

ORIGINAL APPLICATION NO. 638 OF 2016

[Ghansham R. Palwade Vs. The State of Mah. & Ors.]

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 14.09.2016.

ORAL ORDER:

Heard Shri A.S. Deshmukh – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. The learned Chief Presenting Officer seeks time for filing affidavit in reply. Time granted.
3. S.O. to 28th September, 2016.

MEMBER (J)

14.09.2016-HDD

ORIGINAL APPLICATION NO. 665 OF 2016

[Ghansham R. Palwade Vs. The State of Mah. & Ors.]

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 14.09.2016.

ORAL ORDER:

Heard Shri A.S. Deshmukh – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. The learned Chief Presenting Officer seeks time for filing affidavit in reply. Time granted.
3. S.O. to 28th September, 2016.

MEMBER (J)

14.09.2016-HDD

M.A.NO. 326/2015 IN O.A.ST.NO. 754/2015

[Shaikh Mujib Vs. The State of Mah. & Ors.]

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 14.09.2016.

ORAL ORDER:

Heard Shri A.D. Gadekar – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Chief Presenting Officer for the respondent Nos. 1 & 2. Shri S.D. Dhongde – learned Advocate for respondent No. 3 has filed leave note.

2. The learned Presenting Officer submits that contesting respondents are respondent Nos. 2 & 3 for whom Learned Advocate Shri S.D. Dhongde is appearing and affidavit in reply will be filed by respondent Nos. 2 & 3.

3. In view of leave note filed by learned Advocate Shri S.D. Dhongde for respondent Nos. 2 & 3, S.O. to 6th October, 2016 for filing affidavit in reply.

MEMBER (J)

14.09.2016-HDD

M.A.NO. 147/2016 IN O.A.ST.NO. 532/2016

[Ajabrao Rambhau Patil Vs. The State of Mah. & Ors.]

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 14.09.2016.

ORAL ORDER:

Shri A.D. Sugdare – learned Advocate for the applicant has filed leave note. Shri I.S. Thorat – learned Presenting Officer for the respondent Nos. 1 to 3. Smt. Chaitali Choudhary – learned Advocate for respondent No. 4 (**absent**).

2. The learned Presenting Officer seeks time for filing affidavit in reply. Time granted.

3. S.O. to 17th October, 2016.

MEMBER (J)

14.09.2016-HDD

M.A.NO. 189/2016 IN O.A.ST.NO. 712/2016

[Vithal L Badhe Vs. The State of Mah. & Ors.]

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 14.09.2016.

ORAL ORDER:

Heard Shri P.B. Salunke, learned Advocate holding for Shri V.G. Salgare – learned Advocate for the applicant and Mrs. Priya Bharaswadkar – learned Chief Presenting Officer for the respondents.

2. The learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 4 and the same is taken on record and the copy thereof has been served upon the learned Advocate for the applicant.

3. In the O.A. the applicant is claiming quashing of letter dated 8.1.2014 and 28.9.2014 issued by respondent Nos. 4 & 3 respectively, whereby the applicant's earlier service in Central Reserved Police of 7 years, 8 months and 8 days was not counted as qualifying service for pension. There is a delay of 7 months and 3 days in filing the accompanying O.A. St. No. 712/2016 and, therefore, this application for condonation of delay.

4. Perused the affidavit in reply, so also the application. The applicant has given reason of illness of his wife for approaching the Tribunal late.

M.A. 189/16 IN O.A.ST.712/16

5. For the reasons stated in the M.A.No. 189/2016, the same is allowed and the delay caused in filing accompanying O.A. St. No. 712/2016 is condoned in the interest of justice and equity.

6. Accordingly, the present M.A. No. 189/2016 stands disposed of with no order as to costs.

MEMBER (J)

14.09.2016-HDD

ORIGINAL APPLICATION ST.NO. 712 OF 2016

[Vithal L Badhe Vs. The State of Mah. & Ors.]

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 14.09. 2016.

ORAL ORDER:

Heard Shri P.B. Salunke, learned Advocate holding for Shri V.G. Salgare – learned Advocate for the applicant and Mrs. Priya Bharaswadkar – learned Chief Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 18th October, 2016.

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 question such as limitation and alternate remedy are kept open.

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.
7. S.O. to 18th October, 2016.
8. Steno copy and hamdust is allowed to both the parties.

MEMBER (J)

14.09.2016-HDD

M.A.NO. 190/2016 IN O.A.ST.NO. 560/2016

[Ramrao V. Suryawanshi Vs. The State of Mah. & Ors.]

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 14.09.2016.

ORAL ORDER:

Heard Shri Sharad Shinde, learned Advocate holding for Shri V.R. Bhumkar – learned Advocate for the applicant and Shri S.K. Shirase – learned Presenting Officer for the respondents.

2. The learned Presenting Officer submits that he will file affidavit in reply in the M.A. during the course of the day. Time granted.
3. S.O. to 18th October, 2016.

14.09.2016-HDD

MEMBER (J)

M.A.NO. 293/2016 IN O.A.NO. 583/2011

[Pandurang D. Lahoti Vs. The State of Mah. & Ors.]

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 14.09.2016.

ORAL ORDER:

Heard Shri K.G. Salunke, learned Advocate holding for Shri V.D. Gunale – learned Advocate for the applicant and Shri N.U. Yadav – learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant submits that this application shall be treated as application for condonation of delay and not application for restoration. He seeks permission to file separate application for restoration of O.A. No. 583/2011, which was dismissed in default by an order dated 30th June, 2016. He is permitted to file application for restoration of O.A. No. 583/2011.

3. The learned Advocate for the applicant also requests that filing of affidavit to the application for restoration may please be dispensed with, since the applicant is not present today. Hence, filing of affidavit to the application for restoration is dispensed with.

4. S.O. to 6th October, 2016.

MEMBER (J)

14.09.2016-HDD

M.A.NO. 314/2016 IN O.A.NO. 535/2013

[Smt. S.A. Shejul & Ors. Vs. The State of Mah. & Ors.]

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 14.09.2016.

ORAL ORDER:

Shri S.S. Jadhavar – learned Advocate for the applicant (**absent**). Smt. Resha S. Deshmukh – learned Presenting Officer for the respondents, present.

2. The learned Presenting Officer seeks time for filing affidavit in reply to the application for amendment filed by the applicant. Time granted.

3. S.O. to 7th October, 2016.

MEMBER (J)

14.09.2016-HDD

M.A.NO. 315/2016 IN O.A.NO. 575/2013

[Sharad E. Madne & Ors. Vs. The State of Mah. & Ors.]

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 14.09.2016.

ORAL ORDER:

Shri S.S. Jadhavar – learned Advocate for the applicant (**absent**). Shri V.R. Bhumkar – learned Presenting Officer for the respondents, present.

2. The learned Presenting Officer seeks time for filing affidavit in reply to the application for amendment filed by the applicant. Time granted.

3. S.O. to 7th October, 2016.

MEMBER (J)

14.09.2016-HDD

M.A.ST.NO. 1338/2015 IN O.A.ST.NO. 811/2015

[Chandrakant B. Kadam. Vs. The State of Mah. & Ors.]

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 14.09.2016.

ORAL ORDER:

Shri P.D. Suryawanshi – learned Advocate for the applicant (**absent**). Shri V.R. Bhumkar – learned Presenting Officer for the respondent Nos. 1 & 2 and Shri S.S. Shinde, learned Advocate holding for Shri Vivek Bhavthankar – learned Advocate for respondent Nos. 3 & 4, were present.

2. The learned Presenting Officer for respondent Nos. 1 & 2 as well as learned Advocate for respondent Nos. 3 & 4 seek time for filing affidavit in reply. Time granted.

3. S.O. to 17th October, 2016.

MEMBER (J)

14.09.2016-HDD

ORIGINAL APPLICATION NO. 638 OF 2015

(H.D. Patil Vs. State of Mah. & Ors.)

CORAM : Hon'ble Shri J.D. Kulkarni, Member (J)

DATE : 14-09-2016

ORAL ORDER :-

Shri Sandesh Patil- learned Advocate for the applicant
(**Absent**). Shri M.S. Mahajan- learned Chief Presenting Officer
for the respondents, present.

2. The learned Chief Presenting Officer has filed rejoinder
affidavit in reply on behalf of respondent no. 3. It is taken
record.

3. S.O. to 18.10.2016.

MEMBER (J)

14.9.2016-KPB(SB)

ORIGINAL APPLICATION NO. 546 OF 2015

(B.S. Lambhange Vs. State of Mah. & Ors.)

CORAM : Hon'ble Shri J.D. Kulkarni, Member (J)

DATE : 14-09-2016

ORAL ORDER :-

Shri S.D. Dhongde- learned Advocate for the applicant (**Leave Note**). Shri S.K. Shirse- learned Presenting Officer for the respondents, present.

2. Since, leave note filed by the learned Advocate for the applicant, S.O. to 18.10.2016.

MEMBER (J)

14.9.2016-KPB(SB)

ORIGINAL APPLICATION NO. 102 OF 2016

(S.A. Tamke Vs. State of Mah. & Ors.)

CORAM : Hon'ble Shri J.D. Kulkarni, Member (J)

DATE : 14-09-2016

ORAL ORDER :-

Shri A.V. Patil (Indrale)- learned Advocate for the applicant and Shri N.U. Yadav- learned Presenting Officer for the respondents.

2. The learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 18.10.2016.

MEMBER (J)

14.9.2016-KPB(SB)

ORIGINAL APPLICATION NO. 130 OF 2016

(V.B. Kulkarni Vs. State of Mah. & Ors.)

CORAM : Hon'ble Shri J.D. Kulkarni, Member (J)

DATE : 14-09-2016

ORAL ORDER :-

Shri Madhav C. Ghode- learned Advocate for the applicant (**Absent**). Shri D.R. Patil- learned Presenting Officer for the respondents, present.

2. The learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 18.10.2016.

MEMBER (J)

14.9.2016-KPB(SB)

ORIGINAL APPLICATION NO. 145 OF 2016

(R.B. Dhakne Vs. State of Mah. & Ors.)

CORAM : Hon'ble Shri J.D. Kulkarni, Member (J)

DATE : 14-09-2016

ORAL ORDER :-

Shri S.S. Thombre- learned Advocate for the applicant (**Absent**). Shri S.K. Shirse- learned Presenting Officer for the respondents, present.

2. Pleadings are complete and hence, the matter is admitted and it be kept for final hearing after four weeks.

3. S.O. to 19.10.2016.

MEMBER (J)

14.9.2016-KPB(SB)

ORIGINAL APPLICATION NO. 170 OF 2016

(S.B. Dhangar Vs. State of Mah. & Ors.)

CORAM : Hon'ble Shri J.D. Kulkarni, Member (J)

DATE : 14-09-2016

ORAL ORDER :-

Shri L.K. Pradhan- learned Advocate for the applicant (**Absent**). Shri D.R. Patil- learned Presenting Officer for the respondents, present.

2. The learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 03.10.2016.

MEMBER (J)

14.9.2016-KPB(SB)

ORIGINAL APPLICATION NO. 229 OF 2016

(P.D. Gaikwad Vs. State of Mah. & Ors.)

CORAM : Hon'ble Shri J.D. Kulkarni, Member (J)

DATE : 14-09-2016

ORAL ORDER :-

Shri Sham Patil, learned Advocate holding for Shri V.B. Wagh- learned Advocate for the applicant and Shri M.P. Gude- learned Presenting Officer for the respondents.

2. The learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 03.10.2016.

MEMBER (J)

14.9.2016-KPB(SB)

ORIGINAL APPLICATION NO. 315/2016

(Nital d/o Digambar Jadhav Vs. State of Mah. & Ors.)

CORAM:HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 14.09.2016.

ORAL ORDER

Heard Shri S.S. Dambe, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the Respondents.

2. After hearing the matter for considerable time, the matter is admitted and it be kept for final hearing.

3. The learned Advocate for the applicant seeks permission to file some documents on record. He is directed to provide copies of said documents to the respondents in advance.

4. S.O. to 17.10.2016.

MEMBER (J)

14.09.2016-KPB(SB)

ORIGINAL APPLICATION NO. 395/2016

(Dilip Namdeorao Kenekar Vs. State of Mah. & Ors.)

CORAM:HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 14.09.2016.

ORAL ORDER

Heard Shri S.N. Boiwar, learned Advocate for the applicant, Shri V.R. Bhumkar, learned Presenting Officer for the Respondent nos. 1 to 3 and Shri Ashish Rajkar, learned Advocate for respondent no. 4.

2. The learned Advocate for the applicant has filed rejoinder affidavit. It is taken on record and the copy thereof, has been served upon the other side.

3. The learned Advocate for respondent no. 4 has filed affidavit in reply. It is taken on record and the copy thereof, has been served upon the other side.

4. In view thereof, pleadings are complete and the matter is admitted and it be kept for final hearing.

5. S.O. to 04.10.2016.

MEMBER (J)

14.09.2016-KPB(SB)

ORIGINAL APPLICATION NO. 426/2016

(Dr. Damodar J. Rathod Vs. State of Mah. & Ors.)

CORAM:HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 14.09.2016.

ORAL ORDER

Heard Shri Sham Patil, learned Advocate holding for Shri Subhash Chillarge, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the Respondents.

2. Today, the learned Advocate for the applicant has filed additional affidavit on behalf of the applicant. In is taken on record and the copy thereof, has been served upon the learned Presenting Officer.

3. It seems that as per order dated 10.03.2016 passed in O.A. No. 72/2016, the applicant was given liberty to file online application for transfer on choice post. In view thereof, the applicant seems to have filed application as per Page No. 30 (Exhibit A-5). However, in the said online application he has given only one choice i.e. Rural Hospital, Himayatnagar, Nanded. Thereafter, the respondents have transferred the applicant at Kini, Tq. Bhokar, Dist. Nanded. It seems that the applicant

himself has not followed guidelines in the relevant circular, wherein an employee has to give three post of choice.

4. Today, the learned Advocate for the applicant has filed additional affidavit on behalf of the applicant and submitted fresh demand that he shall be transferred on any of the three places in order to preference i.e. (1) Rural Hospital, Himayatnagar, Dist. Nanded, (2) Primary Health Centre, Chinchordi, Tq. Himayatnagar and (3) Primary Health Centre, Sarsam, Tq. Himayatnagar.

5. The respondents may file affidavit in reply and make clear as to whether the posts are vacant at these three places.

6. S.O. to 28.09.2016.

MEMBER (J)

14.09.2016-KPB(SB)

ORIGINAL APPLICATION NO. 453/2016

(Ashok Suryabhan Dahiphale Vs. State of Mah. & Ors.)

CORAM:HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 14.09.2016.

ORAL ORDER

Heard A.S. Deshmukh, learned Advocate for the applicant, Shri D.R. Patil, learned Presenting Officer for the Respondents.

2. As per order dated 29.08.2016, the respondent no. 2 was directed to file short affidavit. Accordingly, today the additional affidavit in reply on behalf of respondent no. 2 is filed by one Arvind Girgosavi, who is not the Settlement Commissioner and Director of Land Records, Pune but the Deputy Director of Land Records, Aurangabad Region, Aurangabad. Perusal of the said affidavit in reply clearly shows that the respondent authorities have not applied mind and the approach is adamant and is bent upon to deny choice of posting given by the applicant, if it is so, there is no reason to call places of preference. The affidavit on behalf of respondent no. 2 is therefore, not accepted. The respondent no. 2 i.e. Settlement Commissioner and Director of Land Records, Pune shall file affidavit in reply as directed by this Tribunal vide order dated 29.8.2016.

3. S.O. to 21.09.2016.

MEMBER (J)

14.09.2016-KPB(SB)

ORIGINAL APPLICATION NO. 471/2016

(Smt. Pratibha S. Desale Vs. State of Mah. & Ors.)

CORAM:HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 14.09.2016.

ORAL ORDER

Heard Smt. Ujjwal Agarwal, learned Advocate holding for Shri B.R. Warma, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the Respondents.

2. At the request of learned Presenting Officer, S.O. to 16.09.2016.

MEMBER (J)

14.09.2016-KPB(SB)

ORIGINAL APPLICATION NO. 506/2016

(Tatyrao Ramrao Sagar Vs. State of Mah. & Ors.)

CORAM:HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 14.09.2016.

ORAL ORDER

Heard Shri S.S. Dambe, learned Advocate holding for Shri S.P. Urgunde, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the Respondents.

2. The learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 28.09.2016.

MEMBER (J)

14.09.2016-KPB(SB)

ORIGINAL APPLICATION NO. 551/2016

(Ashok B. Markad Vs. State of Mah. & Ors.)

CORAM:HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 14.09.2016.

ORAL ORDER

Shri A.D. Gadekar, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the Respondents.

2. The learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 04.10.2016.

MEMBER (J)

14.09.2016-KPB(SB)

ORIGINAL APPLICATION NO. 601/2014

(Baban K. Saudagar Vs. State of Mah. & Ors.)

CORAM:HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 14.09.2016.

ORAL ORDER

Heard Shri R.L. Adhe, learned Advocate holding for Shri A.A. Nimbalkar, learned Advocate for the applicant and Shri S.K. Shirse, learned Presenting Officer for the Respondents.

2. At the request of learned Advocate for the applicant, S.O. to 17.10.2016.

MEMBER (J)

14.09.2016-KPB(SB)

M.A. No. 353/2016 in O.A. St. No. 1548/2016

(S.S. Bhakt Vs. State of Mah. & Ors.)

CORAM:HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 14.09.2016.

ORAL ORDER

Heard Shri M.B. Kolpe, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. In this M.A., the delay is of 2633 days in filing Original Application.

3. Hence, issue notices to the respondents in M.A., returnable on 17.10.2016.

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 M.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

//2//

M.A. No. 353/2016 in
O.A. St. No. 1548/2016

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 acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

8. Steno copy and Hamdast is allowed to both parties.

9. S.O. to 17.10.2016.

MEMBER (J)

14.09.2016-KPB(SB)

ORIGINAL APPLICATION NO. 433/2016

(Samiudding Shafiuddin Ansari Vs. State of Mah. & Ors.)

CORAM:HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 14.09.2016.

ORAL ORDER

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

2. Vide impugned order dated 31.05.2016, the applicant who is Ophthalmic Officer, Grade-III has been transferred from Rural Hospital Talkhed, Dist. Beed to Rural Hospital Kasa, Dist. Palghar which is 500 k.ms. from his present place of posting. Under protest, the applicant has joined at Kasa on 4.6.2016.

3. According to the applicant, the respondent no. 5 is posted in his place at Talkhed but till today the respondent no. 4 has not joined and the post of at Talkhed is vacant.

4. It is also the claim of the applicant that his wife is working in Z.P., Beed and it will be very difficult for him to work at Kasa at such a long distance and

therefore, he has filed representation dated 03.06.2016, however, no decision has been taken on that representation. In the affidavit in reply it seems that the respondents have alleged that there are number of complaints against the applicant and his work was not satisfactory and therefore, he was transferred. The applicant is Class-III employee and has not yet completed two tenures of three years each. If the transfer order is issued on the basis of said complaints, it can be said to be punitive transfer. Even otherwise, if there are complaints, the respondents are at liberty to take departmental action.

5. However, in the interest of justice, the applicant as well as respondents are directed to state whether there are any other posts vacant in Beed District including Talkhed.

6. The matter is to be treated as part heard.

7. S.O. to 29.09.2016.

MEMBER (J)

14.09.2016-KPB(SB)

ORIGINAL APPLICATION NO. 138 OF 2016

{Dr. Sk. Faiz. Md. s/o Noor Md. Vs. State of Mah. & Ors.}

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)
(This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE :- 14.09.2016

Oral Order :-

1. Heard Shri I.D. Maniyar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondent nos. 1 to 3. Shri K.B. Jadhavar, learned Advocate for respondent No. 4 **(absent)**.

2. Today, Shri S.V. Deshmukh, learned Advocate states that he is appearing on behalf of res. No. 4 and undertook to file his V.P.

3. The learned Advocate for res. No. 4 stated that the panel of res. No. 4's office has been changed, but he has been informed by the said office that the applicant's proposal can be transmitted onward for consideration, if it is found well in scrutiny. He seeks time to file affidavit in reply in the matter.

4. The learned P.O. also seeks time to file reply of res. Nos. 1 to 3. Time granted.

5. S.O. to 10.10.2016.

MEMBER (J)

ARJ 14.09.2016 (D.B.)

ORIGINAL APPLICATION NO. 626 OF 2016

{Smt. Savita U. Hake Vs. State of Mah. & Ors.}

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE :- 14.09.2016

Oral Order :-

1. Heard Shri A.S. Deshmukh, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents.
2. The learned P.O. has filed affidavit in reply on behalf of res. No. 3. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.
3. At the request of learned Advocate for the applicant, S.O. to 18.10.2016. The I.R. to continue till then.

MEMBER (J)

ARJ 14.09.2016 (D.B.)

ORIGINAL APPLICATION NO. 403 OF 2016

{Shri Prakash A. Doiphode Vs. State of Mah. & Ors.}

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)
(This matter is placed before the Single Bench
due to non-availability of Division Bench.)

DATE :- 14.09.2016

Oral Order :-

1. Heard Shri Ashish Rajkar, learned Advocate holding for Shri S.G. Kulkarni, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.
2. The learned C.P.O. has filed affidavit in reply on behalf of res. No. 2. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.
3. At the request of learned Advocate for the applicant, S.O. to 10.10.2016.

MEMBER (J)

ARJ 14.09.2016 (D.B.)

ORIGINAL APPLICATION NO. 219 OF 2012

(Shri Vasant B. Haral Vs. The State of Maharashtra & Ors.)

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 14.09.2016

Oral Order :-

1. Shri K.B. Jadhav, learned Advocate for the applicant **(absent)**. Shri M.P. Gude, learned Presenting Officer for the respondents, is present.

2. As the applicant and his learned Counsel are absent, S.O. to 11.10.2016.

MEMBER (J)

ARJ 14.09.2016 (S.B.)

ORIGINAL APPLICATION NO. 744 OF 2013

(Shri Dnyandeo T. Chemte Vs. The State of Maharashtra & Ors.)

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 14.09.2016

Oral Order :-

1. Shri Anant Devkate, learned Advocate for the applicant **(absent)**. Shri D.R. Patil, learned Presenting Officer for the respondents, is present.

2. As the applicant and his learned Counsel are absent, S.O. to 18.10.2016.

MEMBER (J)

ARJ 14.09.2016 (S.B.)

ORIGINAL APPLICATION NO. 634 OF 2014

(Shri S. N. Suryawanshi Vs. The State of Maharashtra & Ors.)

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 14.09.2016

Oral Order :-

1. Shri Anant Devkate, learned Advocate for the applicant **(absent)**. Smt. Sanjivani Deshmukh - Ghate, learned Presenting Officer for the respondents, is present.

2. As the applicant and his learned Counsel are absent, S.O. to 18.10.2016.

MEMBER (J)

ARJ 14.09.2016 (S.B.)

ORIGINAL APPLICATION NO. 682 OF 2014

(Shri Abdul Mohd. Patel Vs. The State of Maharashtra & Ors.)

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 14.09.2016

Oral Order :-

1. Shri Anant Devkate, learned Advocate for the applicant **(absent)**. Smt. Deepali S. Deshpande, learned Presenting Officer for the respondents, is present.

2. As the applicant and his learned Counsel are absent, S.O. to 18.10.2016.

MEMBER (J)

ARJ 14.09.2016 (S.B.)

ORIGINAL APPLICATION NO. 826 OF 2015

(Abdul Basit Abdul Hamid Shattari Vs. The State of Mah. & Ors.)

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 14.09.2016

Oral Order :-

1. Heard Shri K.G. Salunke, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the respondents.

2. In the present O.A. the applicant had prayed as per prayer clause (C) as under :-

“(C) By issuing appropriate order or directions respondent authorities may kindly be directed to refund the amount of Rs. 63,339/- recovered from the salary of the applicant to applicant with further directions to the respondent authorities to release all the pensionary benefits and regular pension to the applicant without deducting the single increment as per the objection raised by respondent No. 4 and calculate his pensionary benefits with all the increments which are granted to him till his retirement on superannuation with immediate effect.”

3. It is stated the applicant retired on 31.7.2015 as Draftsman and Rs. 63,339/- was recovered from him being

paid as excess amount. Along with the refund of that amount the applicant is also claiming that the fixation made by the Pay Unit is not proper. He, therefore, seeks permission to make amendment challenging the order of pay fixation. Permission as prayed for is granted.

4. S.O. to 28.9.2016.

MEMBER (J)

ARJ 14.09.2016 (S.B.)

ORIGINAL APPLICATION NO. 781 OF 2015

(Shri Dattatraya N. Avhad Vs. The State of Mah. & Ors.)

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 14.09.2016

Oral Order :-

1. Heard Shri V.R. Autade, learned Advocate for the applicant and Smt. Sanjivani Deshmukh - Ghate, learned Presenting Officer for the respondents.

2. In the present O.A. the applicant had prayed as per prayer clause (B) & (C) as under :-

“(B) Quash and set aside impugned recovery of Rs. 73,311/- from D.C.R.G. initiated against the present applicant under the premise of excess / over payment due to wrong fixation of pay be declared as illegal, arbitrary and irrational as same is violative of principles of natural justice.

(C) Direct the Respondent no. 2, 3 & 4 to repay the deducted amount of Rs. 73,311/- from the amount of retiral benefit along with interest till actual payment of the same to the applicant within stipulated period.”

3. It is stated the applicant retired on 31.5.2015 as P.S.I. and Rs. 73,311/- was recovered from him being paid as excess amount. Along with the refund of that amount the

applicant is also claiming that the fixation made by the Pay Unit is not proper. He, therefore, seeks permission to make amendment challenging the order of pay fixation. Permission as prayed for is granted.

4. S.O. to 6.10.2016.

MEMBER (J)

ARJ 14.09.2016 (S.B.)

ORIGINAL APPLICATION ST. NO. 883 OF 2016

(Smt. Dwarkabai P. Ramteke Vs. The State of Mah. & Ors.)

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 14.09.2016

Oral Order :-

1. Heard Dr. Smt. Kalpalata Patil Bharaswadkar, learned Advocate for the applicant and Smt. Priya Bharaswadkar, learned Presenting Officer for the respondents.
2. The learned Advocate for the applicant submits that due to health problem of the applicant, she is unable to file application for condonation of delay and hence, she seeks 3 weeks time. Time as prayed for is granted.
3. The learned Advocate for the applicant also seeks time to add necessary party in the original application. Permission as prayed for is granted.
4. S.O. to 7.10.2016.

MEMBER (J)

ARJ 14.09.2016 (S.B.)

ORIGINAL APPLICATION NO. 721 OF 2015

(Karim Dagdumiya Maniyar (Mannar) Vs. The State of Mah. & Ors.)

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 14.09.2016

Oral Order :-

1. Shri Anant Devakate, learned Advocate for the applicant **(absent)**. Smt. Priya Bharaswadkar, learned Presenting Officer for the respondents, is present.

2. As the applicant and his learned Counsel are absent, S.O. to 19.10.2016.

MEMBER (J)

ARJ 14.09.2016 (S.B.)

ORIGINAL APPLICATION NO. 722 OF 2015

(Shri Mahadeo S. Shinde Vs. The State of Mah. & Ors.)

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 14.09.2016

Oral Order :-

1. Shri Anant Devakate, learned Advocate for the applicant **(absent)**. Shri M.P. Gude, learned Presenting Officer for the respondents, is present.

2. As the applicant and his learned Counsel are absent, S.O. to 19.10.2016.

MEMBER (J)

ARJ 14.09.2016 (S.B.)

ORIGINAL APPLICATION NO. 340 OF 2016

(Shri Satish V. Kondekar Vs. The State of Mah. & Ors.)

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 14.09.2016

Oral Order :-

1. Shri Anant Devakate, learned Advocate for the applicant **(absent)**. Smt. D.S. Deshpande, learned Presenting Officer for the respondents, is present.

2. As the applicant and his learned Counsel are absent, S.O. to 19.10.2016.

MEMBER (J)

ARJ 14.09.2016 (S.B.)