

**O.A. No. 771/2016.**

**Coram : S.S. Hingne, Vice-Chairman**

**Dated : 7<sup>th</sup> December 2016.**

1. Heard Shri J.S. Deshmukh, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for respondent Nos. 1 to 3. Shri A.P. Tathod, holding for Mrs. M.R. Kale, Adv. for R.4. None for R.5.

2. Issue notice before admission to R. 2 to 5 returnable **after service.**

3. Shri M.I. Khan, learned P.O. waives notice for respondent No.1. Hamdast granted.

4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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

6. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunals (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 or courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within three weeks. Applicant is directed to file Affidavit of compliance and notice.

8. The applicant a Medical Officer seeks interim relief to the recovery, which is alleged to be done of amount by way of excess payment, relying on the case of **State of Punjab and others V/s Rafiq Masih (White Washer) etc. AIR 2015 SC 696.** The learned P.O. relied on a judgment in case of **High Court of Punjab and Haryana and others V/s Jagdev Singh (reportable) in Civil Appeal No. 3500/2006 dated 29.7.2016** submits that undertaking is taken and the recovery cannot be done.

However, the learned counsel for the applicant relied on the order passed on 25.10.2016 in O.A. No.817/2016 wherein same order was under challenge and in that case, stay is granted to the recovery. A detailed order is passed therein.

9. In the case in hand, the applicant has also sought relief of revised pay fixation. Thus, it is not a case of simple recovery and this aspect of recovery can be well considered after the decision on revision of pay fixation and in the above state of affairs, recovery is stayed until further orders.

10. S.O. 11.1.2017.

Vice-Chairman

Pdg

**O.A. No.138/2013**

**Coram : S.S. Hingne, Vice-Chairman**

**Dated : 7<sup>th</sup> December 2016.**

Shri M.V. Joshi, Adv. holding for Shri P.S. Wathore, learned counsel for the applicant and Shri A.M. Ghogre, learned P.O. for respondent No. 1. Shri P.V. Thakre, Adv. for R.2.

The learned P.O. has filed citations relying on the case of **High Court of Punjab and Haryana and others V/s Jagdev Singh (reportable) in Civil Appeal No. 3500/2006, 2016 SCC 748 dated 29.7.2016.**

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

Vice-Chairman















**O.A. No.441/2016**

**Coram : S.S. Hingne, Vice-Chairman**

**Dated : 7<sup>th</sup> December 2016.**

Smt. N.R. Saboo, learned counsel for the applicant and Smt. S.V. Kolhe, learned P.O. for respondent Nos. 1 & 2. Shri Y.R. Kinkhede, Adv. holding for Shri H.D. Dangre, Adv. for R.3.

It is submitted that the identical matter is listed before the Hon'ble High Court today.

At the request of all, S.O. **two weeks.**

Vice-Chairman

pdg

**O.A. No. 162/2016.**

**Coram : S.S. Hingne, Vice-Chairman**

**Dated : 7<sup>th</sup> December 2016.**

Heard Shri J.S. Deshmukh, learned counsel for the applicant and Smt. S.V. Kolhe, learned P.O. for respondent Nos. 1 to 3. Shri D.M. Kale, Adv. for R.4 & 5.

Learned counsel for R. 4 & 5 undertakes to file reply during the course of the day and serve its copy to the other sides.

The learned P.O. is allowed to make correction in the reply showing correct designation of R. 2 & 3.

**ADMIT.**

Smt. S.V. Kolhe, learned P.O. waives notice for respondent Nos. 1 to 3.

Hearing expedited.

S.O. **11.1.2017.**

Vice-Chairman

Pdg

**O.A. No. 163/2016.**

**Coram : S.S. Hingne, Vice-Chairman**

**Dated : 7<sup>th</sup> December 2016.**

Heard Shri J.S. Deshmukh, learned counsel for the applicant and Smt. S.V. Kolhe, learned P.O. for respondent Nos. 1 to 3. Shri D.M. Kale, Adv. for R.4 & 5.

Learned counsel for R. 4 & 5 undertakes to file reply during the course of the day and serve its copy to the other sides.

The learned P.O. is allowed to make correction in the reply showing correct designation of R. 2 & 3.

**ADMIT.**

Smt. S.V. Kolhe, learned P.O. waives notice for respondent Nos. 1 to 3.

Hearing expedited.

S.O. **11.1.2017.**

Vice-Chairman

**O.A. No. 831/2014.**

**Coram : S.S. Hingne, Vice-Chairman**  
**Dated : 7<sup>th</sup> December 2016.**

Heard Shri P.V. Thakre, learned counsel for the applicant and Shri P.N. Warjekar, learned P.O. for the respondents.

At the request of learned P.O.,  
S.O. **two weeks for production of record.**

Vice-Chairman

pdg

C.A. No.416/2016 in O.A. (St.) No. 1385/2016, C.A. No.417/2016 in O.A. (St.) No. 1384/2016, C.A. No.418/2016 in O.A. (St.) No. 1383/2016, C.A. No.419/2016 in O.A. (St.) No. 1380/2016, C.A. No.420/2016 in O.A. (St.) No. 1381/2016, C.A. No.421/2016 in O.A. (St.) No. 1382/2016 and C.A. No.422/2016 in O.A. (St.) No. 1379/2016

**Coram : S.S. Hingne, Vice-Chairman**  
**Dated : 7<sup>th</sup> December 2016.**

Heard Shri A.P. Tathod, learned counsel for the applicants and Shri S.A. Deo, the learned C.P.O. for the respondents.

The learned counsel for the applicants submits that the penalty imposed by the Govt. of Maharashtra of stoppage of two increments of the Teachers is withdrawn and that benefit is also given to rest of the areas barring Nagpur Division. There is no document on record. That aspect can be considered for condonation of delay.

At the request of learned CPO, S.O. **two weeks for filing documents so that all the C.As can be disposed of.**

Vice-Chairman

Pdg

**O.A. (St.) No.1377/2016**

**Coram : S.S. Hingne, Vice-Chairman**

**Dated : 7<sup>th</sup> December 2016.**

**C.A. 424/2016.**

Heard Shri A.P. Tathod, learned counsel for the applicants and Shri S.A. Deo, the learned C.P.O. for the respondents.

The applicants are seeking the same relief and they are sailing on the same boat, their request for joint O.A. is granted and the C.A. is allowed.

**O.A. (St.) No.1377/2016 (C.A.423/2016)**

Put up with C.A. 416/2016 **after**  
**four weeks.**

Vice-Chairman

Pdg



**O.A. (St.) No.1745/2016**

**Coram : S.S. Hingne, Vice-Chairman**

**Dated : 7<sup>th</sup> December 2016.**

**C.A. 449/2016.**

Heard Shri S.A. Marathe, learned counsel for the applicants and Shri S.A. Deo, the learned C.P.O. for the respondents.

The applicants are seeking the same relief and as they are sailing on the same boat, their request for joint O.A. is granted and the C.A. is allowed.

**O.A. (St.) No.1377/2016.**

At the request of learned CPO, S.O. **six weeks for reply.**

Vice-Chairman

Pdg

**O.A. No.736/2015**

**Coram : S.S. Hingne, Vice-Chairman**

**Dated : 7<sup>th</sup> December 2016.**

**R.A. 09/2016.**

Heard Shri R.V. Shiralkar, learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents 1 to 3. Shri B.D. Pandit, Adv. for R.4.

The learned counsel for R.4 has filed reply of the said respondent, same is taken on record and a copy thereof is supplied to the other sides.

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

Vice-Chairman

Pdg

**O.A. No.588/2016**

**Coram : S.S. Hingne, Vice-Chairman**  
**Dated : 7<sup>th</sup> December 2016.**

Shri P.V. Thakre, learned counsel for the applicants and Shri P.N. Warjekar, the learned P.O. for the respondents.

At the request of learned counsel for the applicant, S.O. **after winter vacation.**

Vice-Chairman

Pdg

**O.A. (St.) No.2061/2016**

**Coram : S.S. Hingne, Vice-Chairman**

**Dated : 7<sup>th</sup> December 2016.**

**C.A. No.509/2016**

Smt. K.N. Saboo, learned counsel for the applicants and Shri S.A. Deo, the learned C.P.O. for the respondents.

For the reasons stated in the application, C.A. is allowed.

**O.A. (St.) No.2061/2016**

The learned CPO submits that the O.A. is barred by limitation. The aspect of point of limitation is kept open.

At the request of learned CPO, S.O. **six weeks for reply.**

Vice-Chairman

Pdg

**O.A. (St.) No. 659/2016**

**Coram : S.S. Hingne, Vice-Chairman**

**Dated : 7<sup>th</sup> December 2016.**

1. Heard Shri A.B. Mirza, learned counsel for the applicant and Shri V.A.Kulkarni, the learned P.O. for the respondent No.1.
2. The learned counsel for the applicant submits that he will take necessary steps to serve the respondents.
3. Issue notice before admission to R. 2 to 4 returnable **after four weeks.**
4. Shri V.A. Kulkarni, learned P.O. waives notice for respondent No.1. Hamdast granted.
5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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

7. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunals (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 or courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within three weeks. Applicant is directed to file Affidavit of compliance and notice.

Vice-Chairman

Pdg

**O.A. (St.) No.185 /2016**

**Coram : S.S. Hingne, Vice-Chairman**  
**Dated : 7<sup>th</sup> December 2016.**

Heard Shri Deshpande, Adv. holding for Shri S.N. Gaikwad, learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondent Nos.1 to 3. Shri Vipul Bhise, Adv. for R.4.

**ADMIT.**

Shri A.M. Ghogre, the learned P.O. waives notice for the respondent Nos.1 to 3 and Shri Vipul Bhise, Adv. waives notice for R.4.

**S.O. 11<sup>th</sup> January 2017.**

Vice-Chairman

Pdg

**O.A. No. 402/2016**

**Coram : S.S. Hingne, Vice-Chairman**

**Dated : 7<sup>th</sup> December 2016.**

Heard Shri P.D. Sharma, learned counsel for the applicant and Shri A.P. Potnis, the learned P.O. for the respondents.

The learned P.O. has filed reply of R.3-Executive Engineer, P.W.D., Achalpur, the same is taken on record and a copy thereof is supplied to the other sides.

The learned P.O. submits that this reply will serve the purpose of other respondents.

**ADMIT.**

Shri A.P. Potnis, the learned P.O. waives notice for the respondents.

S.O. **four weeks.**

Vice-Chairman



Pdg

**O.A. No. 437/2016**

**Coram : S.S. Hingne, Vice-Chairman**  
**Dated : 7<sup>th</sup> December 2016.**

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

The learned P.O. has filed reply of R. 1 to 4. The same is taken on record and a copy thereof is supplied to the other side.

S.O. **one week for disposal.**

Vice-Chairman

Pdg

**O.A. No. 529/2016**

**Coram : S.S. Hingne, Vice-Chairman**  
**Dated : 7<sup>th</sup> December 2016.**

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

The O.A. can be disposed of. However, the learned counsel for the applicant is absent.

Hence, S.O. **two weeks for disposal, by giving directions.**

Vice-Chairman

Pdg

**O.A. No. 581,582,583 & 584 of 2016**

**Coram : S.S. Hingne, Vice-Chairman**

**Dated : 7<sup>th</sup> December 2016.**

Shri Anand Deshpande, learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

Both submit that the order of Election Commission is under challenge before the Hon'ble High Court and it is listed today.

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

Vice-Chairman

Pdg

**O.A. No. 586/2016**

**Coram : S.S. Hingne, Vice-Chairman**

**Dated : 7<sup>th</sup> December 2016.**

Shri Anand Deshpande, learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents 1 to 3. None for R.4.

At the request of learned P.O., S.O. **two weeks for reply of R. 1 to 3 as a last chance.**

Vice-Chairman

Pdg

**O.A. No. 630/2016**

**Coram : S.S. Hingne, Vice-Chairman**

**Dated : 7<sup>th</sup> December 2016.**

Shri Anand Deshpande, learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents 1 to 4. Shri A.P. Tathod, Adv. holding for Shri T.U. Tathod, Adv. for R.5.

As per the order dated 23.11.2016, with the submission of all the via media, matter was sorted out. However, due to some technical difficulty, giving posting at home district to some officers is not possible. Now it is contended that one post in Akola District is vacant. The learned Adv. for R.5 wants to take instructions about the willingness of R.5.

S.O. **two weeks.**

Vice-Chairman

Pdg

**O.A. No.604 /2016**

**Coram : S.S. Hingne, Vice-Chairman**

**Dated : 7<sup>th</sup> December 2016.**

Shri N. D. Thombre, learned counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents.

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

Vice-Chairman

Pdg

**O.A. No. 627/2016.**

**Coram : S.S. Hingne, V.C.**

**Dated : 7.12.2016.**

Heard Shri S.A. Marathe, learned counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the respondents.

The applicant sought appointment on compassionate ground. Learned P.O. has filed order dated 22.11.2016 stating that the applicant is appointed on the post of Computer Operator. The learned counsel for the applicant submits that the grievance of the applicant is redressed. Hence, the O.A. can be disposed of. Accordingly the O.A. is disposed of as grievance of the applicant is redressed.

**V.C.**

Pdg

**O.A. No. 628/2016.**

**Coram : S.S. Hingne, V.C.**

**Dated : 7.12.2016.**

This matter is taken up on mention.

Heard Shri S.A. Marathe, learned counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the respondents 1 and 2. None for R.3.

The applicant sought appointment on compassionate ground. Learned P.O. has filed order dated 2.12.2016 stating that the applicant is appointed on the post of Jr. Clerk. The learned counsel for the applicant submits that the grievance of the applicant is redressed. Hence, the O.A. can be disposed of. Accordingly the O.A. is disposed of as grievance of the applicant is redressed.

**V.C.**

pdg



**O.A. No. 158/2016.**

**Coram : S.S. Hingne, V.C.**

**Dated : 7.12.2016.**

Shri S.A. Sahu, learned counsel for the applicants and Shri P.N. Warjekar, Id. P.O. for the respondents.

The learned P.O. has filed reply of respondents. It is taken on record and a copy thereof is supplied to the learned counsel for the applicants.

**ADMIT.**

Shri P.N. Warjekar, Id. P.O. waives notice for the respondents.

S.O. **six weeks.**

**V.C.**

**O.A. No. 702/2016**

**Coram : S.S. Hingne, Vice-Chairman**

**Dated : 7<sup>th</sup> December 2016.**

Smt. K.N. Saboo, learned counsel for the applicants and Shri S.A. Sainis, the learned P.O. for the respondents.

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

Vice-Chairman

Pdg

**O.A. No. 723/2016**

**Coram : S.S. Hingne, Vice-Chairman**  
**Dated : 7<sup>th</sup> December 2016.**

Shri N.S. Agrawal, learned counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

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

Vice-Chairman

Pdg

**O.A. No. 724/2016**

**Coram : S.S. Hingne, Vice-Chairman**  
**Dated : 7<sup>th</sup> December 2016.**

None for the applicant. Shri A.M. Khadatkhar, the learned P.O. for the respondents 1 to 3. Shri A.P. Tathod, Adv. holding for Mrs. M.R. Kale, Adv. for R.4.

At the request of both the parties, S.O. **four weeks for reply.**

Vice-Chairman

Pdg

**O.A. No. 172/2010.**

**Coram : S.S. Hingne, Vice-Chairman**

**Dated : 7<sup>th</sup> December 2016.**

Mrs. Saboo, learned counsel for the applicant and Smt. S.V. Kolhe, the learned P.O. for the respondents.

S.O. **four weeks.**

Vice-Chairman

Pdg

**O.A. No. 610/2013.**

**Coram : S.S. Hingne, Vice-Chairman**

**Dated : 7<sup>th</sup> December 2016.**

Shri Bharat Kulkarni, learned counsel for the applicant and Smt. M.A. Barabde, the learned P.O. for the respondents.

At the request of learned P.O., S.O. **after winter vacation for reply as a last chance.**

Vice-Chairman

Pdg

**O.A. No. 343/2015.**

**Coram : S.S. Hingne, Vice-Chairman**  
**Dated : 7<sup>th</sup> December 2016.**

Smt. K.N. Saboo, learned counsel for the applicant and Shri A.P. Potnis, the learned P.O. for the respondents 1 to 3. None for R.4.

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

Vice-Chairman

Pdg

**O.A. No. 769/2015.**

**Coram : S.S. Hingne, Vice-Chairman**  
**Dated : 7<sup>th</sup> December 2016.**

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

S.O. **after vacation.**

Vice-Chairman

Pdg



**O.A. No. 814/2015.**

**Coram : S.S. Hingne, Vice-Chairman**  
**Dated : 7<sup>th</sup> December 2016.**

Smt. K.N. Saboo, learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents 1 and 2. None for R.3.

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

Vice-Chairman

Pdg

**O.A. No. 323/2015.**

**Coram : S.S. Hingne, Vice-Chairman**  
**Dated : 7<sup>th</sup> December 2016.**

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

The applicant is seeking terminal benefits. The learned P.O. submits that there was a dispute about the posting of the applicant and the office in which he has worked and that aspect cannot be considered unless the nature of that disputed period is decided. Considering the issue involved, it will require some time. However, the amount like GPF, GIS, gratuity and leave encashment has no bearing with the payment of this amount under these heads which are to be released irrespective of other aspects.

The learned P.O. wants to take instructions.

S.O. two weeks.

Vice-Chairman

Pdg

O.A. No.596 /2015.

Coram : S.S. Hingne, Vice-Chairman

Dated : 7<sup>th</sup> December 2016.

Heard Shri S.D. Malke, learned counsel for the applicant and Smt. M.A. Barabde, the learned P.O. for the respondents 1 to 4. None for R.5.

The learned P.O. submits that the document complying with the order dated 7.9.2016 is already on record.

S.O. 1<sup>st</sup> week of January 2017.

To be treated as part heard.

Vice-Chairman

Pdg

**O.A. No.28 /2016.**

**Coram : S.S. Hingne, Vice-Chairman**  
**Dated : 7<sup>th</sup> December 2016.**

Smt. K.N. Saboo, learned counsel for the applicant and Shri A.P. Potnis, the learned P.O. for the respondents.

At the request of learned counsel for the applicant S.O. **after vacation.**

Vice-Chairman

**O.A. No. 418/2016.**

**Coram : S.S. Hingne, Vice-Chairman**

**Dated : 7<sup>th</sup> December 2016.**

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

S.O. **four weeks.**

Vice-Chairman

**O.A. No. 725, 726 & 727 of 2015.**

**Coram : S.S. Hingne, Vice-Chairman**  
**Dated : 7<sup>th</sup> December 2016.**

Shri S. Borkar, learned counsel for the applicants and Shri A.M. Ghogre the learned P.O. for the respondents.

At the request of learned counsel for the applicants, S.O. **after vacation.**

Vice-Chairman







O.A.No.268 of 2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 07.12.2016.

Shri S.A. Kalbande, Id. counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for the Respts.

At the request of Id. counsel for the applicant, **S.O. After Christmas Vacation**.

**V.C.**

dnk.

O.A.No.498 of 2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 07.12.2016.

Shri P.S. Kadam, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the Respts.

Learned counsel for the applicant submits that vide order dated 16-11-2016 (P-64) the applicant's grievance is redressed.

Consequently, the O.A. is disposed of as the applicant's grievance is redressed.

**V.C.**

dnk.

O.A.No.118 of 2015

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 07.12.2016.

Shri V.B. Gawai, Id. counsel holding for Shri S.N. Gaikwad, Id. counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for the Respts.

Learned counsel for the applicant submits that Shri S.N. Gaikwad, Id. counsel for the applicant is not keeping well and hence he sought an adjournment. At his request, **S.O. After Christmas Vacation.**

**V.C.**

dnk.

O.A.No. 179 of 2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 07.12.2016.

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

At the request of Id. counsel for the applicant, **S.O. After Christmas Vacation.**

**V.C.**

dnk.

O.A.No. 180 of 2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 07.12.2016.

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

At the request of Id. counsel for the applicant, **S.O. After Christmas Vacation.**

**V.C.**

dnk.

O.A. No. 177/2016 (D.B.)

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 07.12.2016.

MCA No. 71/2016 -

Heard Shri S.K. Bhoyar, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the Respts.

2. The O.A. came to be disposed of vide order dated 30-8-2016 observing it has become infructuous as the D.E. was completed. In the O.A. the main reliefs were made to set aside the charge sheet and the D.E. proceedings. Since the above two reliefs did not survive, the O.A. was disposed of.

3. However, the learned counsel for the applicant submits that the applicant has submitted V.Rs. application on 4-8-2014 claiming the other reliefs and medical reimbursement etc. It is made clear that barring the two above aspects of issuance of charge sheet and submission of D.E. therein, the rest of the prayers are not touched.

4. In effect, the applicant is at liberty to agitate the said remaining points, subject to Rs.300/- cost be paid to the MAT Bar Association.

5. In view of above, the MCA stands disposed of.

**V.C.**

dnk.

O.A. No. 639/2015 (D.B.)

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 07.12.2016.

None for the applicant. Shri  
Khadatkar, Id. P.O. for R-1 to 3.

It appears that the hamdast is not collected of R-4 and the matter was listed before the Registrar on several occasions during the last six months but none appeared for the applicant. With a view to afford one more opportunity, **S.O. four weeks** to take necessary steps to serve the respondents. It is made clear that on the next date if no steps are taken, the O.A. will be dismissed.

S.O. four weeks for taking steps/  
dismissal.

**V.C.**

dnk.

O.A. No. 310/2016 (D.B.)

Coram : Hon. Shri S.S. Hingne, V.C.



Dated : 07.12.2016.

Shri M.V. Joshi, Id. counsel holding for Shri P.S. Wathore, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1. Await service of R-2.

2. At the request of Id. counsel for the applicant, issue fresh notice to R-2, returnable in four 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. **S.O. four weeks.**

**V.C.**

dnk.

O.A. No. 616/2015 **(D.B.)**

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 07.12.2016.

Shri S.N. Ghodeswar, Id. counsel  
holding for Shri Y.B. Mandpe, 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. four  
weeks for reply.**

**V.C.**

dnk.

O.A. No. 288/2016 (D.B.)

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 07.12.2016.

Shri Vishal Anand, Id. counsel for the  
applicant and Shri V.A. Kulkarni, Id. P.O. for  
the Respts.

At the request of Id. P.O., **S.O. four weeks for reply by way of last chance.**

**V.C.**

dnk.

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

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 07.12.2016.

Shri A.P. Tathod, Id. counsel holding for Shri A.D. Girdekar, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1 to 4 and Shri D.B. Walthare, Id. counsel for R-5.

The learned counsel for R-5 seeks time to file reply. Time granted.

It appears that the reply is not filed by remaining respondents from August, 2016. On the last occasion the matter was adjourned by way of last chance. However, today again the learned P.O. seeking time to file reply. It is made clear that if the reply is not filed on the next date, the Joint Director, Health Services, Mumbai shall have to remain present and heavy cost will be saddle.

**S.O. four weeks for reply by way of last chance.**

**V.C.**

dnk.

O.A. No. 535/2016 (D.B.)

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 07.12.2016.

Shri N.S. Warulkar, Id. counsel for the applicant, Shri H.K.Pande, Id. P.O. for R-1&2. None for R-3.

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

**V.C.**

dnk.

O.A. No. 560/2016 **(D.B.)**

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 07.12.2016.

Smt. K.N. Saboo, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1&2. None for R-3.

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

**V.C.**

dnk.

O.A. No. 706/2016 **(D.B.)**

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 07.12.2016.

Shri G.K. Bhusari, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the Respts.

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

**V.C.**

Rev.App.05/2015 in O.A.370/99 **(D.B.)**

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 07.12.2016.

Smt. K.N. Saboo, Id. counsel holding for Shri N.R. Saboo, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the Respts.

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

**V.C.**



**O.A. No.574/2016 (D.B.) (Dr. K.N. Rane V/s State & 2 others).**

**Coram : S.S. Hingne, Vice Chairman.**

**Dated : 07.12.2016.**

**Oral order**

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

2. In several cases the observations are made by the Tribunal about the administrative working in the Health Department of the Govt. of Maharashtra.

3. This is a classic example even the Medical Officer is how suffered on that count.

4. The applicant working as a Medical Officer (Group-B) was posted at Open Jail, Morshi (Dist. Amravati). Due to ill-health he submitted the application on 12-10-2012 (A-2,P-17) that he is

unable to work as his lungs have become very weak and he cannot do the work. On the same day, the applicant sent the communication to the Jt. Director of Health Department, Pune (A-3,P-18). The applicant wrote a letter directly to the Additional Chief Secretary, Public Health Department, Mumbai on 22-03-2013 (A-4,P-19). In all this correspondence, the applicant has stated about his physical condition with a mention that he is unable to work.

5. On 15-06-2013 (A-5,P-20) the Jt. Director of Health Department, Pune directed the Civil Surgeon, Amravati for medical examination of the applicant. The applicant appeared before the Medical Board. The Medical Board issued the Certificate dated 01-08-2013 (A-6, P-22) that he is permanently unfit for duty. All this consumed a year.

6. Thereafter, for the first time after a gap of about 1½ years the department has woke from the deep slumber and had passed the order regarding the absence of the applicant from 05-10-2012 to 01-08-2013 granting different kinds of leave. Thereafter again the matter was in cold storage. As a last recourse the applicant has knocked at the doors of the Tribunal.

7. The apathy of department does not end there. The O.A. is filed on 22-8-2016 and after service, the matter was adjourned thrice giving three months time and on the last date it was observed that if the reply is not filed, the heavy cost will be saddled but again the order fell on the deaf ears of the Health Department. The applicant has also prayed for terminal benefits. The learned counsel for the applicant has prayed for the cost. From the above observations it is crystal

clear that in all respects it is fit case to grant even the compensatory cost. But, the compensatory costs are not prayed. The Tribunal had occasion to observe lack of administration in Health Department and hence copies of orders are sent to Chief Secretary to corrective measures but to no effect. As such the applicant can be entitled for the costs of this proceeding are quantified to Rs.5,000/- to be paid to applicant by respondent nos. 1&2.

8. In the above state of affairs now considering the pathetic plight of the applicant undergoing for half decade who is none else but the Medical Officer colleague of Respt. No.2 serving in the department and considering the nature of reliefs claimed the O.A. has to be disposed of with a direction. Consequently, the O.A. is disposed of with the following terms :-

(i) The respondent nos. 1&2 to decide the applicant's application dated 12-10-2012 on or before 10<sup>th</sup> February, 2017 according to law.

(ii) The terminal benefits of the applicant be disbursed before 31-03-2017.

(iii) The R-1&2 to pay the cost of the proceeding of Rs.5,000/- to the applicant alongwith terminal benefits.

(iv) With this, the O.A. stands disposed of.

(v) The Registrar and Id. P.O. to send the copy of this order to the Chief Secretary, Govt. of Maharashtra.

dnk.