

O.A. No.222/2016. (S.B.)

**Coram:- S.S. Hingne, Member (J).
Dated:- 15th October 2016.**

Shri G.K. Bhusari, Adv. holding for Shri R.D. Khobragade, learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

Learned P.O. submits that he has received draft reply.

At the request of learned counsel for the applicant, S.O. **two weeks for reply by way of last chance.**

Member(J)

Pdg

O.A. No.831/2012. (S.B.)

**Coram:- S.S. Hingne, Member (J).
Dated:- 15th October 2016.**

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

Shri A.A. Khwaja, Adv. submits that Mr. Khan, Learned counsel for the applicant is not feeling well and hence adjournment is sought.

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

Member(J)

pdg

O.A. No.453/2016. (S.B.)

**Coram:- S.S. Hingne, Member (J).
Dated:- 15th October 2016.**

Shri G.G. Bade, learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

The learned P.O. undertakes to file reply during the course of the day and serve copy to the learned counsel for the applicant.

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

Member(J)

pdg

O.A. No.709/2015. (S.B.)

**Coram:- S.S. Hingne, Member (J).
Dated:- 15th October 2016.**

Shri C.A. Babrekar, learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondent Nos.1 and 3. Shri S.N. Gaikwad, Adv. for R.2.

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

Member(J)

pdg

O.A. No. 370/1999. (D.B.)

Coram:- S.S. Hingne, Member (J).

Dated:- 15th October 2016.

R.A. No. 05/2015.

Shri N.R. Saboo, learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

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

Member(J)

pdg

O.A. No. 537/2016. (D.B.)

**Coram:- S.S. Hingne, Member (J).
Dated:- 15th October 2016.**

None for the applicant. Shri P.N. Warjekar, the learned P.O. for the respondents.

The learned P.O. submits that he has received parawise comments.

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

Member(J)

pdg

O.A. No.819/2014. (D.B.)

Coram:- S.S. Hingne, Member (J).

Dated:- 15th October 2016.

C.A. No.402/2016.

Shri G.K. Bhusari, learned counsel for the applicant, Mrs. M.A. Barabde, the learned P.O. for respondent No. 1 and Shri R.D. Hazarey, Adv. holding for Shri M.M. Sudame, Adv. for R. 2 to 5.

The learned counsel for the applicant submits that the government has taken necessary steps to regularize the services of *ad hoc* employees. He wants to file documents in that regard so that the O.A. can be disposed of.

S.O. four weeks for disposal.

Member(J)

pdg

O.A. No.459/2016. (D.B.)

**Coram:- S.S. Hingne, Member (J).
Dated:- 15th October 2016.**

None for the applicant. Shri S.A. Deo, the learned C.P.O. for the respondents.

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

Member(J)

Pdg

O.A. No.137/2016. (D.B.)

Coram:- S.S. Hingne, Member (J).

Dated:- 15th October 2016.

Shri P.S. Bhange, Adv. Holding for Shri S.K. Tambde, learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

The learned P.O. submits that he has received reply.

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

Member(J)

pdg

**O.A. No.233, 234, 301, 302, 477, 517,
518, 635 and 663 of 2016. (D.B.)**

**Coram:- S.S. Hingne, Member (J).
Dated:- 15th October 2016.**

Shri G.G. Bade, learned counsel for the applicants and Shri P.N. Warjekar, the learned P.O. for the respondents.

The learned P.O. submits that he has received reply.

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

Member(J)

pdg

O.A. No.602 of 2016. (D.B.)

**Coram:- S.S. Hingne, Member (J).
Dated:- 15th October 2016.**

None for the applicant. Shri H.K. Pande, the learned P.O. for the respondent No.1.

Await service to R. 2 to 4.

S.O. **after service.**

Member(J)

pdg

O.A. No.164 of 2016. (D.B.)

Coram:- S.S. Hingne, Member (J).

Dated:- 15th October 2016.

1. None for the applicant.
2. Heard Shri S.A. Deo, the learned C.P.O. for the respondent No.1.
3. Await service to R. 2 to 4.
4. O.A. is filed in April, 2016. Yet, the respondents are not served and no steps are taken. Though the matter was listed before the Registrar on several occasions, none appeared.
5. With a view to afford one more opportunity, issue fresh notice to R. 2 to 4 **returnable after service.**
6. The learned C.P.O. waives notice for respondent No.1. Hamdast granted.
7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.
8. 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.

9. 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.

10. 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.

11. It is made clear that if no steps are taken till next date, O.A. will be dismissed.

Member(J)

pdg

O.A. No.258 of 2016. (D.B.)

Coram:- S.S. Hingne, Member (J).

Dated:- 15th October 2016.

1. None for the applicant.
2. Heard Shri S.A. Deo, the learned C.P.O. for the respondent No.1.
3. Await service to R. 2 to 4.
4. O.A. is filed in June, 2016. Yet, the respondents are not served and no steps are taken. Though the matter was listed before the Registrar on several occasions, none appeared.
5. With a view to afford one more opportunity, issue fresh notice to R. 2 to 4 **returnable after service.**
6. The learned C.P.O. waives notice for respondent No.1. Hamdast granted.
7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.
8. 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.

9. 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.

10. 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.

11. It is made clear that if no steps are taken till next date, O.A. will be dismissed.

Member(J)

Pdg

O.A. No.695 of 2015. (D.B.)

Coram:- S.S. Hingne, Member (J).

Dated:- 15th October 2016.

None for the applicant. Shri S.A. Sainis, the learned P.O. for respondent Nos.1 and 2. None for R.3.

O.A. is filed in November 2015. Respondents were not served.

Considering the aspect that the applicant is an employee of respondent No.1 and in view of dispute raised in this O.A., Zilla Parishad has no role to play. As such, O.A. can be disposed of.

However, the learned counsel for the applicant is absent. With a view to give one more opportunity, S.O. **three weeks for disposal.**

Member(J)

Pdg

O.A. No. 402, 404, 405, 406, 407, 408, 409, 410, 411 and 412 of /2015. (D.B.)

**Coram:- S.S. Hingne, Member (J).
Dated:- 15th October 2016.**

Shri M.V. Malokr, the learned counsel for the applicants and Shri A.M. Ghogre, the learned P.O. for the respondents.

The learned counsel for the applicants submits that the applications have become infructuous, since selection process is completed. Hence, the O.As are disposed of as have become infructuous.

Member(J)

Pdg

O.A.No. 626/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 15.10.2016.

Shri Renu, Id. counsel holding for Shri R. Joshi, 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.

Member (J)

dnk.

O.A.No. 478/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 15.10.2016.

Mrs. S. Upadhaye, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the Respts.

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

Member (J)

dnk.

O.A.No. 70/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 15.10.2016.

None for the applicant. Smt. M.A. Barabde, Id. P.O. for the Respts.

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

Member (J)

dnk.

O.A.No. 45/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 15.10.2016.

Shri N.R. Saboo, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the Respts.

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

It is made clear that if the reply is not filed on the next date, **the matter will be disposed of.**

Member (J)

dnk.

O.A.No. 67/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 15.10.2016.

Shri N.R. Saboo, Id. counsel for the applicant and Shri Khadatkar, Id. P.O. for the Respts.

At the request of Id. P.O., S.O. three weeks by way of peremptory chance.

S.O. three weeks for disposal.

Member (J)

dnk.

O.A.No. 124/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 15.10.2016.

Shri P.J. Mehta, Id. counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the Respts.

At the request of Id. P.O., S.O. three weeks for reply by way of peremptory chance.

Member (J)

dnk.

O.A.No. 196/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 15.10.2016.

Shri S.N. Gaikwad, 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. one week.**

Member (J)

dnk.

O.A.No. 232/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 15.10.2016.

Shri P.V. Thakre, Id. counsel holding for Shri S.P. Palshikar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the Respts.

Heard. Admit.

Learned P.O. waives notice for the respondents.

Hearing expedited.

S.O. four weeks.

Member (J)

dnk.

O.A.No. 296/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 15.10.2016.

Shri V.B. Bhise, Id. counsel holding for Shri R.V. Shiralkar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the Respts.

Learned P.O. files reply on behalf of the respondents. It is taken on record. Copy is served to the Id. counsel for the applicant.

S.O. four weeks for disposal.

Member (J)

dnk.

O.A.No. 339/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 15.10.2016.

Shri A.C. Dharmadhikari, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the Respts.

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

Member (J)

dnk.

O.A.No. 404/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 15.10.2016.

None for the applicant. Shri A.M. Ghogre, Id. P.O. for R-1 to 3 and Shri A.Z. Gharde, Id. counsel for R-4 to 6.

On the earlier date also none appeared for the applicant. With a view to afford one

more opportunity, S.O. four weeks by way of last chance.

It is made clear that if none appears for the applicant on the next date, the O.A. will be dismissed.

S.O. four weeks for dismissal.

Member (J)

dnk.

O.A.No. 607/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 15.10.2016.

Shri S.N. Gaikwad, Id. counsel holding for Shri P.S. Patil, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the Respts.

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

Member (J)

dnk.

O.A.No. 221/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 15.10.2016.

Heard Shri V.B. Bhise, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the Respts.

Learned P.O. files communication dated 14-10-2016 (P-32) which mentions that the salary for the month of August, 2016 is paid and the bill for the period from 1-7-2015 to 31-7-2016 is submitted to the Treasury. The objection was taken by the Treasury will be removed and the payment will be released within a short time.

In view of this, the O.A. is disposed of and the respondents to take necessary steps to disburse the amount at an earliest. So far as the interest is concerned, the applicant is at liberty to make the representation and the respondent to decide the same within three months from the date of receipt of the representation, if any.

Member (J)

O.A.No. 679/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 15.10.2016.

Heard Shri S.N. Gaikwad, Id. counsel
for the applicant and Shri M.I. Khan, Id. P.O.
for the Respts.

Member (J)

dnk.

O.A. Nos. 679, 680, 681,682 & 683 of
2016

Coram : Hon. Shri S.S. Hingne,
Member(J).

Dated : 15-10-2016.

ORDER-

1. Heard Shri S.N. Gaikwad, Id.
counsel for the applicants and Shri M.I.
Khan, Id. P.O. for the Respondents.

2. The O.As. are filed on 14-10-
2016 challenging the order of suspension
dated 12-10-2016. The applicants are
attached to Kotwali Police Station,
Amravati. One is Police Inspector and rest
are the Police Constables.

3. The impugned order mentions
that the Hon'ble Guardian Minister was
also present at the time of raiding
Gambling den at Baccharaj Plot, Amravati.
Some accused were found the amount
and incriminating material was seized and
Crime no.480/2016 under 12A of The
Maharashtra Prevention of Gambling Act
was registered.

4. The applicants are the Incharge of that area and they came to be suspended, because no actions were taken despite of several orders were issued by authorities as referred in the suspension order. Consequently, the applicants are placed under suspension on 12-10-2016.

5. The learned counsel for the applicants prays for interim relief to stay the operation of the order. The order is already implemented and such orders take effect immediately on issuance. The applicants have also prayed they may be allowed to join duties. However, unless the order is quashed that relief cannot be granted.

6. The learned P.O. on instructions submits that there were several complaints from the public at large for several months about gambling going on at that place, but to no effect. He also

submits that preliminary inquiries are done and the applicants are found responsible and negligent and not performing the duties. The learned P.O. submits that the order is issued on 12-10-2016 and the O.As. are filed on 14-10-2016 and matters are listed today and therefore he cannot get any documentary material except the oral instructions and therefore he prayed that the sufficient time be given to produce the same.

7. The learned counsel for the applicants submits that the applicants were on Bandobast duty during the Durgadevi festival from 01-10-2016 to 12-10-2016. However, the learned P.O. submits that the complaints from the public are received from June. As such only because the applicants were on Bandobast duty during the Durgadevi festival, no much significance can be attached to it.

8. It is also urged that Police Constables have to work under the supervision and they cannot conduct the raid on their own. Such aspects can be considered giving opportunity to other side and not at such a stage. One cannot be lost sight of fact that ultimately officers working at gross root level have to work and burden lies on them, to maintain law and order.

9. It is also urged that the applicant PSI has just joined on 7-7-2016 and under his guidance the raid is conducted on the same place on 4-10-2016 with the help of other applicants. However that does not absolve the applicants to do the duties regularly.

10. When the Guardian Minister himself has attended the raid, that shows the gravity of the matter that and for reason that he received several complaints from public at large. Any how

fact remains that such matter requires consideration which cannot be done unless due opportunity is given to the other side to be heard and place the material on record. The order is already implemented and as such by no stretch of reasoning in the above factual aspects, it can be said that the case is made out for ad-interim relief.

11. S.O. one week for reply. Hearing is expedited.

Member (J)

dnk.