

O.A. No. 580/2017. (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 31st July 2019.**

Heard Shri N.R. Saboo, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondent No.1.

2. At the request of the Ld. counsel for the applicant, issue fresh notice to R. 2 and 3 returnable after two weeks.

3. Shri A.M. Ghogre, the learned P.O. waives notice for the respondent No.1. Hamdast granted.

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.

Member (J)

Vice-Chairman

Dt. 31.7.2019.

pdg.

O.A. No. 157/2019. (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 31st July 2019.**

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

Ld. counsel for the applicant submits that he will make necessary amendment in the O.A.

S.O. next week.

Member (J)

Vice-Chairman

Dt. 31.7.2019.

pdg.

O.A. No. 946/2018. (D.B.)

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

Dated : 31st July 2019.

C.A. No. 392/2018.

None for the applicant. Heard Shri A.M. Khadatkhar, the learned P.O. for the respondents 1 and 2. None for R.3.

S.O. **four weeks** for order.

Member (J)

Vice-Chairman

Dt. 31.7.2019.

pdg.

O.A. No. 508/2018. (D.B.)

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

Dated : 31st July 2019.

C.A. No. 213/2019.

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

Today reply is filed by respondent No.3 to the additional affidavit filed by the applicant and affidavit filed by respondent No.3 in pursuance of directions issued by this Tribunal.

S.O. next week.

Member (J)

Vice-Chairman

Dt. 31.7.2019.

pdg.

O.A. No. 499/2018.

(D.B.)

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

Dated : 31st July 2019.

Heard Shri Ishant Tambe, Adv. holding for Shri V.S. Mishra, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

Ld. P.O. has submitted report of enquiry and it is submitted that report was submitted before the Commissioner of Tribal Development, Nashik for necessary action. In view of this, proceeding is stopped in view of compliance of order of this Tribunal dated 28.11.2018.

Member (J)

Vice-Chairman

Dt. 31.7.2019.

pdg.

O.A. No. 96/2016.

(D.B.)

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

Dated : 31st July 2019.

R.A. 17/2017.

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

Ld. counsel for the applicant has filed documents on record to show that writ petition is pending in the Hon'ble High Court and it is likely to be listed on 13.8.2019. Ld. P.O. submits that he will file reply within two weeks.

S.O. two weeks.

Member (J)

Vice-Chairman

Dt. 31.7.2019.

pdg.

O.A. No. 382/2005. (D.B.)

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

Dated : 31st July 2019.

M.C.A. Nos. 20 and 21 of 2018.

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

The Ld. counsel for the applicant submits that he has served notice on R. 2 and he will file service affidavit today itself.

S.O. **one week.**

Member (J)

Vice-Chairman

Dt. 31.7.2019.

pdg.

O.A. No. 753/2011. (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 31st 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.

Closed for orders.

Member (J)

Vice-Chairman

Dt. 31.7.2019.

pdg.

O.A. No. 846/2012. (D.B.)

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

Dated : 31st July 2019.

C.A. No.258/2018

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

When this O.A. was heard on the previous date, in reply, it was not pointed out that the cases were pending against the applicant. Today, the Ld. P.O. is pointing out that the cases are pending against the applicant. That is why pension case of the applicant was not finalised. In fact, while passing the order dated 29.10.2011 (A.1, P.22), the concerned competent authority should have passed the order about pensionary benefits to be given to the applicant also. But this was not done in this case. The respondents are directed to take decision as per Section 100 and 102 (b) of the Maharashtra Civil Services (Pension) Rules, 1982 about grant of provisional

pension to the applicant within a period of two weeks from the date of this order.

In case the applicant is aggrieved with the order, he is at liberty to approach this Tribunal. If in the event, any order is passed causing prejudice to the applicant, then he will be at liberty to challenge that order in the same application.

S.O. **three weeks.**

Member (J)

Vice-Chairman

Dt. 31.7.2019.

pdg.

O.A. No. 604/2010. (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 31st July 2019.**

None for the applicant. Shri A.M. Ghogre, the learned P.O. for the respondents 1 to 3. None for R.4.

Ld. P.O. submitted that on the last date i.e. on 10.7.2019 this Tribunal has directed the Govt. to complete the process on or before 31.8.2019. Hence the matter would be heard in 2nd week of September 2019.

S.O. **2nd week of September 2019.**

Member (J)

Vice-Chairman

Dt. 31.7.2019.

pdg.

O.A. No. 370/2016. (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 31st July 2019.**

Heard Shri A.P. Tathod, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents 1 to 4. None for R.5.

From the record, it appears that Joint Director of Health Services, Mumbai has submitted Draft Rules in Marathi as well as in English both to the Principal Secretary, Department of Public Health, Mantralaya, Mumbai vide letter dated 27.2.2015, but the rules are yet to be finalised. Respondent No.1 is directed to take a decision on this proposal within a period of two months from the date of this order.

S.O. **two months.**

Member (J)

Vice-Chairman

Dt. 31.7.2019.

pdg.

O.A. No. 407/2018. (D.B.)

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

Dated : 31st July 2019.

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

The Ld. P.O. has filed a letter from District Joint Registrar, Yavatmal dated 3.7.2019, it is taken on record and a copy of which is supplied to the Ld. counsel for the applicant. The Ld. counsel for the applicant is directed to make amendment in the O.A. for deciding the seniority of the applicant.

S.O. two weeks.

Member (J)

Vice-Chairman

Dt. 31.7.2019.

pdg.

O.A. No. 373/2018 **(SB)**

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

Dated : 31.07.2019

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

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

Member (J)

dnk.

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

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

Dated : 31.07.2019

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

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

Member (J)

dnk.

O.A. Nos. 713 & 714 of 2018 **(SB)**

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

Dated : 31.07.2019

Shri P.V. Thakre, Id. counsel for the applicants and Shri S.A. Sainis, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. one week** for filing reply.

Member (J)

dnk.

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

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

Dated : 31.07.2019

None for the applicant. Shri S.A. Sainis, 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. 956/2018 **(SB)**

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

Dated : 31.07.2019

Shri S.N. Gaikwad, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1. Await service of R-2&3.

2. At the request of learned counsel for the applicant, issue fresh notice to R-2 &3, returnable **after two weeks**. Hamdast allowed.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance

in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

S.O. after two weeks.

Member (J)

dnk.

O.A. No. 374/2019 **(SB)**

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

Dated : **31.07.2019**

C.A.219/2019

Shri S.M. Bhagde, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

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

Member (J)

dnk.

O.A. No. 395/2019 **(SB)**

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

Dated : 31.07.2019

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

The learned P.O. files reply on behalf of R-1&2. It is taken on record.

Heard. Admit.

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

S.O. 13/8/2019.

Member (J)

dnk.

O.A. No. 551/2019 **(SB)**

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

Dated : 31.07.2019

None for the applicnat. Shri M.I. Khan, Id. P.O. for R-1. Await service of R-2 to 4.

Service report of R-2 to 4 is not filed.

S.O. one week.

Member (J)

dnk.

O.A. No. 842/2015 **(SB)**

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

Dated : 31.07.2019

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

On the previous date the applicant and his counsel were absent. Today also none appeared for the applicant. No reason appears to adjourned the matter. Hence, the O.A. stands dismissed in default.

Member (J)

dnk.

O.A. No. 424/2018 **(SB)**

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

Dated : 31.07.2019

Shri P.S. Wathore, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1 to 4 and Shri S. Chavhan, Id. counsel for R-5&6.

At the request of Id. counsel for the applicant, **S.O. 2/8/2019** for filing rejoinder.

Put up along with O.A. 726/2018.

Member (J)

dnk.

O.A. No. 726/2018 with C.A.91/19 **(SB)**

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

Dated : 31.07.2019

Shri P.S. Wathore, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1 to 3&5 and Shri S. Chavhan, Id. counsel for R-9. None for other respondents.

At the request of Id. counsel for the applicant, **S.O. 2/8/2019** for filing rejoinder.

Put up along with O.A. 424/2018.

Member (J)

dnk.

O.A. Nos. 445,446 & 447 of 2015 **(SB)**

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

Dated : 31.07.2019

Heard Shri Arpit Gajbhiye, Id. counsel holding for Shri N.B. Bargat, Id. counsel for the applicants, Shri A.M. Ghogre, Id. P.O. for R-1 to 3 & 5 and Shri B.N. Jaipurkar, Id. counsel for R-4 (in O.A.446 & 447 of 2015). None for R-4 (in O.A.445/2015).

At the request of Shri B.N. Jaipurkar, Id. counsel for R-4 (in O.A.446 & 447 of 2015), **S.O. 1/8/2019** as a last chance to argue the matter.

Member (J)

dnk.

O.A.No.735/2016 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 31st July 2019.

Heard Shri M.R.Rajgure, the Id. Counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the respondent nos. 1 & 2 and Shri V.G.Wankhede, the Id. counsel for the respondent no. 3.

2. As pointed out by Id. counsel for the applicant the paging is yet to be done. Office is directed to do proper paging.

3. **S.O. 13.08.2019.**

Vice Chairman

Date:-31/07/2019.

aps.

O.A.No.544/2018 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 31st July 2019.

C.A.NO.35/2019:-

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

2. As submitted by Id. counsel for the applicant, the similar matters were pending before the Hon'ble High Court and that was decided on 24.06.2016. The applicant has been granted second deem date of promotion on 01.10.2009 and superannuation on 28.02.2010. After the Hon'ble High Court order, Collector had reconsidered the issue in the year 2017. The applicant was communicated that second deem date of promotion was granted from 2009.

3. In view of this background, condonation of delay application no. 35/2019 is allowed. The applicant has filed O.A. dated 20/08/2018.

4. S.O. four weeks.

Vice Chairman

Date:-31/07/2019.

aps.

O.A.No.613/2018 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 31st July 2019.

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

2. It seems from the record that all the respondents belongs to the Nagpur only. Then also, Id. P.O. seeks further three weeks time to file reply. As the last chance, three weeks time is granted.

3. S.O. three weeks.

Vice Chairman

Date:-31/07/2019.

aps.

O.A.Nos.747, 748, 749, 750, 752 &
755/2018 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 31st July 2019.

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

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

Vice Chairman

Date:-31/07/2019.
aps.

O.A.No.115/2019 (S.B.)

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

Dated: 31st July 2019.

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

2. In previous order dated 22.03.2019, it was already decided that this matter will be placed before regular D.B. along with the O.A. No. 908/2018.

3. The impugned order is at Annexure-A-2, P.B., Pg. No. 35 dated 08.06.2015 and Annexure-A-3, P.B., Pg. No. 38 dated 08.06.2015. By these orders, Juniors of applicant were promoted and the applicant was under suspension due to A.C.B. case. The Id. counsel for the applicant is relying on the Government Circular No. SRV-1075/X, dated 02.04.1976 at Annexure-A-21 (P.B., Pg. No. 77).

4. The Id. counsel for the applicant is directed to make local officer as a respondents. So, that it is easier for the Id. P.O. to get the reply at earliest.

5. The Id. counsel for the applicant desires to file certain documents on record.

He is permitted to file the same **within one week time.**

6. As per the earlier Tribunal's order, the matter be place before the regular D.B..

7. **S.O. four weeks.**

Vice Chairman

Date:-31/07/2019.
aps.

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

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 31st July 2019.

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

2. The Id. counsel for the applicant has filed pursis, by this pursis applicant submits that applicant has passed from Open University. The Id. P.O. wants to verify the contents of the pursis and will file reply for the same, if necessary.

3. S.O. two weeks.

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

Vice Chairman

Date:-31/07/2019.

aps.

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

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

Dated: 31st July 2019.

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

2. As requested by Id. counsel for the applicant, **S.O. two weeks.**

Vice Chairman

Date:-31/07/2019.
aps.

O.A.No.974/2018 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 31st July 2019.

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

2. The Id. counsel for the applicant has filed pursis today along with the similar Judgments like:-

A. **Hon'ble Supreme Court Judgment in State of Punjab & Ors. Vs. Rafiq Masih (White Washer) etc.** Reported in group of cases Civil Appeal No. 11527 of 2014 arising out of S.L.P. (C) No. 11684/2012 delivered on 18/12/2014.

B. Hon'ble High Court, Mumbai Bench at Nagpur in **Writ Petition No. 1765/2015 in Maruti Tukaram Bagawe & Ors. Vs. State of Maharashtra & Another** delivered on 18.06.2018.

C. M.A.T., Principle Bench in **O.A No. 820/2016 in Dilip M. Diwane Vs. State of Maharashtra & 3 Ors.** delivered on 13.06.2017, he is mainly relying on para nos. 18, 20 & 21.

3. During last hearing on 18.12.2018 in para no. 2 interim relief has been granted which is below:-

"2. Vide impugned order dated 16.10.2018 (A-3), the respondents are recovering the amount of Rs. 3,47,153/- from the salary of the applicant in 60 instalments. The amount of Rs. 5838/- should be recovered as first instalment and Rs. 5785/- for rest of the 59 instalments on the ground that the pay fixation was wrongly done and the amount has been paid in excess to the applicant. The Id. counsel for the applicant submits that no show cause notice was even issued to the applicant before such recovery. The applicant is a Class-III employee and, therefore, in the interest of justice, recovery for alleged so-called excess payment is stayed till further orders."

4. The Id. counsel for the applicant submits that though the applicant is a Class-III employee and is covered by the Hon'ble High Court Judgment. The Id. P.O. wants to take instructions from the Department that whether undertaking has been taken by the applicant while fixation of the pay regarding if excess payments is made.

5. **S.O. 07.08.2019. (P.H.)**

Vice Chairman

Date:-31/07/2019.
aps.