)

<u>Coram</u>:Shri Shree Bhagwan, Vice Chairman and Shri A.D.Karanjkar, Member(J) <u>Dated</u> :25/11/2019.

None for the applicant. Shri P.N.Warjurkar, the Id. P.O. for the respondents.

2. S.O. four weeks.

Member(J) Date:-25/11/2019. aps.

O.A.No.513/2019 (D.B.)

<u>Coram</u>:Shri Shree Bhagwan, Vice Chairman and Shri A.D.Karanjkar, Member(J) <u>Dated</u> :25/11/2019.

Shri S.D.Chopde, the ld. counsel for the applicant and Shri S.A.Sainis, the ld. P.O. for the respondents.

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

Member(J) Date:-25/11/2019. aps.

O.A.No.871/2017 (S.B.)

<u>Coram</u>:Shri Shree Bhagwan, Vice Chairman and Shri A.D.Karanjkar, Member(J) <u>Dated</u> :25/11/2019.

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

2. **S.O. one week.**

3. Put up along with the Division Bench matter *i.e.* O.A. No. 113/2018.

Member(J) Date:-25/11/2019. aps.

O.A.No.113/2018 (D.B.)

<u>Coram</u>:Shri Shree Bhagwan, Vice Chairman and Shri A.D.Karanjkar, Member(J) <u>Dated</u> :25/11/2019.

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

2. The ld. counsel for the applicant submits that he has to comply the order dated 05/11/2019. **S.O. one week.**

3. Put up along with the Division Bench matter *i.e.* O.A. No. 871/2017.

Member(J) Date:-25/11/2019. aps.

O.A.No.755/2015 (S.B.)

<u>Coram</u>:Shri Shree Bhagwan, Vice Chairman and Shri A.D.Karanjkar, Member(J) <u>Dated</u> :25/11/2019.

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

 Issue notices to R-12, 13 & 18, returnable on four 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 <u>three</u> <u>days</u> and if service report on affidavit is not filed

three days before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. **S.O. four weeks**.

Member(J) Date:-25/11/2019. aps.

O.A.No.893/2018 (D.B.)

<u>Coram</u>:Shri Shree Bhagwan, Vice Chairman and Shri A.D.Karanjkar, Member(J) <u>Dated</u> :25/11/2019.

Shri S.G.Jagtap, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondent nos. 1 to 4. None for the respondent nos. 5 to 8.

2. As agreed by both the counsels, **S.O.** 04/12/2019.

Member(J) Date:-25/11/2019. aps.

O.A.No.195/2019 (S.B.)

<u>Coram</u>:Shri Shree Bhagwan, Vice Chairman <u>Dated</u> :25/11/2019.

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

2. As heard on 18/11/2019 as mentioned in para nos. 2 & 3 following observations have been made:-

"2. The Id. P.O. filed letter dated 07/11/2019 by Executive Engineer, P.W.D., Amravati. It is taken on record. Copy is supplied to the other side.

3. By this letter, it appears that applicant has been reinstated and he further submits that O.A. becomes infructuous. However, matter be kept on 25/11/2019."

3. In view of these observations, **the O.A. is disposed of.** However, the Id. counsel for the applicant is at liberty to challenge by other O.A., if he feels aggrieved by order of suspension.

4. With the above directions, **O.A. is disposed** of with no order as to costs.

Vice Chairman

O.A.No.982/2018 (S.B.)

<u>Coram</u>:Shri Shree Bhagwan, Vice Chairman <u>Dated</u> :25/11/2019.

Heard Shri P.D.Meghe, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. The ld. counsel for the applicant has shown P.B., Pg. No. 32 (Annexure-A-1) in para "c" it is mentioned:-

"ftYgk I ekt dY; k.k vf/kdkjh] ukxiyi ; kuh R; kB; k fn-11-1-2017 P; k vknskkUo; s Jherh I h-vkj-iq ke ; kph in LFkki uk xMMhxkmke] ukxiyi ; Flsdsyh gkrh-rFkkfi] R; k I nj inkoj : tw>kY; k ukghr- Eg.kuu R; kuk in LFkki uk fnyh vI rkukgh R; k gtj >kY; k ul Y; keqGsR; kpk fn-12-1-2007 rsfnukad 1-1-2008 gk vuq fLFkrhpk dkyko/kh vI k/kkj.k %foukoru%jtk Eg.kuu eatyi dj.; kr ; r vkgs"

3. It seems that applicant's period from 12/01/2007 to 01/01/2008 has been treated as special leave (leave without pay). In view of this, the Id. counsel for the applicant is directed to produce the documents from department which has asked applicant not to resume the duty during this period (12.01.2007 to 01.01.2008).

4. S.O. two weeks.

5. Matter is treated as P.H.

Date:-25/11/2019. aps.

0.A.No.540/2016 (S.B.)

<u>Coram</u>:Shri Shree Bhagwan, Vice Chairman <u>Dated</u> :25/11/2019.

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

2. S.O. three weeks.

Vice Chairman

O.A.No.979/2018 (S.B.)

<u>Coram</u>:Shri Shree Bhagwan, Vice Chairman <u>Dated</u> :25/11/2019.

None for the applicant. Shri A.M.Khadatkar, the Id. P.O. for the State and Shri S.Ukey, the Id. counsel for the respondent no. 2.

2. S.O. four weeks.

Vice Chairman

<u>Coram</u>:Shri Shree Bhagwan, Vice Chairman <u>Dated</u> :25/11/2019.

Shri R.M.Fating, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State.

2. Issue pertains to deemed date of promotion and respondent no. 2 is responsible to maintain the seniority list of applicant. However, as submitted by Id. counsel for the applicant, the applicant was just a witness in the D.E. which might have confused the respondents that enquiry was against the applicant. The Id. counsel for the applicant is advice that he may make respondents Junior to respondent no. 2 who is based at Nagpur. So, that reply can be obtained at earliest. The Id. P.O. is directed to file reply till next date of hearing.

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

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

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

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

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

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

9. <u>S.O. four weeks</u>.

aps.

Date:-25/11/2019.

O.A.No.128/2019 (S.B.)

<u>Coram</u>:Shri Shree Bhagwan, Vice Chairman <u>Dated</u> :25/11/2019.

C.A.No.409/2019:-

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

2. C.A. No. 409/2019 for early hearing is allowed.

3. **S.O. 02/01/2020.**

Vice Chairman

O.A.No.616/2019 (S.B.)

<u>Coram</u>:Shri Shree Bhagwan, Vice Chairman <u>Dated</u> :25/11/2019.

Shri B.Kulkarni, 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. two weeks.**

Vice Chairman

O.A.No.835/2018 (S.B.)

<u>Coram</u>:Shri Shree Bhagwan, Vice Chairman <u>Dated</u> :25/11/2019.

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

2. The Id. P.O. pointed out at P.B., Pg. No. 25 (Annexure-A-9) where punishment has been awarded to the applicant and punishment is only on applicant's carrier, censor has been given on his service record.

3. As submitted by Id. P.O., applicant has not preferred any appeal against this order. The Deputy Executive Engineer is the right person to prefer an appeal. In view of this, applicant is directed to make representation before appellate authority and if he aggrieved with his order, he may come again to the Tribunal.

4. With this direction, **O.A. is disposed of with** no order as to costs.

Date:-25/11/2019. aps.

O.A.No.717/2018 (S.B.)

<u>Coram</u>:Shri Shree Bhagwan, Vice Chairman <u>Dated</u> :25/11/2019.

C.A.No.351/2019:-

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

2. It was heard on 24/09/2019 and in order dated 24/09/2019 in para no. 3 it was mentioned that though applicant has been granted deemed date but his name didn't appeared in the list. I fail to understand that why department feel shy by placing the list before the Tribunal. The Id. P.O. is directed to file the list before next date of hearing.

3. S.O. two weeks.

4. Steno copy is granted.

Vice Chairman

O.A.No.468/2017 (S.B.)

<u>Coram</u>:Shri Shree Bhagwan, Vice Chairman <u>Dated</u> :25/11/2019.

Shri R.V.Shiralkar, the Id. counsel for the applicant, Shri H.K.Pande, the Id. P.O. for the respondent nos. 1 & 2 and Shri N.S.Khandewale, the Id. counsel for the respondent no. 3.

2. At the request of Id. P.O., **S.O. two weeks as** as last chance.

Vice Chairman

O.A.No.203/2019 (S.B.)

<u>Coram</u>:Shri Shree Bhagwan, Vice Chairman <u>Dated</u> :25/11/2019.

Shri B.Kulkarni, the Id. counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for respondents.

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

Vice Chairman

O.A.No.818/2015 (S.B.)

<u>Coram</u>:Shri Shree Bhagwan, Vice Chairman <u>Dated</u> :25/11/2019.

Shri A.Athalye, the ld. counsel for the applicant and Shri P.N.Warjukar, the ld. P.O. for the Respondent nos. 1 & 2. None for the respondent no. 3.

2. The ld. P.O. has shown the documents at P.B., Pg. No. 117, where applicant himself has written to M.D., F.D.C.M. to take V.R.S. as per letter dated 25/11/2004 and the same has been granted by M.D. by order dated 06/12/20004 at P.B., Pg. No. 118. As pointed out by Id. P.O. the chart is given about pensionary benefit which is at P.B., Pg. No. 113 of the O.A. and all the retirement benefits has been paid by F.D.C.M.

3. So, it is crystal clear that applicant took V.R.S. as per choice as F.D.C.M. employee in 2004 only. Now after 15 years applicant cannot claim that he is the employee of Forest Department.

4. In view of these facts, **O.A. is dismissed** with no order as to costs.

Vice Chairman

O.A.No.162/2019 (S.B.)

<u>Coram</u>:Shri A.D.Karanjkar, Member (J) <u>Dated</u> :25/11/2019.

Heard Shri A.D.Girdekar, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondent nos. 1 & 2. None for the respondent nos. 3 & 4. Shri A.P.Sadavarte, the Id. counsel for the respondent no. 5.

2. S.O. 26/11/2019.

Member (J)

O.A.No.109/2017 (S.B.)

<u>Coram</u>:Shri A.D.Karanjkar, Member (J) <u>Dated</u> :25/11/2019.

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

2. S.O. four weeks.

Member (J)

O.A.No.580/2016 (S.B.)

<u>Coram</u>:Shri A.D.Karanjkar, Member (J) <u>Dated</u> :25/11/2019.

Shri R.Meshram holding for Shri A.Ramteke, the ld. counsel for the applicant and Shri H.K.Pande, the ld. P.O. for the respondents.

2. The ld. counsel for the applicant submits that his senior is busy in Hon'ble High Court, **S.O.** four weeks.

Member (J)

<u>Coram</u>:Shri A.D.Karanjkar, Member (J) <u>Dated</u> :25/11/2019.

Shri A.P.Sadavarte, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. I have perused the impugned transfer order, it is contended that without complying the provision under Section 4(4)(5) of the Transfer Act, 2005 in absence of any reason without seeking sanction of the higher authorities, the applicant is transferred in the mid-term, therefore, the transfer order is on its face illegal. The Id. counsel for the applicant submitted that interim relief should be given to the applicant till final decision of this application.

3. I have perused the order dated 16/11/2019, vide this order the applicant is relieved from the post. The ld. counsel for the applicant submitted that he has received this order on 19/11/2019, as the applicant is already relieved from the post, therefore, as directed by Hon'ble Apex Court, it is suitable for the applicant to resume the transfer post. Even if the applicant joins the duty as per the transfer order, this will not vitiate his right to challenge the order, I, therefore, direct to issue notice to the respondents returnable after two weeks.

 Issue notice to R-2 to 5, returnable on two weeks. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

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

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

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

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

10. **S.O. two weeks**.

Member (J)

O.A.No.676/2017 (S.B.)

<u>Coram</u>:Shri A.D.Karanjkar, Member (J) <u>Dated</u> :25/11/2019.

None for the applicant. Shri A.P.Potnis, the Id. P.O. for the State. Shri H.D.Marathe, the Id. counsel for the respondent nos. 2, 3 & 4. None for the respondent no. 5.

The ld. counsel for the respondent nos. 2, 3 &
4 submitted that he has already filed the reply in this matter but reply is not on record. S.O. three weeks.

Member (J)

O.A.No.786/2019 (S.B.)

<u>Coram</u>:Shri A.D.Karanjkar, Member (J) <u>Dated</u> :25/11/2019.

None for the applicant. Shri A.M.Khadatkar, the Id. P.O. for the State. Await service of respondent nos. 2 to 4.

2. S.O. three weeks.

Date:-25/11/2019. aps.

Member (J)

O.A.No.808/2019 (S.B.)

<u>Coram</u>:Shri A.D.Karanjkar, Member (J) <u>Dated</u> :25/11/2019.

Shri P.S.Raut, 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. two weeks.**

Date:-25/11/2019. aps. Member (J)

O.A.No.869/2019 (S.B.)

<u>Coram</u>:Shri A.D.Karanjkar, Member (J) <u>Dated</u> :25/11/2019.

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

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

Member (J)

O.A.No.871/2019 (S.B.)

<u>Coram</u>:Shri A.D.Karanjkar, Member (J) <u>Dated</u> :25/11/2019.

Shri B.Kulkarni, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the State. Smt. J.J.Alkari, submitted that she is going to file vakalatnama on behalf of the respondent nos. 2 to 6 during the course of the day.

2. At the request of Id. counsel for the respondent nos. 2 to 6, **S.O. three weeks to file.**

Member (J)

O.A.No.254/2019 (S.B.)

<u>Coram</u>:Shri A.D.Karanjkar, Member (J) <u>Dated</u> :25/11/2019.

Shri P.S.Raut holding for Shri G.R.Sadar, the Id. counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondent nos. 1 to 4. None for the respondent no. 5.

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

Date:-25/11/2019. aps.

Member (J)

O.A.No.511/2019 (S.B.)

<u>Coram</u>:Shri A.D.Karanjkar, Member (J) <u>Dated</u> :25/11/2019.

Shri Nayse holding for Shri G.G.Bade, 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. next week.**

Member (J)