

O.A. No.366/2016

Coram : S.S. Hingne, M (J).

Dated : 5th October, 2016.

C.A. Nos.461 and 468/16

Shri V.N. Patre, Id. Counsel for the applicant. Shri M.I. Khan, H.K. Pande, Id, P.O. for the respondents 1 to 4. Shri A.R. Ingole, Id. Counsel for R/5.

Ld. P.O. files reply of R/4, i.e., the Asstt. Director, Krida and Yuvak Seva, Pune. The same is taken on record and a copy thereof is given to the Id. Counsel for the applicant and R/5.

The C.As. are filed to vacate the interim order.

At the request of the applicant,
S.O. 2 weeks (19/10/2016) by way of last chance.

Member (J)

skt

O.A. No.71/2010

Coram : S.S. Hingne, M (J).

Dated : 5th October, 2016.

Shri D.R. Upadhye, Adv. holding
for Shri S.U. Nemade, Id. Counsel
for the applicant. Shri M.I. Khan, Id,
P.O. for the respondents.

S.O. Put up before D.B.

Member (J)

skt

O.A. No.78/2010

Coram : S.S. Hingne, M (J).

Dated : 5th October, 2016.

Shri R.S. Abkani, Id. Counsel
for the applicant. Shri M.I. Khan, Id,
P.O. for the respondents.

At the request of Id. Counsel for
the applicant, **S.O**

Member (J)

skt

O.A. No.76/2010

Coram : S.S. Hingne, M (J).

Dated : 5th October, 2016.

Shri S.P. Palshikar, Id. Counsel
for the applicant. Shri H.K. Pande.
Id, P.O. for the respondents.

**S.O. Put up before D.B. when
available.**

Member (J)

skt

O.A. No.603/2016

Coram : S.S. Hingne, M (J).

Dated : 5th October, 2016.

Shri S.C. Deshmukh, Id. Counsel for the applicant. Shri S. Sanis, Id, P.O. for the respondents.

The applicant is to retire on superannuation on 31/12/2016. The D.P.C. was held on 8/10/2014 and the applicant's name is cleared . However, there is no progress thereafter. The respondents want to take instructions.

S.O. 2 weeks by way of last chance.

Member (J)

skt

O.A. No.177/2015

Coram : S.S. Hingne, M (J).

Dated : 5th October, 2016.

Shri N.S. Autkar, Id. Counsel for the applicant. Shri S.A. Sanis, Id, P.O. for the respondents.

Ld. P.O. and Id. Counsel for the applicant want to take instructions regarding the show cause notice issued on 12/3/2015 so that the O.A. can be disposed of.

S.O. 3 weeks.

Member (J)

skt

O.A. No.513/2016

Coram : S.S. Hingne, M (J).

Dated : 5th October, 2016.

Shri P.P. Khaparde, Id. Counsel
for the applicant. Shri S. Deo, Id.
C.P.O. for the respondents.

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

Member (J)

skt

O.A. No.616/2015

Coram : S.S. Hingne, M (J).

Dated : 5th October, 2016.

Shri S. N. Ghodeswar, Adv. holding for Shri Mandpe, Id. Counsel for the applicant. Shri A. Khadatkar, Id. P.O. for the respondents.

At the request of Id. P.O. **S.O. 4 weeks to file reply.**

Member (J)

skt

O.A. No.09/2015

Coram : S.S. Hingne, M (J).

Dated : 5th October, 2016.

Shri G.K. Bhusari, Id. Counsel
for the applicant. Smt. M.A. Barabde,
Id, P.O. for the respondents.

Ld. P.O. submits that the issue
regarding drop of the enquiry is
under consideration.

S.O. 8 weeks.

Member (J)

skt

O.A. No.80/2016

Coram : S.S. Hingne, M (J).

Dated : 5th October, 2016.

Shri H.D. Futane, Id. Counsel for the applicant. Shri M.I. Khan, Id, P.O. for the respondents.

S.O. Put up before D.B. when available.

Member (J)

skt

O.A. No.236/2009

Coram : S.S. Hingne, M (J).

Dated : 5th October, 2016.

Shri P.V. Dandawate, Id. Counsel for the applicant. Shri M. I. Khan, Id. P.O. for the respondents 1 to 3. None for R/4.

S.O.

Put up before D.B.

Member (J)

skt

O.A. No.610/2013

Coram : S.S. Hingne, M (J).

Dated : 5th October, 2016.

Shri Bharat Kulkarni, Id. Counsel
for the applicant. Smt. M.A. Barabde,
Id, P.O. for the respondents.

At the request of Id. P.O. **S.O. 4**
weeks.

Member (J)

Skt.

O.A. No.514/2016

Coram : S.S. Hingne, M (J).

Dated : 5th October, 2016.

None for the applicant.
Smt. M.A. Barabde, Id, P.O. for the
respondents 1 and 2. Shri V.N. Patre,
Id. Counsel holding for Shri S.N.
Gaikwad, Id. Counsel for R/3.

At the request of counsel for
R/3, **S.O. 2 weeks.**

Member (J)

Skt.

O.A. No.284/2010

Coram : S.S. Hingne, M (J).

Dated : 5th October, 2016.

Shri G.K. Bhusari, Id. Counsel for the applicant. Shri M.I. Khan, Id, P.O. for the respondent 1 and 2. None for R/3.

At the request of Id. Counsel for the applicant, **S.O. 4 weeks.**

Member (J)

Skt.

O.A.No. 17/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 05.10.2016.

Shri S.P.Palshikar, Id. counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for the Respts. and Ms. P. Rane, Id. counsel for Intervener.

The learned counsel for the applicant undertakes to file the Rejoinder during the course of day and serve the copies to the other sides.

S.O. 6-10-2016.

Member (J)

dnk.

O.A.No. 668/2011 with C.A.236/2012

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 05.10.2016.

Shri S.P.Palshikar, Id. counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the Respts.

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

Member (J)

dnk.

O.A.No. 625/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 05.10.2016.

Shri S.M.Pande, Id. counsel holding for Shri Bharat Kulkarni, Id. counsel for the

applicant and Shri S.A. Deo, Id. CPO for the Respts.

At the request of Id. CPO, S.O. four weeks for reply.

Member (J)

dnk.

O.A.No. 621/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 05.10.2016.

Shri S.M.Pande, Id. counsel holding for Shri R.V. Shiralkar, Id. counsel for the applicant and Shri Khadatkhar, Id. PO for R-1. Await service of R-2&3.

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

It is made clear that on the next date, if no steps are taken to serve R-2&3, the interim stay will be vacated.

S.O. two weeks.

Member (J)

dnk.

O.A.No. 16/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 05.10.2016.

Shri S.P. Palshikar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the Respts.

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

Put up along with O.A.Nos.22/2016 & 555/2016.

Member (J)

O.A.No. 555/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 05.10.2016.

Shri S.P. Palshikar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the Respts.

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

Put up along with O.A.Nos.22/2016 & 16/2016.

Member (J)

O.A.No. 22/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 05.10.2016.

Shri S.P. Palshikar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the Respts.

S.O. two weeks.

Put up along with O.A.Nos.555/2016 & 16/2016.

Member (J)

dnk.

O.A.No.162/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 05.10.2016.

There is a leave note from Shri J.S. Deshmukh, Id. counsel for the applicant. Smt. S.V. Kolhe, Id. P.O. for R-1 to 3 and 6. None for R-4&5.

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

Put up along with O.A.Nos. 163/2016 & 185/2016.

Member (J)

dnk.

O.A.No.163/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 05.10.2016.

There is a leave note from Shri J.S. Deshmukh, Id. counsel for the applicant. Smt. S.V. Kolhe, Id. P.O. for R-1 to 3 and 6. None for R-4&5.

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

Put up along with O.A.Nos. 162/2016 & 185/2016.

Member (J)

dnk.

O.A.No.304/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 05.10.2016.

Shri S.M. Khan, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the Respts.

At the request of Id. counsel for the applicant, allowed to make the correction in the designation and address of R/1.

S.O. two weeks.

Member (J)

dnk.

O.A.No.384/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 05.10.2016.

Shri S.D. Tatke, Id. counsel holding for Shri R.V. Shiralkar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1&2. None for R-3.

Learned P.O. files reply on behalf of R-1. It is taken on record. Copy of the same is supplied to the Id. counsel for the applicant.

S.O. 21-10-2016.

Member (J)

dnk.

O.A.No.403/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 05.10.2016.

None for the applicant. Smt. S.V. Kolhe, Id. P.O. for the Respts.

It appears that on the last four earlier dates also none appeared for the applicant. Today also none appeared for the applicant. With a view to afford one more opportunity the matter is adjourned by way of last chance.

S.O. 17-10-2016 for dismissal.

Member (J)

dnk.

O.A.No.532/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 05.10.2016.

Heard Shri S.P. Palshikar, Id. counsel
for the applicant and Smt. S.V. Kolhe, Id. P.O.
for the Respts.

Closed for orders.

Member (J)

dnk.

O.A.No.85/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 05.10.2016.

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

As per the directions of the Hon'ble High Court dated 21/4/2015 in W.P. 4486/2014 of Aurangabad Bench the respondents were directed to decide the proposal of the employees before 31-5-2015. That decision taken by the department can be helpful to dispose of the O.A. The learned P.O. to file the same.

S.O. two weeks for filing the same and disposal.

Member (J)

dnk.

O.A.No.678/2014

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 05.10.2016.

Heard Ms. Rucha Pande, Id. counsel holding for Shri S. Ghate, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the Respts.

Closed for orders.

Member (J)

dnk.

O.A.No.176/2010

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 05.10.2016.

None for the applicant. Shri S.A. Sainis, Id. P.O. for the Respts.

S.O. four weeks.

Member (J)

dnk.

O.A.No.381/2011

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 05.10.2016.

Shri S. Borkar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the Respts.

At the request of Id. P.O., S.O. four weeks for reply.

Member (J)

dnk.

O.A.No.394/2011

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 05.10.2016.

Shri M.V. Joshi, Id. counsel holding for Shri P.S. Wathore, Id. counsel for the

applicant and Shri M.I. Khan, Id. P.O. for the Respts.

Learned counsel for the applicant submits that Shri Wathore, Id. counsel for the applicant is out of station and hence he sought an adjournment. At his request, S.O. four weeks.

Member (J)

dnk.

O.A.No.357/2015

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 05.10.2016.

There is a leave note from Shri N.D. Thombre, Id. counsel for the applicant. Shri M.I. Khan, Id. P.O. for the respondents.

The interim relief is operating in the matter from 6-7-2015. It is a case for transfer. It was observed earlier that identical matters

are pending before the Aurangabad and Mumbai Bench. The point involved is about the tenure of the Group-D employee. This cannot be a satisfactory and sufficient ground to keep the matter pending. Hence, the O.A. will be disposed of on the next date.

S.O. two weeks for disposal.

Member (J)

dnk.

Rev.App.13/2015 in O.A.307/2013

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 05.10.2016.

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

Closed for orders.

In the meantime, the learned counsel for the applicant wants to file some documents on record.

Member (J)

dnk.

O.A.248/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 05.10.2016.

Shri N.B. Bargat, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1 to 3. None for R-4&5.

At the request of learned P.O., S.O. two weeks for reply by way of last chance.

Member (J)

dnk.

O.A.440/2015 (D.B.)

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 05.10.2016.

Shri Bharat Kulkarni, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the Respts.

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

Member (J)

dnk.

O.A. No.154 of 2016 –

**(Ravindra Ramanlal Choudhary Vs.
State of Mah. & Ors.)**

**Coram :- Hon'ble Shri S.S. Hingne,
Member (J).**

Dated :- 05-10-2016.

ORDER -

The applicant
came to be suspended vide order

dated 26-02-2016 (A-9,P-34) which is under challenge.

2. Heard Mr. N.A.Gaikwad, Id. counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for R-1 to 3. None for R-4&5. The O.A. is heard finally at the admission stage with consent of Id. counsel for parties.

3. The impugned order of suspension does not disclose any reason for suspension. According to the applicant as also as per the Newspaper cutting (P-32) and as per para-4 of the reply of respondents (P-40), the applicant was suspended as four persons died of Malaria at village Korachi and Etapalli in Gadchiroli district. The applicant was working as Epidemic Medical Officer at Zilla Parishad, Gadchiroli. According to the applicant, the other Medical Officer who have to look after the cases of

Malaria. The Star question was raised by the MLA on the floor of the Maharashtra Legislative Assembly and therefore order of suspension is issued. However on 28-12-2015 the same MLA has written a letter to the Hon'ble Health Minister that due to some misunderstanding he has blamed the applicant, but he learnt that other Medical Officers look after that work. Despite of this, the order of suspension is issued on 26-02-2016 which may be due to lack of coordination or documents were not looked into.

4. The matter does not end there. The CEO, Z.P., Gadchiroli (R/4) and District Health Officer, Z.P., Gadchiroli (R/5) in their reply stated that the applicant is no way concerned with the death of four persons. The Note sheet prepared by the District Health Officer, Z.P., Gadchiroli (R/5) to reply the Star question is placed on

record (P-25) which says that out of four persons, two persons died being flown away in the water and two persons are died due to Malaria. In the reply of para-6 (P-35) it is mentioned by the Z.P. that there is one post of District Malaria Officer who looks after the cases of Malaria in the Health Department. The applicant is no way concerned with the death of four persons.

5. The applicant is under suspension from 26-02-2016 and thus more than seven months period is lapsed. The applicant is a Medical Officer whose services are very much required, particularly in the Tribal areas like Gadchiroli and Chandrapur. It is not the case of respondents that any inquiry is initiated. Apart from that if any inquiry is initiated considering the nature of the allegations, it cannot be said that the

applicant on revocation of suspension will create any hindrance because everything is matter of record. Thus no fruitful purpose can be served by continuing the applicant under suspension. As per the guidelines laid down by Their Lordships of the Apex Court in **Ajay Kumar Choudhary Vs. Union of India through its Secretary & Anr., 2015 (2) SCALE, 432** case and in the light of above reasons, the suspension needs to be revoked.

6. Consequently, the O.A. is allowed. The respondents to revoke the suspension of the applicant within a week. No order as to costs.

(S.S.Hingne)

Member (J).

dnk.