

C.P 23/2019 in O.A 317/2016 with C.P 24/2019 in O.A 317/2016 with C.P 25/2019 in O.A 317/2016 with C.P 26/2019 in O.A 804/2016 with C.P 27/2019 in O.A 602/2003 with C.P 28/2019 in O.A 317/2016 (D.B.)

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

Dated : 29.8.2019

Heard Shri G.N Khanzode, Ld. counsel for the applicants and Shri P.N Warjurkar, Shri V.A Kulkarni, & Shri S.A Sainis, Ld. P.O. with Shri Shrikant Deo, Ld. C.P.O for the Respondents.

2. Learned C.P.O request for two weeks time.
3. S.O two weeks.

Member(J)
(akn)

Vice Chairman

C.P 32/2019 in O.A 542/2017(D.B.)

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

Dated : 29.8.2019

Heard Shri B. Kulkarni, Ld. counsel for the applicant and Shri P.N. Warjurkar, Ld. P.O. for the respondents.

2. Respondents are directed to file within two weeks.

3. S.O to 13.9.2019.

Member(J)
(akn)

Vice Chairman

C.P 34/2019 in O.A 603/2016(D.B.)

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

Dated : 29.8.2019

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

2. Learned P.O requested for two weeks time to file reply.

3. S.O two weeks.

Member(J)
(akn)

Vice Chairman

C.P 33/2019 in O.A 451/2018 (D.B.)

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

Dated : 29.8.2019

Heard Shri A.R Ingole, Ld. counsel for the applicant and Shri, H.K Pande, Ld. P.O. for the respondents.

2. Respondent no. 2 has filed the affidavit. It is submitted that the order dated 12.10.2018 passed by this bench in O.A 451/2018 is duly complied with and nothing survives.
3. In view of the above, Contempt Petition is disposed of. No order as to costs.

Member(J)
(akn)

Vice Chairman

O.A 603/2018 (D.B.)

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

Dated : 29.8.2019

None for the applicant and heard Shri, H.K Pande, Ld. P.O. for the respondents.

2. Learned P.O seeks two weeks time to file reply.

3. **S.O two weeks.**

Member(J)
(akn)

Vice Chairman

O.A 04/2019 (D.B.)

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

Dated : 29.8.2019

Heard Shri N.D Khamborkar, Ld. counsel for the applicant and Shri A.P Potnis, Ld. P.O. for the respondents.

2. Learned P.O files reply on behalf of Respondent no. 2. It is submitted that reply of Respondents no 1 & 3 is not necessary.

3. Applicant is at liberty to file rejoinder, if necessary.

4. O.A is admitted for final hearing in due course.

Member(J)
(akn)

Vice Chairman

C.A 335/2019 in O.A 296/2019 (C) (D.B.)

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

Dated : 29.8.2019

Heard Shri R.K Borkar, Ld. counsel for the applicants and Shri V.A Kulkarni, Ld. P.O. for the respondents.

2. Respondents are directed two weeks time to file reply as a last chance.

3. **S.O two weeks.**

Member(J)
(akn)

Vice Chairman

O.A nos 74, 75, 76, 77, 78, 79 & 80/2019

(D.B.)

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

Dated : 29.8.2019

Heard Shri S.S Katkar, Ld. counsel for the applicants and Shri A.M Ghogre, Shri V.A Kulkarni , Shri A.P Potnis, Shri S.A Sainis and Shri M.I Khan, Ld. P.O. for the respondents.

2. As a last chance, Respondents are directed to file reply.

3. S.O to 20.9.2019.

Member(J)
(akn)

Vice Chairman

C.P 46/2018 in O.A 403/2017 (D.B.)

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

Dated : 29.8.2019

Heard Mrs K.N Saboo, Ld. counsel for the applicant, Shri P.N Warjurkar, Ld. P.O. for the respondents no 1 to 3 and Shri S.N Gaikwad, learned advocate for Respondent no.4.

2. It is submitted that the order dated 5.5.2018 is complied with. Nothing survives in the Contempt Petition and the same is disposed of . No order as to costs.

Member(J)
(akn)

Vice Chairman

C.P 09/2019 in O.A 673 & 674/2018 (D.B.)

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

Dated : 29.8.2019

Heard Shri Bharat Kulkarni, Ld. counsel for the applicant and Shri A.M Khadatkar, Ld. P.O. for the respondents.

2. It is submitted that the order is complied with.

3. Therefore, nothing survives in the Contempt Petition. The same is disposed of. No order as to costs.

Member(J)
(akn)

Vice Chairman

C.P 11/2019 in O.A 395/2018 (D.B.)

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

Dated : 29.8.2019

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

2. Learned P.O has filed the minutes of the meeting. Learned Counsel for the applicant submits that the matter be kept after two weeks.

3. S.O 19.9.2019.

Member(J)
(akn)

Vice Chairman

C.P 18/2019 in O.A 123/2017(D.B.)

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

Dated : 29.8.2019

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

2. S.O 19.9.2019.

Member(J)
(akn)

Vice Chairman

C.P 31/2019 in O.A 35/2018 (D.B.)

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

Dated : 29.8.2019

Smt S.W Deshpande, Ld. counsel for the applicant has tendered leave note. Heard Shri P.N Warjurkar, Ld. P.O. for the respondents.

2. **S.O two weeks.**

ember(J)
(akn)

Vice Chairman

O.A 278/2012 (D.B.)

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

Dated : 29.8.2019

Heard Shri U.K Bisen, Ld. counsel for the applicant and Shri. H.K Pande, Ld. P.O. for the respondents.

2. S.O two weeks.

Member(J)
(akn)

Vice Chairman

O.A 846/2012 with C.A 258/2018 (D.B.)

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

Dated : 29.8.2019

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

2. **S.O two weeks.**

Member(J)
(akn)

Vice Chairman

O.A 436/2017 (D.B.)

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

Dated : 29.8.2019

Heard Ms M. Chandurkar, Ld. counsel for the applicant and Shri A.MN Ghogre, Ld. P.O. for the respondents.

2. S.O to 11.9.2019.

Member(J)
(akn)

Vice Chairman

O.A 932/2017 (D.B.)

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

Dated : 29.8.2019

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

2. Learned P.O submits statement of the material witnesses and complaint recorded by the Police during the course of investigation.

3. Parties are directed to advance their arguments on the next date.

4. S.O to 17.9.2019.

Member(J)
(akn)

Vice Chairman

O.A 150/2019 (D.B.)

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

Dated : 29.8.2019

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

2. S.O to 13.9.2019.

Member(J)
(akn)

Vice Chairman

O.A 644/2013 (D.B.)

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

Dated : 29.8.2019

Heard Shri A Mardikar, Ld. counsel for the applicant and Shri P.N Warjurkar, Ld. P.O. for the respondents.

2. It is submitted that on 16.1.2018 the applicant has made application to the Addl. Chief Secretary, Home Department and requested to treat the suspension period as duty period and to grant him salary for that period of suspension.

3. It is submitted in Civil Application that directions be given to the Respondents to decide application dated 16.1.2018 and this O.A be disposed of.

4. In view of the prayer, the Government is directed to take decision on the application dated 16.1.2018 within a period of three months from today.

5. Both the O.A as well as **C.A 210/2018 & C.A 316/2019** stands disposed of. No order as to costs. The original record and proceedings be handed over the learned Presenting Officer for the Respondents.

Member(J)
(akn)

Vice Chairman

O.A. No. 797/2018 (SB)

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

Dated : 29.08.2019

Shri S.P. Palshikar, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. one week.**

Member (J)

dnk.

O.A. No. 558/2018 (SB)

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

Dated : 29.08.2019

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

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

Member (J)

dnk.

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

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

Dated : 29.08.2019

Shri S.C. Deshmukh, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

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

Member (J)

dnk.

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

Dated : 29.08.2019

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

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

Member (J)

dnk.

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

Dated : 29.08.2019

Shri G.G. Bade, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1&3. Await service of R-2.

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

Member (J)

dnk.

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

Dated : 29.08.2019

Shri G.G. Bade, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1. Await service of R-2 to 5.

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

Member (J)

dnk.

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

Dated : 29.08.2019

C.A. 287/2018

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

2. The C.A. No. 287/2018 is allowed. The O.A. be amended by adding the Pay Fixation Unit, Nagpur and the Accountant General (AG), Civil Lines, Nagpur as prayed in Para-2.

O.A. 604/2017 -

After amendment in the O.A., issue notice to the newly added respondents returnable **after 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. after four weeks.

Member (J)

dnk.

O.A. No. 871/2018 **(SB)**

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

Dated : **29.08.2019**

Shri S.N. Gaikwad, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1 to 3. Await service of R-4.

2. The learned P.O. requested two weeks time to file reply. Time is granted as prayed for.

3. At the request of learned counsel for the applicant, issue fresh notice to respondent no.4 returnable **in two weeks**. 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 **three days** and if service report on affidavit is not filed **three days** before returnable date.

Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

S.O. two weeks.

Member (J)

dnk.

O.A. No. 928/2018 **(SB)**

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

Dated : 29.08.2019

Shri Bharat Kulkarni, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

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

3. The learned P.O. requested time to file reply on behalf of R-3. Time is granted as a last chance.

S.O. 20/9/2019.

Member (J)

dnk.

O.A. No. 176/2019 **(SB)**

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

Dated : 29.08.2019

Shri P.A. Jibhkate, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 to 3 and Shri R.S. Khobragade, Id. counsel for R-4 to 6.

At the request of Id. P.O. as well as learned counsel for R-4 to 6, **S.O. two weeks** for filing reply.

Interim relief to continue till then.

Member (J)

dnk.

O.A. No. 312/2019 **(SB)**

Coram : Hon. Shri A.D. Karanjkar,

Member (J).

Dated : 29.08.2019

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

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

Member (J)

dnk.

O.A. No. 380/2019 **(SB)**

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

Dated : 29.08.2019

Heard Smt. K.N. Saboo, Id .counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1. Await service of R-2 to 4.

2. The learned counsel for the applicant submitted that the applicant is intending to withdraw the O.A. Leave is granted.

3. The O.A. stands disposed of as withdrawn. No order as to costs.

Member (J)

dnk.

O.A. No. 393/2019 (SB)

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

Dated : 29.08.2019

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

2. The learned counsel for the applicant submitted that as instructed by the applicant she wants to withdraw the O.A.

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

Member (J)

dnk.

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

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

Dated : 29.08.2019

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

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

Member (J)

dnk.

O.A. No. 428/2019 **(SB)**

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

Dated : 29.08.2019

C.A. 286/2019 -

Heard Shri S.U. Nemade, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1 to 4. None for R-5.

2. The applicant is intending to correct typographical mistakes in the O.A. In view thereof, the C.A.286/2019 is allowed.

O.A. 428/2019 –

Heard Shri S.U. Nemade, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1 to 4. None for R-5.

The Id. P.O. files separate reply on behalf of R-3&4. Same are taken on record and copies are supplied to the applicant.

Heard. Admit.

The learned P.O. waives notice for R-1 to 4.

S.O. 16/9/2019.

Member (J)

dnk.

O.A. No. 384/2019 **(SB)**

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

Dated : 29.08.2019

Heard Shri N.D. Thombre, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

The matter is admitted for final hearing.

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

The Id. P.O. is at liberty to file reply. The learned P.O. to supply copy of the reply to the applicant before the next date.

S.O. 11/09/2019.

Member (J)

dnk.

O.A. No. 376/2019 (SB)

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

Dated : 29.08.2019

C.A. 336/2019 -

Heard Shri J.H. Jumle, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1 to 5. None for R-6.

2. For the reasons stated in the application the C.A.No. 336/2019 is allowed. Necessary amendment be carried out before the next date,

O.A.376/2019 -

Heard Shri J.H. Jumle, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1 to 5. None for R-6.

The respondent nos. 1 to 5 are at liberty to submit additional reply to the amended portion.

S.O. 17/09/2019.

Member (J)

dnk.

O.A. No. 468/2019 **(SB)**

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

Dated : 29.08.2019

Heard Shri S.N. Gaikwad, Id. counsel for the applicant and Shri A.M. Khadatkhar, Id. P.O. for the State.

2. The learned counsel for the applicant submitted that the applicant has collected the brief.

3. Issue notice to R-2&3, returnable **after three weeks**. 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 **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

S.O. after three weeks.

Member (J)

dnk.

O.A. No. 682/2019 (SB)

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

Dated : 29.08.2019

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

2. It is submitted that the applicant is transferred vide order dated 31/05/2019 from Sadak Arjuni to Pitezari Wildlife Project, District Gondia. It is submitted that the applicant is aged 53 years, therefore, as per the Government G.R. he should not have been posted in the Wildlife. I have perused the G.R. dated 22/05/2017. In Clause-4 (b) of the G.R. that the Foresters should not be posted in Wildlife Project if he has completed the age of 50 years and if the posts are vacant in Regional / Social Forestry, he be posted there. Similarly it is direction that if the Forester has completed one term in the Wildlife Project, he may transfer to the another Forest Department. It is submitted that the applicant is not yet relieved and his request for retention at Sadak Arjuni dated 1/6/2019 is not yet decided and in this matter order dated 23/8/2019 is issued and the respondent no.5 is posted by promotion at Sadak Arjuni. It is submitted that the applicant is not yet relieved, therefore, till filing of the reply

by respondent nos. 1 to 4, he be protected. The respondent nos. 1 to 4 are directed not to relieve the applicant till filing of the reply.

3. Issue notice to R-2 to 5, returnable **after two weeks**. Learned C.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 **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

S.O. after two weeks.

Member (J)

dnk.

O.A. No. 08/2018 (SB)

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

Dated : **29.08.2019**

None for the applicant.

Shri M.I. Khan, Id. P.O. for R-1&2 and none for R-3.

The O.A. stands disposed of. No order as to costs.

Member (J)

dnk.

O.A. No. 770/2017 **(SB)**

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

Dated : 29.08.2019

Heard Smt. S. Dashputre, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. No authentic document is produced by the applicant to show that really he was appointed in the service of the respondents. The respondents have specifically denied that the applicant was appointed in the service. The second fact is that till attaining age of 70 years, the applicant remained silent and for this reason also, I do not see any merit in this application. Hence, the O.A. stands dismissed. No order as to costs.

Member (J)

dnk.

O.A. Nos. 436/18 & 437/18 **(SB)**

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

Dated : 29.08.2019

Heard Shri S.N. Gaikwad, Id. counsel for the applicant in O.A. 436/18. None for the applicant in O.A.437/18. Shri S.A. Sainis, Id. P.O. for the respondents in both the O.As.

2. The applicants are at liberty to make representation.

S.O. two weeks (PH).

Member (J)

dnk.

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

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29th Aug. 2019.**

Heard Shri A.P.Tathod, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent no. 4.

2. At the request of Id. P.O., **S.O. one week.**

Vice Chairman

Date:-29/08/2019.
aps.

O.A.No.812/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29th Aug. 2019.**

Heard Smt. Joshi, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant submits that she will collect the notice during the course of the day. She further submits that she will file service affidavit within one week.

3. **S.O. two weeks.**

Vice Chairman

Date:-29/08/2019.
aps.

O.A.No.266/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29th Aug. 2019.**

Heard Shri M.K.Mishra, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

2. The Id. P.O. seeks time to file reply. At his request, **S.O. 25.09.2019 as a last chance.**

Vice Chairman

Date:-29/08/2019.

aps.

O.A.No.283/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29th Aug. 2019.

Heard Ms.M.P.Mane holding for Shri S.D.Chande, the Id. Counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondents.

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

3. 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:-29/08/2019.
aps.

O.A.No.359/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29th Aug. 2019.

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

2. The Id. P.O. filed the reply of Desk Officer, Revenue and Forest Department letter dated 27/08/2019. It is taken on record. Copy is served to the other side. By this letter Government has submitted that proposal has been submitted and it will take around four weeks time. Respondents have requested for extension of four weeks time to comply the order dated 21.05.2019.

3. Respondents are directed to take decision **within four weeks** of extended time i.e. upto 29/09/2019 and also issue posting order of the applicant at appropriate place. The order is in continuation of the Tribunal order dated 21.05.2019.

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

Vice Chairman

Date:-29/08/2019.
aps.

O.A.No.407/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29th Aug. 2019.

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

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

Vice Chairman

Date:-29/08/2019.

aps.

O.A.No.585/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29th Aug. 2019.**

None for the applicant. Shri S.A.Deo, the Id.
C.P.O. for the State. Await service of respondent nos.
2 & 3.

2. S.O. in due course.

Vice Chairman

Date:-29/08/2019.
aps.

O.A.Nos.677, 678, 679, 680 & 681/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29th Aug. 2019.

C.A.Nos.330, 331, 332, 333 & 334/2019:-

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

2. Though all the applicants have common grievances. Hence, **C.A. Nos. 330, 331, 332, 333 & 334/2019 for Jt. O.As. are allowed.**

3. The below are the O.As. with their contents:-

Sr. No.	O.A. No.	Order Date	Order (In Annexure)	P.B. (Pg.Nos.)
1	677/2019	11/07/19	5(a) to 5(i)	50 to 59
2	678/2019	20/07/19	5(a) to 5(g)	44 to 50
3	679/2019	17/07/19	5(a) to 5(i)	69 to 78
4	680/2019	20/07/19	5(a) to 5(q)	95 to 111
5	681/2019	31/05/19	Annex. 5 only	Pg. 30 only.

4. These all orders are stayed till filing of the reply.

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

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

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

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

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

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

11. S.O. four weeks for reply.

Vice Chairman

Date:-29/08/2019.

aps.

O.A.No.61/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29th Aug. 2019.

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

2. At the request of both the counsels, matter is **admitted** and kept for final hearing.

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

4. **S.O. 05.09.2019.**

Vice Chairman

Date:-29/08/2019.
aps.

O.A.No.657/2015 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29th Aug. 2019.**

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

2. The Id. P.O. submits that pursis was filed by
the applicant on 31.07.2019, he desires time to file
reply for the same.

3. S.O. 03rd week of September, 2019.

Vice Chairman

Date:-29/08/2019.
aps.

O.A.No.292/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29th Aug. 2019.**

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

2. At the request of Id. counsel for the applicant, **S.O. 13.09.2019.**

Vice Chairman

Date:-29/08/2019.

aps.

O.A.No.181/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29th Aug. 2019.

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

2. The Id. counsel for the applicant has relied on the M.A.T. Judgment in O.A. No. 1072/2017 delivered on 07.09.2018. In para no. 27 of the said Judgment, following observations have been made:-

"27. Considering the discussion as already stated, I am of the opinion that the applicant should be granted regular pensionary benefits and gratuity and other consequential benefits since he has been allowed to retire honourably. Hence, the following order:-

a. Original application is allowed in terms of prayer clause 9 (a).

b. Necessary directions be issued by the Competent Authority granting regular pensionary benefits to the applicant within three months from the date of this order.

c. No order as to costs."

3. The Id. P.O. filed document dated 09/08/2018, by which enquiry has been initiated against the applicant before retirement on 31.12.2018. As per Annexure-A-1, P.B., Pg. No. 15, Id. P.O. as well as Id. counsel for the applicant has not clear that whether D.E. has started vide letter dated

09/08/2018 is under Section 8 of Discipline and Appeal rule, 1979 or under Section 10.

4. The Id. P.O. is directed to file documents related to that effect, so that it will be clear that enquiry was under which section.

5. **S.O. 05.09.2019.**

Vice Chairman

Date:-29/08/2019.
aps.

O.A.No.414/2015 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29th Aug. 2019.**

Heard Shri N.R.Saboo, 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.**

Vice Chairman

Date:-29/08/2019.
aps.

O.A.No.786/2015 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29th Aug. 2019.

Heard Shri G.G.Bade holding for Shri R.A.Haque, the Id. Counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondent nos. 1 & 2. None for the respondent no. 3.

2. Matter is remand back and time limit is upto 05.11.2019. However, as requested by Id. P.O., **S.O. two weeks.**

Vice Chairman

Date:-29/08/2019.
aps.

O.A.No.807/2016 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29th Aug. 2019.**

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

2. At the request of Id. P.O., **S.O. next week.**

Vice Chairman

Date:-29/08/2019.
aps.

O.A.No.71/2017 with C.A.No.41/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29th Aug. 2019.

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

2. As mentioned in the order dated 09.08.2019 in para no. 3, vide order dated 16.10.2017 (Annexure-A-3, P.B., Pg. No. 66) had asked in appeal to conduct *De-nov* enquiry. However, as submitted by Id. counsel for the applicant, nothing had been done. The Id. P.O. desires time to take instructions from the department. The Id. P.O. is directed to take instructions from the department i.e. respondent no. 2 about the progress of *De-nov* enquiry.

3. **S.O. 05.09.2019.**

Vice Chairman

Date:-29/08/2019.
aps.

O.A.No.621/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29th Aug. 2019.

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

2. As pointed out by Id. counsel for the applicant at P.B., Pg. No. 79, it is clear that applicant had joined the service on 17/10/1983. The Id. counsel for the applicant further submitted that since the applicant had joined in the year 1983, the applicant became eligible for first time bound promotion as per the G.R. dated 20.07.2001 (Annexure-A-4, P.B., Pg. No. 15).

3. As per the Id. counsel for the applicant, the applicant was eligible for time bound promotion as per P.B., Pg. No. 16 in para no. 2. It is mentioned that benefit of this G.R. will get after 12 years of service and in para no. 6, it is mentioned that if employee had taken benefit of 08/06/1995, then this G.R. will not be applicable.

3. As per G.R. 2001, applicant became eligible in the year 1994 for first time bound promotion and for that his C.Rs. are to be examined which are below:-

Sr. Nos.	C.R. in year.
1	2001-2000

2	2000-1999
3	1999-1998
4	1998-1997
5	1997-1996

4. The Id. P.O. is directed to file the above same years C.Rs. in tabular format and supply the copy of the same to the other side.

5. Steno copy granted to both the counsels.

6. S.O. two weeks.

Date:-29/08/2019.
aps.

Vice Chairman

O.A.No.622/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29th Aug. 2019.

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

2. The Id. P.O. pointed out that relief clause at P.B., Pg. No. 5 Sr. Nos. (i) & (ii) which are below:-

(i) A speaking order is required to be passed by the Hon'ble Tribunal against the respondents to set aside the punishment imposed vide order dated 20.05.2011 (Annexure-A-2);

(ii) To pass a speaking order to decide the appeal dated 16.09.2014 filed by the applicant within specified period by the respondents;

3. The Id. P.O. also pointed out para no. 2 of the reply which is below:-

"It is further submitted that, respondent no. 1 is the disciplinary authority in respect of applicant. That, the charges levelled against the applicant are proved before the Inquiry Officer. On the basis of enquiry report Respondent no. 1 vide its order dated 20.05.2011 imposed penalty of stoppage of one increment for one year on temporary basis without affecting the future increments. Governor of Maharashtra is the Appellate Authority in respect of applicant. Accordingly applicant preferred the appeal before the Governor of Maharashtra against the order

dated 20.05.2011 passed by the respondent no. 1. The Hon'ble Governor has entrusted the appeal to the Hon'ble Minister for Public Health and Family Welfare to hear and decide the same on behalf of the Hon'ble Governor. On 01.01.2017 pending appeal is dismissed by Minister for Public Health and Family Welfare M.S., Mumbai and decision taken by respondent no. 1 is maintained and the same has been informed to applicant vide letter dated 15.11.2017 applicant is misleading before this Hon'ble Tribunal by way of misrepresentation on this counts the present application deserves to be dismissed."

4. In view of the above facts, this O.A. does not have any merit related to his relief clause. The Id. counsel for the applicant, if so feel, he may file separate O.As. and challenge both the orders of punishment i.e. first for respondent no. 1 and second regarding appeal by different O.As.

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

Vice Chairman

Date:-29/08/2019.

aps.