

O.A. No. 676 /2016

Coram : J.D. Kulkarni : M (J).

Dated : 25th October, 2016.

Heard Shri S.S. Dhengale, Id. Counsel for the applicant and Shri S. Deo, Id. C.P.O. for the respondent no. 1 and 3.

The Id. Counsel for the applicant submits that the respondents have not considered the claim of the applicant as per the notification dtd. 28/4/2015. Under the exemption clause at Sr. No.7(d) of the said notification if a woman officer who is widow or abandoned is exempted from the application of this notification. It seems from the proforma which was to be filled in at the time of appointment that there is clause as to whether the applicant has a husband or widow etc., in which the applicant has stated that she is residing separately and has no relation with her husband. However, it is not clearly stated whether the applicant is abandoned.

The Id. Counsel for the applicant has placed on record the communication dtd. 24/10/16, which is marked as 'X' for identification from which the Govt. is coming with the case that if the applicant files comprehensive representation making clear all the facts, the Govt. is ready to re-consider her representation. The Id. Counsel for the applicant submits that he will take instructions from his client and then make his submissions.

S.O.26/10/2016

Member (J)

Skt.

O.A. No. 198/2016

Coram : J.D. Kulkarni, M (J).

Dated : 25th October, 2016.

Shri S.C. Deshmukh, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents 1 and 2. None for R/3.

The Id. Counsel for the applicant seeks 4 weeks' time to file rejoinder.

S.O. 4 weeks to file rejoinder.

Member (J)

Skt.

O.A. No. 709/2016

Coram : J.D. Kulkarni : M (J).

Dated : 25th October, 2016.

Heard Shri S.G. Kulkarni, Id. Counsel for the applicant and Shri S. Deo, Id. C. P.O. for the respondent No. 1.

The applicant has been appointed on compassionate ground to Group 'C' post i.e. Clerk-cum-Typist. As per the order dtd. 8/8/2006 the appointment was subject to certain conditions that the applicant shall pass the English and Marathi Typing examination within 2 years from the date of appointment. The applicant however could not pass the said examination within time. Vide the impugned notice dtd.18/10/2016 the applicant has been directed to give an undertaking that he is ready for accommodating in Group-D post and this is the last notice given to the applicant.

The Id. Counsel for the applicant has placed reliance on one circular dtd. 30/9/2011 whereby it seems that this period of 2 years has been further extended by the Govt. in the same department. Admittedly, the applicant is serving as a Clerk from 2006 and has passed the requisite qualifying examination of English and Marathi Typing. The Id. Counsel for the applicant has placed reliance on W.P. No.4874/2012 in the case of **Sachin Vithalrao Kshirsagar and another – vs State of Maharashtra**, wherein the Hon'ble High Court of Judicature at Bombay Bench at Aurangabad was pleased to observe in para 9 as under :-

“ Having heard the learned counsel for the parties and having regard to the fact that the petitioners were appointed as Clerk-cum-Typist on compassionate ground i.e. on account of death of their respective fathers, who were in Government service, and also having regard to

the fact that the petitioners has already appeared at the typing test in English and in Marathi in November, 2011, and this fact was brought to the notice of the respondents and ultimately the results were declared on 31/1/2012 and both the petitioners are declared to have passed the typing test in English as well as in Marathi, the termination of the petitioners' services was not justified. In the peculiar facts and circumstances of the case and as stated above, having regard to the fact that the petitioners were appointed on compassionate basis and that they had passed the typing test in English and in Marathi, which was conducted prior to termination of their services, we are of the view that the petitions deserve to be allowed and the respondents are required to be directed to continue

the petitioners in service on the post of Clerk-cum-Typist.”

The Id. Counsel for the applicant therefore requests that the respondents be directed not to take any action on the basis of the impugned notice dtd. 18/10/2016.

The Id. C.P.O. seeks time to take instructions in this regard and file their affidavit-in-reply. Since no action is yet taken on the basis of the impugned notice and the fact that the applicant is already serving as a Clerk-cum-Typist from 2006 and has already acquired requisite qualification, the respondents are directed not to take any punitive action on the basis of the final notice dtd. 18/10/2016 till filing of the reply. In the meantime issue notices to the respondents, returnable on 17/11/2016.

Hamdast granted.

The Tribunal may take the case for final disposal at the admission

Applicant is authorized and directed to serve on the Respondent intimation/ notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.

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.

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 three weeks. Applicant is directed to file Affidavit of compliance of notice.

Member (J)

Skt.

O.A. No. 661/2016

Coram :J.D. Kulkarni, M (J).

Dated : 25th October, 2016.

None for the applicant. Shri S. Deo, Id. C.P.O. for the respondents 1 and 2. Shri S.C. Deshmukh, the Id. Counsel for R/3.

The Id. C.P.O. as well as the Id. Special counsel for R/3, i.e. Z.P., Nagpur seek time to file reply.

S.O. 4 weeks to file reply.

Member (J)

Skt.

O.A. No. 43/2015

Coram : J.D. Kulkarni, M (J).

Dated : 25th October, 2016.

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

The applicant is claiming that the departmental enquiry initiated against him shall be quashed. The respondents have filed reply-in-affidavit along with one letter dtd. 5/8/2016, which is at Annexure-A, from which it seems that the enquiry against the applicant has been dropped. In view of this, nothing survives in this O.A. However as the applicant and his counsel is absent, **S.O.27/10/2016** for passing necessary orders.

Member (J)

Skt.

O.A. No. 536/2016

Coram : J.D. Kulkarni, M (J).

Dated : 25th October, 2016.

Heard Shri S.V. Deshmukh, Id. Counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents 1 to 4. None for R/5.

The Id. P.O. seeks 2 weeks' time to file reply-in-affidavit. From the record it seems that many chances are already granted to the respondents for filing reply and on the last occasion i.e. 27th Sept., 2016, last chance was granted. The Id. Counsel for the applicant strongly opposed for granting time and submitted that if time is granted one promotional post of Junior Clerk be kept vacant. He submits that there are 4 posts vacant and if somebody is promoted during the pendency of the petition, the applicant will have to add necessarily the persons who are promoted. The claim of the applicant will have to be considered on merits and hence it will

not be proper to grant any interim relief. It is always made clear that if any promotion is made during the pendency of the O.A., the same will be subject to the decision of the O.A.

S.O. 2 weeks .

Member (J)

Skt.

O.A. No. 646/2016

Coram : J.D. Kulkarni, M (J).

Dated : 25th October, 2016.

Heard Shri N.R. Saboo, Id. Counsel for the applicant and Shri S. Deo, Id. C. P.O. for the respondents.

In this O.A., the applicant is claiming to be the candidate of VJNT category and he is claiming promotion to the post of Additional Commissioner, Animal Husbandry. As per resolution dtd. 5/11/2009 the preference is to be given to the S.C.

Both the Id. Counsel for the applicant as well as the Id. C.P.O. accepted that the applicant has filed representations for considering his claim dtd. 6/8/2016, 15/8/2016 and 6/9/2016, whereby he requested the appropriate authority to consider his claim from VJNT category. The representations are not yet addressed by the respondents. It is, therefore,

admitted that the O.A. can be disposed of if direction is given to the respondents to consider those representations if the post is not filled in. In view thereof the O.A. is disposed of with consent with the following directions :-

The respondents are directed to consider the representations filed by the applicant on 6/8/2016, 15/8/2016 and 6/9/2016 within a period of 1 month from the date of this order and not to fill up the post unless the said representations are decided, if no decision is yet taken on the promotional post. No order as to costs.

Steno copy be granted.

Member (J)

Skt.

O.A. No. 198/2016

Coram : J.D. Kulkarni, M (J).

Dated : 25th October, 2016.

Shri S.C. Deshmukh, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents 1 and 2. None for R/3.

The Id. Counsel for the applicant seeks 4 weeks' time to file rejoinder.

S.O. 4 weeks to file rejoinder.

Member (J)

Skt.

O.A. No.470/2015.

CORAM : J.D. Kulkarni, Member (J)

DATE : 25th October 2016.

Oral order

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

The applicant has challenged the suspension order dated 15.6.2016 issued by S.D.O., Buldhana. Affidavit in reply has already been filed by S.D.O., Buldhana in which it is stated that after the police investigation, criminal case is registered against the applicant, in view of investigation in Crime No. 116/2014 at Police Station, Mehkar. In fact, two cases are registered against the applicant. Therefore, the applicant has been kept under suspension.

The learned counsel for the applicant submits that he is not persuading for relief of quashing and setting aside the suspension order, provided his case is kept before the Competent Committee considering the revocation of the cases of suspended employees, in view of the G.R. dated 14.10.2011. The said G.R. is placed on record and marked as Exh. "X" for identification.

It seems from the G.R. dated 14.10.2011 that the Govt. of Maharashtra has appointed some Committees at different levels to re-consider the cases of employees, who are under suspension periodically. The guidelines have been issued as to what action shall be taken where FIR is registered, cases are pending and even the cases which have been decided. In view thereof, applicant's case can be kept before the competent authority for reconsideration and the competent authority will be at liberty to take appropriate decision in the given circumstances. In view thereof, application stands disposed of with following directions:

- (i) Respondent No.2 is directed to place the case of the applicant for reconsideration of revocation of his suspension before the competent authority as per G.R. dated 14.10.2011.

- (ii) Such action shall be taken within one month from the date of this order and the competent authority shall thereafter take appropriate decision on the case of the applicant within further 2 months from the date of

receipt of communication
from respondent No.2.

(iii) No order as to costs.

Member(J)

pdg

O.A. No.708/2016.

CORAM : J.D. Kulkarni, Member (J)

DATE : 25th October 2016.

Oral order

Heard Shri R.L. Alone,
learned counsel for the applicant and Shri

A.P. Potnis, learned P.O. for the respondents.

2. In this O.A., the applicant has claimed for appropriate directions to the respondents to accept his application for the post of Police Patil of village Kotbala and to allow him to appear for the examination of Police Patil. It is also claimed that the decision taken by respondent No.2 rejecting application filed by the applicant dated 9.9.2016 be quashed and set aside. The date of interview is not yet fixed.

3. The learned counsel for the applicant submits that he has taken objection as per his representation dated 18.11.2015 (A.12, P.26). The learned P.O. submits that the applicant was called for personal hearing and notice was issued to the applicant on 16.9.2016. Accordingly the applicant appeared before the competent authority and a decision is yet to be taken on the objection raised by the applicant. In view thereof, the learned counsel for the applicant seeks permission to withdraw the O.A. with liberty to approach this Tribunal, in case adverse decision is taken on his representation by the respondent authority.

4. In view thereof, applicant is given liberty to withdraw the O.A. O.A. stands disposed of as withdrawn with

liberty to the applicant to approach this Tribunal, in case adverse order is passed against him on his representation. No order as to costs.

Member(J)

pdg

O.A. No. 630/2016.

CORAM : J.D. Kulkarni, Member (J)

DATE : 25th October 2016.

C.A. No.469/2016.

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

2. The respondent No.5 has filed this C.A. and has prayed for vacation of stay order granted by this Tribunal on 23.9.2016 in respect of transfer dated 14.9.2016 which has been challenged in this O.A.

3. From the arguments of respective parties, it reveals that the stay to the transfer order was granted by this Tribunal on 23.9.2016. But the respondent no.5 joined at Murtizapur on 16.9.2016 and, therefore, on the date of stay, respondent No.5 was already holding the post at Murtizapur. It is further admitted that subsequently the Collector has passed the order whereby the applicant has been asked to join at Murtizapur and at present the applicant is working at Murtizapur and admittedly respondent No.5 is in hanging position.

4. On the last date, the learned P.O. was directed to take instructions in this matter. The learned P.O. submits that he has been intimated that some writ petitions have been filed at Aurangabad and the Bombay Bench of the Tribunal as regards the impugned transfer order and some of the petitions are pending before the Hon'ble High Court at Bombay. Copies of such orders are also placed on record at Page Nos.38 to 45 of the O.A.

5. In view of the aforesaid circumstances, it will be clear that now the applicant is serving at Murtizapur and respondent No.5 is in hanging position. In view thereof, no interim stay can be granted as the applicant's claim will have to be

considered on merit after filing of reply.
Hence, the C.A. No. 469/2016 stands
dismissed with no order as to costs.

Member(J)

pdg

O.A. No. 630/2016.

CORAM : J.D. Kulkarni, Member (J)

DATE : 25th October 2016.

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

Learned P.O. seeks time to file
reply.

S.O. **after vacation.**

Member(J)

pdg

O.A. No.707/2016. (S.B.)

Coram:- J.D. Kulkarni, Member (J).

Dated:- 25th October 2016.

ORDER

Heard Shri N.R. Saboo, learned counsel for the applicant and Shri P.N. Warjekar , the learned P.O. for the respondent No.1.

2. Vide order dated 31st May 2016, the applicant has been transferred from Gadchiroli to Chandrapur as Assistant

Commissioner of Animal Husbandry. It seems that the applicant filed number of representations whereby the respondents were intimated that the applicant has already served for a sufficient period in the naxalite affected area and as per various Government Resolutions he was ready to get the option posting. His representations were under consideration and, therefore, he was not relieved. The applicant was expecting favourable result. But ultimately letter dated 17.10.2016 has been issued whereby representations of some of other officers have been considered. But name of the applicant is not figured in that order. Learned P.O. admits that the applicant is not yet relieved from his post at Gadchiroli. In view thereof, respondents are directed not to relieve the applicant from Gadchiroli till reply in affidavit is filed in this O.A.

3. Till that time, issue notice before admission to R. 2 to 4 returnable within **three weeks**.

4. Shri P.N. Warjekar, the learned P.O. waives notice for R.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.

Member(J)

Pdg

O.A. No.707/2016. (S.B.)

Coram:- J.D. Kulkarni, Member (J).

Dated:- 25th October 2016.

ORDER

Heard Shri N.R. Saboo, learned counsel for the applicant and Shri P.N. Warjekar , the learned P.O. for the respondent No.1.

2. Vide order dated 31st May 2016, the applicant has been transferred from Gadchiroli to Chandrapur as Assistant Commissioner of Animal Husbandry. It seems that the applicant filed number of representations whereby the respondents were intimated that the applicant has already served for a sufficient period in the naxalite affected area and as per various Government Resolutions he was ready to get the option posting. His representations were under consideration and, therefore, he was not relieved. The applicant was

expecting favourable result. But ultimately letter dated 17.10.2016 has been issued whereby representations of some of other officers have been considered. But name of the applicant is not figured in that order. Learned P.O. admits that the applicant is not yet relieved from his post at Gadchiroli. In view thereof, respondents are directed not to relieve the applicant from Gadchiroli till reply in affidavit is filed in this O.A.

3. Till that time, issue notice before admission to R. 2 to 4 returnable within **three weeks**.

4. Shri P.N. Warjekar, the learned P.O. waives notice for R.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.

Member(J)

pdg

CORAM : J.D. Kulkarni, Member (J)
DATE : 27th October 2016.

Heard Shri S.G. Ramteke, learned counsel for the applicant and Shri A.M. Ghgore, learned P.O. for the respondents.

Closed for orders.

Member(J)

pdg

O.A. No.113/2016.

CORAM : J.D. Kulkarni, Member (J)

DATE : 25th October 2016.

Shri Shashikant Borkar, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents 1 and 2. Shri S.Y. Deopujari, learned counsel for R. 3 to 60.

The learned counsel for R. 3 to 60 has filed affidavit in reply, same is taken on record and a copy thereof is served to the learned counsel for the applicant. He seeks time to go through it and seeks accommodation after vacation.

S.O. **after vacation.**

Member(J)

pdg

O.A. No.439/2016.

CORAM : J.D. Kulkarni, Member (J)

DATE : 25th October 2016.

Shri P.V. Thakre, learned counsel for the applicant and Shri P.N. Warjekar, learned P.O. for the respondents 1 to 3. None for R. 4.

Learned counsel for the applicant seeks time to file rejoinder.

S.O. **after vacation.**

Member(J)

pdg

O.A. No.522/2016.

CORAM : J.D. Kulkarni, Member (J)

DATE : 25th October 2016.

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

Learned counsel for the applicant seeks time to file rejoinder.

S.O. **after vacation.**

Member(J)

pdg

O.A. No. 595/2015.

CORAM : J.D. Kulkarni, Member (J)
DATE : 25th October 2016.

Shri S.A. Sahu, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents.

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

Member(J)

pdg

O.A. No. 349/2015.

CORAM : J.D. Kulkarni, Member (J)

DATE : 25th October 2016.

None for the applicant. Smt. S.V. Kolhe, learned P.O. for the respondents.

The learned P.O. has filed reply on behalf of R. 1 and 2, the same is taken on record. He undertakes to serve its copy to the learned counsel for the applicant.

S.O. **after vacation.**

Member(J)

pdg

O.A. No. 597/2014.

CORAM : J.D. Kulkarni, Member (J)

DATE : 25th October 2016.

Shri G.G. Bade, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents.

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

Member(J)

pdg

O.A. No. 18/2014.

CORAM : J.D. Kulkarni, Member (J)

DATE : 25th October 2016.

Shri V.N. Mahajan, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents.

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

Member(J)

pdg

O.A. No. 553/2016.

CORAM : J.D. Kulkarni, Member (J)

DATE : 25th October 2016.

Shri A.D. Girdekar, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents.

The learned P.O. seeks time to file reply.

S.O. **after vacation.**

Member(J)

pdg

O.A. No. 552/2016.

CORAM : J.D. Kulkarni, Member (J)

DATE : 25th October 2016.

Shri Munghate, Adv. holding for Shri R.V. Shiralkar, learned counsel for the applicant and Smt. M.A. Barabde, learned P.O. for the respondents.

The learned P.O. seeks time to file reply.

S.O. **after vacation.**

Member(J)

pdg

O.A. No.475 /2016.

CORAM : J.D. Kulkarni, Member (J)

DATE : 25th October 2016.

Shri S.S. Dhengale, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents 1 to 4. None for R.5.

The learned counsel for the applicant seeks time to file rejoinder.

S.O. **after vacation.**

Member(J)

pdg

O.A. No.184/2016.

CORAM : J.D. Kulkarni, Member (J)

DATE : 25th October 2016.

Shri A.A. Khwaja, Adv. holding for Shri M.R. Khan, learned counsel for the applicant and Shri V.A. Kulkarni, learned P.O. for the respondents.

The learned P.O. seeks time to file an affidavit in reply.

S.O. **four weeks.**

Member(J)

pdg

O.A. No. 421/2016.

CORAM : J.D. Kulkarni, Member (J)

DATE : 25th October 2016.

Shri Munghate, Adv. holding for Shri R.V. Shiralkar, learned counsel for the applicant and Smt. S.V. Kolhe, learned P.O. for the respondents.

The learned P.O. seeks time to file an affidavit in reply.

S.O. **after vacation.**

Member(J)

pdg

O.A. No.132/2016.

CORAM : J.D. Kulkarni, Member (J)
DATE : 25th October 2016.
C.A. No.484/2016.

Shri P.D. Meghe, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents.

After hearing the matter for a considerable period, learned P.O. seeks time to produce copy of refusal letter of promotion by the applicant.

At his request, S.O. **26.10.2016.**

To be treated as part heard.

Member(J)

pdg

O.A. No.196/2016.

CORAM : J.D. Kulkarni, Member (J)

DATE : 25th October 2016.

Shri S.N. Gaikwad, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents.

At request of both parties, S.O. **26.10.2016 for final hearing.**

Member(J)

pdg

O.A. No.619/2016.

CORAM : J.D. Kulkarni, Member (J)
DATE : 25th October 2016.

Miss P.S. Choudhari, learned counsel for the applicant and Shri S.A. Deo, learned C.P.O. for the respondents.

The learned C.P.O. has filed affidavit in reply on behalf of respondent No.2, same is taken on record and a copy thereof is served to the learned counsel for the applicant.

At request of both parties, S.O.
26.10.2016.

Member(J)

pdg

O.A. No.445, 446, 447 & 448 of 2016.

CORAM : J.D. Kulkarni, Member (J)

DATE : 25th October 2016.

There is a leave note from Shri S.P. Palshikar, learned counsel for the applicant. Shri P.N. Warjekar, learned P.O. appeared for the respondents.

The learned P.O. seeks time to file reply.

S.O. after vacation.

Member(J)

pdg

O.A. No.364/2016.

CORAM : J.D. Kulkarni, Member (J)

DATE : 25th October 2016.

C.A.Nos. 432 & 491 of 2016.

Heard Shri T.G. Bansod, learned counsel for the applicant and Shri A.M. Khadatkar, learned P.O. for the respondents.

2 In this O.A., the applicant has claimed following reliefs:

- (i) The respondents may be directed to cancel the impugned order dated 27.5.2016.
- (ii) By ad-interim order, direct the respondents to stay the impugned order of transfer of applicant from Saoner to Nagpur city till the decision of this case.

3. The impugned order dated 27.5.2016 (consequent to the transfer of the applicant from P.S. Saoner to Nagpur City). It is the case of the applicant that he did not receive the transfer order, but the relieving order was issued by the respondent i.e. S.P., Nagpur (Rural). It seems that the said order has been stayed by this Tribunal vide order dated 14.6.2016. In fact therefore, nothing survives in these C.A. Nos. 432/2016

and 491/2016. First application is for re-posting the applicant and the latter is for amendment of the O.A. The learned counsel for the applicant however seeks permission to withdraw the O.A. as well as C.As. Since he wants to file separate comprehensive O.A. to challenge the order, permission to withdraw the O.A. is granted and in view thereof O.A. No. 364/2016 as well as C.A. Nos. 432/2016 and 491/2016 stand disposed of as withdrawn. No order as to costs.

pdg

O.A. No.557/2016.

CORAM : J.D. Kulkarni, Member (J)

DATE : 25th October 2016.

Shri R.R. Dawda, learned counsel for the applicant and Shri S.A. Sainis, learned P.O. for the respondents 1 and 2. None for R.3.

The learned counsel for the applicant submits that he has filed service affidavit in respect of respondent No.3, same may be taken on record. Reply has already been filed by R.2. The applicant is not claiming interim relief.

The learned counsel for the applicant submits that there are in all 7 other matters i.e. O.A. Nos. 463/2016 to 469/2016. This matter will also be tagged with those matters.

S.O. **after vacation.**

Member(J)

pdg

O.A. No.818/2015.

CORAM : J.D. Kulkarni, Member (J)

DATE : 25th October 2016.

None for the applicant. Shri P.N. Warjekar, learned P.O. for the respondents 1 and 2. None for R.3.

S.O. **after vacation.**

Member(J)

pdg

O.A. No. 40/2016.

CORAM : J.D. Kulkarni, Member (J)

DATE : 25th October 2016.

There is a leave note from Shri S.P. Palshikar, learned counsel for the applicant. Shri P.N. Warjekar, learned P.O. for the respondents.

S.O. **after vacation.**

Member(J)

pdg

O.A. No.168/2016.

CORAM : J.D. Kulkarni, Member (J)

DATE : 25th October 2016.

Shri M.R. Rajgure, learned counsel for the applicant and Shri H.K. Pande, learned P.O. for the respondents 1 to 3. None for R.4.

S.O. **four weeks** at the request of learned P.O. for filing reply.

Member(J)

pdg

O.A. No.470/2015.

CORAM : J.D. Kulkarni, Member (J)

DATE : 25th October 2016.

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

The applicant has challenged the suspension order dated 15.6.2016 issued by S.D.O., Buldhana. Affidavit in reply has already been filed by S.D.O., Buldhana in which it is stated that after the police investigation, criminal case is registered against the applicant, in view of investigation in Crime No. 116/2014 at Police Station, Mehkar. In fact, two cases are registered against the applicant. Therefore, the applicant has been kept under suspension.

The learned counsel for the applicant submits that he has not

persuaded for relief of quashing and setting aside the suspension order, provided his case is kept before the Competent Committee considering the revocation of the cases of suspended employees. In view of the G.R. dated 14.10.2011. G.R. is placed on record and marked as Exh. "X" for identification.

It seems from the G.R. dated 14.10.2011 that the Govt. of Maharashtra has appointed some Committees at different levels to re-consider the cases of employees who are under suspension periodically. The guidelines have been issued as to what action shall be taken where FIR is registered, cases are pending and even the cases which have been decided. In view thereof, applicant's case can be kept before the competent authority for reconsideration and the competent authority will be at liberty to take appropriate decision in the given circumstances. In view thereof, application stands disposed of with following directions:

- (iv) Respondent No.2 is directed to forward the case of the applicant for reconsideration of revocation of his suspension before the competent authority as per G.R. dated 14.10.2011.
- (v) Such action shall be taken within one month from the date of this order and the competent authority shall thereafter take appropriate

decision on the case of the applicant within further 2 months from the date of receipt of communication from respondent No.2.

(vi) No order as to costs.

Member(J)

pdg

O.A. No.708/2016.

CORAM : J.D. Kulkarni, Member (J)

DATE : 25th October 2016.

Heard Shri R.L. Alone, learned counsel for the applicant and Shri A.P. Potnis, learned P.O. for the respondents.

2. In this O.A., the applicant has claimed for appropriate directions to the respondents to accept his application for the post of Police Patil of village Kotbala and to allow him to appear for the examination of Police Patil. It is also claimed that the decision taken by respondent No.2 rejecting application filed by the applicant dated 9.9.2016 be quashed and set aside. The date of interview is not yet fixed. The learned counsel for the applicant submits that he has taken objection as per his representation dated 18.11.2015 (A.12, P.26). The learned P.O. submits that the applicant was called for personal hearing and notice was issued to the applicant on 16.9.2016. Accordingly the applicant appeared before the competent authority and a decision is yet to be taken on the objection raised by the applicant. In view

thereof, the learned counsel for the applicant seeks permission to withdraw the O.A. with liberty to approach this Tribunal, in case adverse decision is taken on his representation by the respondent authority. In view thereof, applicant is given liberty to withdraw the O.A. O.A. stands therefore, disposed of as withdrawn with liberty to the applicant to approach this Tribunal, if any adverse order is passed against him on his representation. No order as to costs.

Member(J)

pdg

O.A. No.403/2016.

CORAM : J.D. Kulkarni, Member (J)

DATE : 25th October 2016.

None for the applicant. Smt. S.V. Kolhe, learned P.O. for the respondents.

Since pleadings are complete, matter is admitted and it be kept for final hearing after vacation.

Smt. S.V. Kolhe, learned P.O. waives notice for all the respondents.

S.O. **after vacation.**

Member(J)

pdg

O.A. No.311/2016.

CORAM : J.D. Kulkarni, Member (J)

DATE : 25th October 2016.

Shri Munghate, Adv. holding for Shri R.V. Shiralkar, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents.

The learned P.O. seeks time to file reply.

S.O. **two weeks** as a last chance.

Member(J)

pdg

O.A. No.502/2016.

CORAM : J.D. Kulkarni, Member (J)

DATE : 25th October 2016.

Shri S.C. Deshmukh, learned counsel for the applicant and Shri A.M.

Ghogre, learned P.O. for the respondents.

The learned P.O. has filed reply on behalf of R. 1 & 2, same is taken on record and a copy thereof is supplied to the learned counsel for the applicant.

The learned counsel for the applicant states that he will file rejoinder, if necessary.

S.O. **four weeks.**

Member(J)

pdg

O.A. No.594/2016.

CORAM : J.D. Kulkarni, Member (J)

DATE : 25th October 2016.

Heard Shri P.V. Thakre, learned counsel for the applicants and Shri V.A.

Kulkarni, learned P.O. for the respondents.

The applicants are claiming direction to the respondents as under :

- (i) "Direct the respondents to grant special incentive of one step promotional pay scale in accordance with G.R. dated 6.8.2002 to the applicants and arrears thereof alongwith 12% interest thereon".

The learned P.O. has placed on record copy of order dated 13.10.2016 which is marked "X" for the purpose of identification from which it is clear that the relief claimed by the applicants is already dealt with. In view thereof, nothing survives in this O.A. Accordingly the O.A. stands disposed of.

Member(J)

pdg

O.A. No.544/2016.

CORAM : J.D. Kulkarni, Member (J)

DATE : 25th October 2016.

Shri A.B. Bambal, learned counsel for the applicants and Shri H.K. Pande, learned P.O. for the respondents.

The learned P.O. seeks time for filing reply.

S.O. **after vacation.**

Member(J)

pdg

O.A. No.576/2016.

CORAM : J.D. Kulkarni, Member (J)

DATE : 25th October 2016.

Shri A. P. Sadavarte, learned counsel for the applicant and Shri S.A. Deo, learned C.P.O. for the respondents.

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

Member(J)

O.A. No. 186/2016.

CORAM : J.D. Kulkarni, Member (J)

DATE : 25th October 2016.

Shri Bharat Kulkarni, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents.

The learned counsel for the applicant has filed rejoinder on record to the affidavit filed by the respondent Nos. 1, 2 and 4. The same is taken on record.

Since pleadings are complete, matter is admitted and kept for final hearing in due course **after vacation.**

Shri M.I. Khan, learned P.O. waives notice for the respondents.

Member(J)

pdg

O.A. No. 200/2016.

CORAM : J.D. Kulkarni, Member (J)

DATE : 25th October 2016.

Shri S.N. Gaikwad, Adv. holding for Shri R.R. Rathod, learned counsel for the applicant and Shri A.M. Khadatkar, learned P.O. for the respondents 1 to 3. Shri M.L. Vairagade, Adv. for R. 4 & 5.

The learned Adv. for R. 4 & 5 seeks time to file reply on behalf of the said respondents.

The learned P.O. also seeks time to file reply on behalf of respondents 1 to 3.

S.O. **four weeks.**

Member(J)

O.A. No. 673/2015.

CORAM : J.D. Kulkarni, Member (J)

DATE : 25th October 2016.

Shri S.N. Gaikwad, learned counsel for the applicant and Smt. M.A. Barabde, learned P.O. for the respondents 1 and 2. None for R. 3.

The learned counsel for the applicant seeks time to remove office objection.

The learned P.O. has filed reply of R.2. The same is taken on record and a copy thereof is supplied to the learned P.O.

The learned counsel for the applicant submits that he will go through it and file rejoinder, if necessary.

S.O. **after vacation.**

Member(J)

O.A. No. 674/2015.

CORAM : J.D. Kulkarni, Member (J)

DATE : 25th October 2016.

Shri S.N. Gaikwad, learned counsel for the applicant and Smt. M.A. Barabde, learned P.O. for the respondents 1 and 2. None for R. 3.

The learned counsel for the applicant seeks time to remove office objection.

The learned P.O. has filed reply of R.2. The same is taken on record and a copy thereof is supplied to the learned P.O.

The learned counsel for the applicant submits that he will go through it and file rejoinder, if necessary.

S.O. **after vacation.**

Member(J)

O.A. No./2015.

CORAM : J.D. Kulkarni, Member (J)

DATE : 25th October 2016.

Oral order

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

The applicant has challenged the suspension order dated 15.6.2016 issued by S.D.O., Buldhana. Affidavit in reply has already been filed by S.D.O., Buldhana in which it is stated that after the police investigation, criminal case is registered against the applicant, in view of investigation in Crime No. 116/2014 at Police Station, Mehkar. In fact, two cases are registered against the applicant. Therefore, the applicant has been kept under suspension.

The learned counsel for the applicant submits that he has not persuaded for relief of quashing and setting aside the suspension order, provided his case is kept before the Competent Committee considering the

revocation of the cases of suspended employees. In view of the G.R. dated 14.10.2011. G.R. is placed on record and marked as Exh. "X" for identification.

It seems from the G.R. dated 14.10.2011 that the Govt. of Maharashtra has appointed some Committees at different levels to re-consider the cases of employees who are under suspension periodically. The guidelines have been issued as to what action shall be taken where FIR is registered, cases are pending and even the cases which have been decided. In view thereof, applicant's case can be kept before the competent authority for reconsideration and the competent authority will be at liberty to take appropriate decision in the given circumstances. In view thereof, application stands disposed of with following directions:

(vii) Respondent No.2 is directed to forward the case of the applicant for reconsideration of revocation of his suspension before the competent authority as per G.R. dated 14.10.2011.

(viii) Such action shall be taken within one month from the date of this order and the competent authority shall

thereafter take appropriate decision on the case of the applicant within further 2 months from the date of receipt of communication from respondent No.2.

(ix) No order as to costs.

Member(J)

pdg