

O.A. (St.) No. 266/2019.

(D.B.)

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

Dated : 19th July 2019.

C.A. 53/2019.

Heard Shri O.Y. Kashid, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents.

Ld. P.O. seeks time to file reply to the application for condonation of delay.

S.O. 9.8.2019.

Member (J)

Vice-Chairman

Dt. 19.7.2019.

pdg.

O.A. No. 303/2019.

(D.B.)

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

Dated : 19th July 2019.

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

The Ld. counsel for the applicant submits that he is filling service affidavit today itself. Ld. P.O. seeks four weeks time.

S.O. four weeks.

Member (J)

Vice-Chairman

Dt. 19.7.2019.

pdg.

O.A. No. 357/2019.

(D.B.)

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

Dated : 19th July 2019.

Heard Shri Vishal Anand, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

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

Member (J)

Vice-Chairman

Dt. 19.7.2019.

pdg.

O.A. No. 603/2018.

(D.B.)

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

Dated : 19th July 2019.

Heard Shri J.B. Gandhi, the Ld. counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondent Nos.1 and 2. None for R.3.

The Ld. counsel for the applicant is directed to delete the name of respondent No.3, as respondent No.3 has no role to play in this matter. Ld. P.O. is directed to file reply of R.1

S.O. **four weeks.**

Member (J)

Vice-Chairman

Dt. 19.7.2019.

pdg.

O.A. No. 722/2018.

(D.B.)

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

Dated : 19th July 2019.

C.A. No.206/2019.

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

The Ld. counsel for the applicant has filed certain documents from the website of the department. It is marked "X" and "X-1" for identification. By this, it appears that on the website, it was published that the last date was extended from 17.3.2017 to 20.3.2017 (P.4, Exh. X-1). It shows, however, that these documents were uploaded. From all these facts, it appears that the respondents are not supplying true documents before this Tribunal. Actually, they should have supplied true documents before this Bench. Ld. P.O.is directed to seek instructions that who has directed to extend the date and when these publications were uploaded in the website.

Ld. P.O. is directed to personally consult respondent No.5 about seeking this information.

The Ld. counsel for the applicant is directed to file the documents alongwith pursis i.e. Exh. X and X-1 in the office of this Tribunal. C.A. for amendment is allowed and disposed of. O.A. be amended and copies of amended O.A. be supplied to the respondents.

S.O. **6.8.2019.**

Member (J)

Vice-Chairman

Dt. 19.7.2019.

pdg.

O.A. No. 1025/2018. (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 19th July 2019.**

Heard Shri N.B. Rathod, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents 1 and 2. None for R. 3 and 4.

Ld. P.O. submits that the reply has already been cleared by the Secretary of the Department

At the request of Ld. P.O., S.O. **29.7.2019** for filing reply.

Member (J)

Vice-Chairman

Dt. 19.7.2019.

pdg.

O.A. No. 275/2012. (D.B.)

Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 19th July 2019.

M.C.A. No.37/2019 in M.C.A. No.35/2019.

Heard Shri N.R. Saboo, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

MCA No.37/2019 is allowed and disposed of.

MCA No. 35/2019 is allowed and disposed of. Delay condoned. O.A. be restored to file.

Parties are directed to appear before this Tribunal on **2.8.2019.**

Member (J)

Vice-Chairman

Dt. 19.7.2019.

pdg.

O.A. No. 699/2012.

(D.B.)

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

Dated : 19th July 2019.

MCA No.53/2019.

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

At the request of Ld. P.O., S.O. **22.7.2019** to consult the department.

Member (J)

Vice-Chairman

Dt. 19.7.2019.

pdg.

O.A. No. 644/2013.

(D.B.)

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

Dated : 19th July 2019.

C.A. 210/2018.

Heard Shri A.R. Sharma, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

S.O. **22.7.2019** as a last chance.

Member (J)

Vice-Chairman

Dt. 19.7.2019.

pdg.

O.A. No. 133/2013.

(D.B.)

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

Dated : 19th July 2019.

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

Closed for orders.

Member (J)

Vice-Chairman

Dt. 19.7.2019.

pdg.

O.A. No. 724/2014.

(D.B.)

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

Dated : 19th July 2019.

C.A. 204/2019.

Heard Shri S.D. Malke, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

Leave is granted to comply the order passed in C.A. No. 390/2018 within two weeks.

S.O. **two weeks.**

Member (J)

Vice-Chairman

Dt. 19.7.2019.

pdg.

O.A. No. 192/2019.

(D.B.)

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

Dated : 19th July 2019.

Heard Shri S.P. Palshikar, the Ld. counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondent No. 1, None for R.3.

2. Issue notice to the respondents 2 and 4 returnable in three weeks.

2-A. Shri H.K. Pande, the learned P.O. waives notice for the respondent No.1. Hamdast granted.

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)

Vice-Chairman

Dt. 19.7.2019.

pdg.

O.A. No. 453/2019.

(D.B.)

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

Dated : 19th July 2019.

None for the applicant. Heard Shri S.A. Deo, the learned C.P.O. for the respondent No.1.

2. Issue notice to remaining respondents returnable in four weeks.

2-A. Shri S.A. Deo, the learned C.P.O. waives notice for the respondent No.1. Hamdast granted.

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. **four weeks.**

Member (J)

Vice-Chairman

Dt. 19.7.2019.

pdg.

O.A. No. 123/2017.

(D.B.)

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

Dated : 19th July 2019.

C.P. 18/2019.

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

2. Dr. Shamsundar Nikam, Civil Surgeon, General Hospital, Amravati is personally present before this Tribunal. We have perused reply and documents filed alongwith reply. It appears that the procedure adopted by the respondents is absolutely unsatisfactory. O.A. came to be file on 17.11.2017, no just explanation is given why there is such inordinate delay to comply the order and to release the pensionery benefits to the applicant. It appears from page No. 43 that the Govt. passed the order on 8.7.2019 in pursuance of the order passed by this Tribunal and thereafter on 12.7.2019 pension case of the applicant was forwarded to the Accountant General-II (M.S.), Nagpur for approval. In

view of these circumstances, we think it just to direct the Civil Surgeon, General Hospital, Amravati who is personally present today before this Tribunal to depute a special official to monitor the proceedings before the Accountant General-II (M.S.), Nagpur and try to pay pension and other reliefs to the applicant within four weeks from the date of this order.

The Civil Surgeon, General Hospital, Amravati is directed to supply information on the next date of hearing and submit that compliance has been done.

S.O. **four weeks.**

Steno copy be provided to the Ld. P.O.

Member (J)

Vice-Chairman

Dt. 19.7.2019.

pdg.

O.A. No. 515/2018.

(D.B.)

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

Dated : 19th July 2019.

Heard Shri N.D. Thombre, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

The Ld. counsel for the applicant has submitted pursis and also submitted the notification issued by Govt. of Maharashtra dated 11.6.2019. By this notification, the Recruitment Rules of 2017 are amended and proviso is added to Rule No.3. Ld. P.O. has submitted that time is required by him to seek necessary instructions from the respondents.

S.O. 26.7.2019.

Member (J)

Vice-Chairman

Dt. 19.7.2019.

pdg.

O.A. No. 561/2019.

(D.B.)

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

Dated : 19th July 2019.

Heard Shri Gajanan Asale, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondent No.1.

2. After perusing the documents, particularly page Nos. 28, 29 and 30, we do not think that it is a case for grant of interim relief before giving an opportunity to the respondents to put up their case.

3. Hence, issue notice to rest of the respondents returnable on **30.7.2019**.

4. Shri S.A. Deo, the learned C.P.O. waives notice for the respondent No.1. Hamdast granted.

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

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

7. 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 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.

10. S.O. **30.7.2019.**

Member (J)

Vice-Chairman

Dt. 19.7.2019.

pdg.

O.A. No. 753/2011.

(D.B.)

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

Dated : 19th July 2019.

Heard Shri A.B. Mahajan, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

At the request of the Ld. counsel for the applicant, S.O. **31.7.2019.**

Member (J)

Vice-Chairman

Dt. 19.7.2019.

pdg.

O.A. No. 400/2018.

(D.B.)

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

Dated : 19th July 2019.

Heard Shri P.N. Singh, Adv. holding for Shri D.N. Mathur, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

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

Member (J)

Vice-Chairman

Dt. 19.7.2019.

pdg.

O.A. No. 404/2014.

(D.B.)

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

Dated : 19th July 2019.

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

As pointed out by the request of the Ld. counsel for the applicant that the applicant retired on 30.11.2017 and caste claim of the applicant was invalidated on 4.9.2018. In view of this, O.A. has become infructuous. It is disposed of accordingly.

Member (J)

Vice-Chairman

Dt. 19.7.2019.

pdg.

O.A. No. 687/2015.

(D.B.)

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

Dated : 19th July 2019.

C.A. Nos. 247 & 274 of 2019.

Heard Shri S.D. Malode, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

C.A. Nos. 247 & 274 of 2019 are moved for permission to file documents on record. Both C.As are allowed and disposed of.

O.A. No. 687/2015.

S.O. **6.8.2019.**

Member (J)

Vice-Chairman

Dt. 19.7.2019.

pdg.

O.A. Nos. 716 & 732 of 2017.

(D.B.)

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

Dated : 19th July 2019.

Heard Shri T.S. Deshpande, the Ld. counsel for the applicants and Shri A.M. Khadatkar, the learned P.O. for the respondents 1 and 2. Shri J.S. Wankhede, Adv. holding for Shri V.B. Gawali, Adv. for R. 3 to 10.

By reply of the respondents, it appears in para 3 that on 15.7.2017, because one Driver was reverted to Class-IV post. The candidates were to be called at the ratio 1:5. The applicant is at Sr. No.1. Interview was conducted on 18.7.2017 and appointment order was issued on 19.7.2017(A.8, P. 21 to 37).

Ld. P.O. is directed to file termination order of the Driver as mentioned in para 4 of the reply and also reason why the applicant was not intimated about the interview scheduled on 18th July 2017 and what was the procedure for making seniority at the ratio of 1:8.

S.O. **two weeks.**

To be treated as part heard.

Member (J)

Vice-Chairman

Dt. 19.7.2019.

pdg.

O.A. No. 587/2018.

(D.B.)

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

Dated : 19th July 2019.

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

At the request of Ld. P.O., S.O.

25.7.2019.

Member (J)

Vice-Chairman

Dt. 19.7.2019.

pdg.

O.A. No. 503/2018 **(SB)**

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

Dated : 19.07.2019

Smt. S.W. Deshpande, Id. counsel
for the applicant and Shri P.N. Warjurkar, Id.
P.O. for the respondents.

At the request of learned counsel for
the applicant, **S.O. after 10th
September,2019.**

Member (J)

dnk.

O.A. No. 743/2018 **(SB)**

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

Dated : 19.07.2019

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

Heard. Admit.

The learned P.O. for the respondents.

S.O. in due course.

Member (J)

dnk.

O.A. No. 259/2018 **(SB)**

Coram : Hon. Shri A.D. Karanjkar,

Member (J).

Dated : 19.07.2019

Shri A.P. Sadavarte, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1,4&5 and none for R-2&3.

At the request of Id. counsel for the applicant, **S.O.1/8/2019.**

Interim relief to continue till then.

Member (J)

dnk.

O.A. No. 502/2017 **(SB)**

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

Dated : 19.07.2019

Shri M.K. Kulkarni, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 2nd week of August,2019.**

Member (J)

dnk.

O.A. No. 511/2018 **(SB)**

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

Dated : 19.07.2019

Shri R.G. Nitnaware, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 9/8/2019**.

Member (J)

dnk.

O.A. No. 503/2018 **(SB)**

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

Dated : 19.07.2019

Smt. S.W. Deshpande, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

At the request of learned counsel for the applicant, **S.O. after 10th September,2019.**

Member (J)

dnk.

O.A. No. 392/2018 **(SB)**

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

Dated : 19.07.2019

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

2. The matter is taken on board today. The learned P.O. files reply on behalf of R-2.

It is taken on record. Copy is served on the applicant.

3. As there is a time limit in this matter, therefore, it is **admitted** for final hearing.

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

S.O. 23/7/2019.

Member (J)

dnk.

O.A. No. 974/2018 **(SB)**

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

Dated : 19.07.2019

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

It is submitted that the matter is partly heard by the learned Member (A), therefore, matter be kept before the same Bench

Member (J)

dnk.

O.A. No. 475/2018 **(SB)**

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

Dated : 19.07.2019

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

The Id. P.O. files reply on behalf of R-4. It is taken on record.

S.O. three weeks.

Member (J)

dnk.

O.A. No. 66/2019 **(SB)**

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

Dated : 19.07.2019

Shri N.R. Saboo, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1. Await service of R-2&3.

Service affidavit of R-2&3 is not filed.

S.O. three weeks.

Member (J)

dnk.

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

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

Dated : 19.07.2019

Shri N.D. Thombre, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

The learned CPO submitted that if one week time is granted, he would make positive statement as to what decision is taken on the representation submitted by the applicant dated 1/6/2019.

S.O. 26/7/2019.

Member (J)

dnk.

O.A. No. 452/2019 **(SB)**

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

Dated : 19.07.2019

None for the applicant. Shri S.A. Deo, Id. CPO for R-1 to 3 and Shri T.M. Zaheer, Id. counsel for R-7. None for other respondents.

At the request of Id. CPO as well as learned counsel for R-7, **S.O. four weeks** for filing reply.

Member (J)

dnk.

O.A. No. 984/2018 **(SB)**

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

Dated : 19.07.2019

Heard Shri Bharat Kulkarni, Id.
counsel for the applicant and shri S.A. Deo,
Id. CPO for the respondents.

Heard. Admit.

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

S.O. 6/8/2019.

Member (J)

dnk.

O.A. No. 977/2018 **(SB)**

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

Dated : 19.07.2019

Shri Nayase, Id. counsel for the applicant and shri S.A. Sainis, Id. P.O. for R-1. Await service of R-2 to 7.

Service reports of R-2 to 7 are not filed.

S.O. two weeks.

Member (J)

dnk.

O.A. No. 1012/2018 **(SB)**

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

Dated : 19.07.2019

Shri Nayase, Id. counsel holding for Shri G.G. Bade, Id. counsel for the applicant and shri S.A. Sainis, Id. P.O. for R-1. Await service of R-2 to 5.

Service reports of R-2 to 5 are not filed.

S.O. two weeks.

Member (J)

dnk.

O.A. No. 359/2018 (SB)

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

Dated : 19.07.2019

Shri Nayase, Id. counsel holding for Shri G.G. Bade, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

2. Shri Nayase, Id .counsel submits that Shri G.G. Bade, Id. counsel for the applicant is busy in the High Court therefore the matter may be adjourned.

3. The learned CPO submits that Shri V.A. Kulkarni, Id. P.O. is unable to appear in this matter due to his personal difficulties, therefore, the matter may be adjourned.

At the request of both the sides, **S.O.**
one week.

Member (J)

dnk.

O.A. No. 444/2018 (SB)

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

Dated : 19.07.2019

Shri N.R. Saboo, Id .counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1 to 3. None for R-4.

At the request of Id. counsel for the applicant, **S.O. 26/7/2019.**

Member (J)

dnk.

O.A. No. 562/2019 **(SB)**

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

Dated : 19.07.2019

Heard Shri D.P. Dapurkar, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. PO for the State.

2. It is brought to my notice that vide order no.2 dated 4/7/2019 the applicant was transferred from Panchayat Samiti, Ajangaon Surji, District Amravati to Panchayat Samiti, Shegaon, District Buldhana on vacant post. Surprisingly the order no.4 was again issued on 4/7/2019 and by this order Dr. S.T. Bhopale who was posted at Shamba, Tq. Nandura, Dist. Buldhana was transferred to Panchayat Samiti, Shegaon, District Buldhana. Vide Annex-A-3 Dr. Bhopale joined his duty at Panchayat Samiti, Shegaon, District Buldhana. Page no.18 is the movement order of Dr. Bhopale. In this order, it is mentioned that Dr. Bhopale resumed duty at Panchayat Samiti, Shegaon, Dist. Buldhana. Thus it seems that as Dr. Bhopale has already resumed the duty at Panchayat Samiti, Shegaon, Dist. Buldhana, consequently, there is no post available for the applicant to join. The learned counsel for the applicant submitted that till today the applicant is not relieved, therefore, the respondents are directed not to relieve the applicant from his present post till further orders.

3. Issue notice to R-2 &3, returnable **after two 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 two weeks.

Steno copy is granted.

Member (J)

dnk.

O.A. No. 560/2019 **(SB)**

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

Dated : **19.07.2019**

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. PO for the State.

2. The applicant is transferred from Nagpur to Dhartimurti, Tq. Katol, Dist. Nagpur vide order dated 31/05/2019. It is submitted by the applicant that as per the

G.R. dated 9/4/2018 the respondents were bound to publish the list of the Stations which were available to fill the post by transfer. It is submitted that though the post at Bramhani was vacant, but it was not shown and consequently the applicant was unable to give option for that post. It is submitted that on 3/6/2019 the applicant submitted her representation and requested to post her at Bramhani as the post was vacant. It is contended that till today the applicant is not relieved from her post and the post at Bramhani is not filled in, therefore, direction be given to the respondents to decide the representation of the applicant and till then the applicant should not be relieved from her post.

3. I have perused the documents. As the applicant is not relieved from the post till today, therefore, I direct that the applicant should not be relieved till taking decision on her representation dated 3/6/2019.

4. Issue notice to R-2 to 4, returnable **after two weeks**. Learned 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 **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.

Steno copy is granted.

Member (J)

dnk.

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 19th July 2019.

Heard Shri G.C.Khond, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the State. Await service of respondent nos. 2 to 5.

2. The Id. counsel for the applicant submits that issue fresh notice to respondent no. 3. He further submits that he will file service affidavit of the remaining respondents in the next week.

3. Issue fresh notice to R-3, returnable on two 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.

9. **S.O. two weeks.**

Vice Chairman

Date:-19/07/2019.
aps.

O.A.No.917/2018 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 19th July 2019.

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

2. The Id. P.O. filed reply on behalf of the respondent nos. 1 to 3. It is taken on record. Copy is served to the other side.

3. The Id. counsel for the applicant desires time to go through it. The Id. counsel for the applicant is at liberty to file Rejoinder, if any.

4. **S.O. two weeks.**

Vice Chairman

Date:-19/07/2019.
aps.

O.A.Nos.958 & 959/2018 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice Chairman**

Dated: 19th July 2019.

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

2. The Id. P.O. seeks three weeks time to file reply. **S.O. three weeks.**

Vice Chairman

Date:-19/07/2019.
aps.

O.A.No.112/2019 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice Chairman**

Dated: 19th July 2019.

Ms. Y.P.Patil, the applicant in person.
None for the applicant's counsel. Shri
P.N.Warjurkar, the Id. P.O. for the respondent
nos. 1 & 2. None for the respondent no. 3.

2. The Id. P.O. desires three weeks time to
file reply. **S.O. 13.08.2019.**

Vice Chairman

Date:-19/07/2019.
aps.

O.A.No.345/2019 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice Chairman**

Dated: 19th July 2019.

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

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

Vice Chairman

Date:-19/07/2019.
aps.

O.A.No.352/2019 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 19th July 2019.

Heard Shri A.R.Kalele, the Id. Counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondents.

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

Vice Chairman

Date:-19/07/2019.
aps.

O.A.No.35/2019 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 19th July 2019.

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

2. As pointed out by Id. counsel for the applicant in order dated 18.06.2019, the matter was already covered in W.P.No. 1573/2017 in the Hon'ble High Court.

3. The Id. P.O. is directed to file reply within one week time. If reply is not file, matter will be heard on merit.

4. S.O. 26.07.2019.

Vice Chairman

Date:-19/07/2019.

aps.

O.A.No.173/2019 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 19th July 2019.

Heard Shri N.D.Thombre, 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 applicant has been reinstated vide order dated 24.08.2018. However, issue remains pending only at regularization of suspension period from 30.10.2017 to 29.10.2018.

3. The Id. P.O. submits that he has received parawise reply within two weeks.

S.O. 02.08.2019.

Vice Chairman

Date:-19/07/2019.

aps.

O.A.No.416/2019 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice Chairman**

Dated : 19th July 2019.

None for the applicant. Shri P.N.Warjurkar, the Id. P.O. for the State. Await service of respondent no. 2.

2. S.O. four weeks.

Vice Chairman

**Date:-19/07/2019.
aps.**

O.A.No.543/2019 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 19th July 2019.

C.A.No.267/2019:-

Heard Shri Sunil Pande, the Id. Counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the State.

2. The Id. counsel for the applicant has filed C.A. No. 267/2019 for joining two applications, which has same grievances and same issue involved.

3. In view of the above, **C.A. No. 267/2019 is allowed to file Jt. O.A..**

4. Issue notice to R-2 & 3, returnable on two weeks. Learned 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 **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.

10. **S.O. Two Weeks.**

Vice Chairman

Date:-19/07/2019.

aps.

O.A.Nos.126 & 189/2015 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 19th July 2019.

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

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

Vice Chairman

Date:-19/07/2019.
aps.

O.A.No.338/2017 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 19th July 2019.

Heard Shri R.R.Ramteke holding for Shri O.Y.Kashid, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. At the request of Id. counsel for the applicant, **S.O. 09.08.2019.**

Vice Chairman

Date:-19/07/2019.
aps.

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

**Coram: Shri Shree Bhagwan,
Vice Chairman**

Dated: 19th July 2019.

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

2. At the request of Id. P.O., **S.O. 26.07.2019.**

Vice Chairman

Date:-19/07/2019.
aps.