

O.A. No. 956/2018 (SB)

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

Dated : 03.09.2019

None for the applicant. Shri P.N.
Warjurkar, Id. P.O. for R-1.

Notices of R-2&3 are not collected.

S.O. three weeks.

Member (J)

dnk.

O.A. No. 93/2019 (SB)

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

Dated : 03.09.2019

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

At the request of Id. P.O., **S.O. three weeks** for filing reply as a last chance.

Member (J)

dnk.

O.A. No. 410/2019 (SB)

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

Dated : 03.09.2019

Heard Shri G.K. Bhusari, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The learned counsel for the applicant files rejoinder. It is taken on record. Copy is served to the Id. P.O.

3. The matter is admitted for final hearing.

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

S.O. 11/09/2019.

Member (J)

dnk.

O.A. No. 411/2019 (SB)

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

Dated : 03.09.2019

Shri R.V. Shiralkar, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

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

Member (J)

dnk.

O.A. No. 452/2019 (SB)

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

Dated : 03.09.2019

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

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

Member (J)

dnk.

O.A. No. 461/2019 (SB)

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

Dated : 03.09.2019

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

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

Member (J)

dnk.

O.A. No. 501/2019 with C.A.309/19 **(SB)**

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

Dated : 03.09.2019

Heard Shri Bharat Kulkarni, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1 to 3 and Shri R.V. Shiralkar, Id. counsel for R-4&5.

The learned counsel for the applicant filed rejoinder. It is taken on record. Copy is served on the other side.

The matter is admitted for final hearing.

The learned P.O. waives notice for R-1 to 3.

S.O. 13/09/2019.

Member (J)

dnk.

O.A. No. 550/2019 (SB)

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

Dated : 03.09.2019

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

The Id. P.O. files reply on behalf of the respondents. It is taken on record.

The matter is admitted for final hearing.

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

S.O. 13/9/2019.

Member (J)

dnk.

O.A. No. 598/2019 (SB)

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

Dated : 03.09.2019

None for the applicant. Shri A.M. Khadatkar, Id. P.O. for R-1 to 4. Await service for R- 5.

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

Interim relief to continue till then.

Member (J)

dnk.

O.A. No. 618/2019 (SB)

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

Dated : 03.09.2019

None for the applicant. Shri A.M. Khadatkar, Id. P.O. for R-1. Await service of R-2&3.

S.O. three weeks.

Member (J)

dnk.

O.A. No. 661/2019 (SB)

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

Dated : 03.09.2019

None for the applicant. Shri P.N. Warjurkar, Id. P.O. for R-1. Await service of R-2&3.

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

Member (J)

dnk.

O.A. No. 662/2019 (SB)

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

Dated : 03.09.2019

None for the applicant. Shri A.M. Khadatkar, Id. P.O. for R-1. Await service of R-2&3.

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

Member (J)

dnk.

O.A. No. 125/2017 (SB)

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

Dated : 03.09.2019

None for the applicant. Heard Shri V.A. Kulkarni, Id. P.O. for the respondents.

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

Member (J)

dnk.

O.A. No. 805/2017 (SB)

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

Dated : 03.09.2019

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

Closed for orders.

Member (J)

dnk.

O.A. No. 382/2019 (SB)

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

Dated : 03.09.2019

The applicant in person present.
Heard Shri G.R. Sadar, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

2. The learned P.O. submitted that the action of the respondents is in accordance with the Section 12 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. In view of the submission, the learned P.O. is directed to produce material papers in support of his contention.

S.O. 16/09/2019.

Steno copy is granted.

Member (J)

dnk.

O.A. No. 472/2019 **(SB)**

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

Dated : 03.09.2019

None for the applicant. Shri A.M. Khadatkar, Id. P.O. for R-1 to 3. Await service for R-4.

Member (J)

dnk.

O.A. No. 472/2019 (SB)

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

Dated : 03.09.2019

None for the applicant. Shri V.A. Kulkarni, Id. P.O. for R-1 to 3. Await service of R-4.

The learned P.O. files reply on behalf of R-2&3. It is taken on record.

S.O. two weeks.

Member (J)

dnk.

O.As. 490,491,492 & 493 of 2019 (DB)

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

Dated :- 03/09/2019.

Heard Shri S.M. Vaishnav, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for the respondents.

2. The statement is made by the Id. CPO before the Bench that he made inquiry with the Rural Development Department and it was informed that there is no likelihood of issuing the promotion orders within this week.

3. The learned CPO requested time till 5/9/2019 to file reply. At his request,

S.O. 5/9/2019.

Member(J)
dnk.

Vice-Chairman.

O.A.No.593/2019
(D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and
Shri A.D.Karanjkar, Member(J)**
Dated :03rd Sep. 2019.

None for the applicant. Shri S.A.Deo, the
Id. C.P.O. for the State. Await service of
respondent nos. 2 & 3.

2. S.O. in due course.

**Member(J)
Chairman
Date:-03/09/2019.
aps.**

Vice

O.A.Nos.921/2017, 320, 321, 322, 323, 324,

764/2018, 919/2017 & 83/2018 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :03rd Sep. 2019.

Shri S.S.Deshpande, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the Respondents. Await service of respondent no. 2 in O.A. No.921/2017.

2. Issue fresh notice to R-2 in O.A. No. 921/2017, returnable on three weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and

acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

8. **S.O. three weeks.**

Member(J)
Chairman
Date:-03/09/2019.
aps.

Vice

O.A.No.177/2019 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :03rd Sep. 2019.

Shri R.V.Shiralkar, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

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

Member(J)

Chairman

Date:-03/09/2019.

aps.

Vice

O.A.No.980/2018 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :03rd Sep. 2019.

None for the applicant. Shri S.A.Deo, the
Id. C.P.O. for the State. Await service of
respondent nos. 2 to 4. None for the respondent
no. 5.

2. **S.O. in due course.**

**Member(J)
Chairman**

Date:-03/09/2019.

aps.

Vice

O.A.No.30/2019 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :03rd Sep. 2019.

Ms. Madhura Gokhale holding for Shri P.B.Patil, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. two weeks to file reply.**

**Member(J)
Chairman**

Date:-03/09/2019.

aps.

Vice

O.A.No.833/2018 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :03rd Sep. 2019.

C.A.No.337/2019:-

Shri S.S.Ghate, the Id. counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent nos. 4 & 5.

2. **Civil Application No. 337/2019 is allowed.** Ld. counsel for the applicant is directed to carry out the amendment within a week time.

3. **S.O. two weeks for final hearing.**

**Member(J)
Chairman**

Date:-03/09/2019.

aps.

Vice

O.A.No.740/2016 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :03rd Sep. 2019.

None for the applicant. Shri P.N.Warjurkar, the Id. P.O. for the respondent nos. 1 & 2. None for the respondent no. 3.

2. Ld. P.O. submits the reply of respondent no. 3. It is taken on record. Copy is served to the other side. He further submits that reply of respondent no. 3 is sufficient.

3. Hence matter is **admitted** and kept for final hearing.

4. Ld. P.O. waives notice for the respondents.

5. **S.O. in due course.**

**Member(J)
Chairman**

Date:-03/09/2019.

aps.

Vice

O.A.No.961/2012 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :03rd Sep. 2019.

Shri J.R.Kidilay, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant submits that committee has submitted report to Government and Government decision is awaited. At his request, **S.O. three weeks.**

**Member(J)
Chairman
Date:-03/09/2019.
aps.**

Vice

O.A.Nos.492, 493, 525, 529 & 542/2013
(D.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
and

Shri A.D.Karanjkar, Member(J)

Dated :03rd Sep. 2019.

Shri S.P.Palshikar, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

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

Member(J)
Chairman

Date:-03/09/2019.

aps.

Vice

O.A.No.554/2014 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :03rd Sep. 2019.

Rev. Appl. No. 11/2016:-

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

2. The matter is fixed for final hearing, **S.O.**
in due course.

**Member(J)
Chairman**

Date:-03/09/2019.

aps.

Vice

O.A.No.889/2017 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :03rd Sep. 2019.

Shri S.A.Sahu holding for Shri M.I.Dhatrak, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. As agreed by both the counsels. The matter is **admitted** and kept for final hearing.

3. The Id. P.O. waives notice for the respondents.

4. **S.O. in due course.**

5. *In the meantime, the Id. counsel for the applicant is at liberty to file Rejoinder, if any.*

**Member(J)
Chairman**

Date:-03/09/2019.

aps.

Vice

O.A.No.217/2019 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :03rd Sep. 2019.

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

2. Ld. P.O. has filed the reply on behalf of the respondent nos. 1 & 2. It is taken on record. Copy is served to the other side. He further submits that he will serve the copy to the other side.

3. Matter is **admitted** and kept for final hearing.

4. The Id. P.O. waives notices for the respondents.

5. **S.O. due course.**

Member(J)

Chairman

Date:-03/09/2019.

aps.

Vice

O.A.No.206/2017 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :03rd Sep. 2019.

C.A. No. 323/2019 in C.P. No. 52/2018:-

Shri V.B.Bhise, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. The Id. P.O. is directed to give information that whether any writ petition is filed challenging order to pay amount as per direction in O.A. No. 206/2017 of the applicant within one week.

5. S.O. 11.09.2019.

Member(J)

Chairman

Date:-03/09/2019.

aps.

Vice

O.A.No.566/2013 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :03rd Sep. 2019.

Shri G.G.Bade, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent nos. 4 to 18.

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

**Member(J)
Chairman**

Date:-03/09/2019.

aps.

Vice

O.A.No.413/2013 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :03rd Sep. 2019.

Shri G.K.Bhusari, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. The Id. P.O. is directed to give information whether any chargesheet is filed against the applicant in pursuance of the F.I.R. dated 13.05.2012 filed against the applicant at Police Station, Wardha. At the request of Id. P.O.,
S.O. 17.09.2019.

**Member(J)
Chairman**

Date:-03/09/2019.

aps.

Vice

O.A.No.166/12 with C.A. No. 100/19
(D.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
and

Shri A.D.Karanjkar, Member(J)

Dated :03rd Sep. 2019.

Shri G.K.Bhusari, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. The Id. P.O. is directed to produce original record of the enquiry within two weeks. **S.O. 17.09.2019.**

Member(J)
Chairman
Date:-03/09/2019.
aps.

Vice

O.A.No.416/2017 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :03rd Sep. 2019.

Shri S.S.Ghate, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondent nos. 1 to 4. None for the respondent no. 5.

2. The Id. P.O. submits that he is intending to file reply to the amended portion. **S.O. two weeks.**

**Member(J)
Chairman
Date:-03/09/2019.
aps.**

Vice

O.A.No.461/2017 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :03rd Sep. 2019.

Shri S.S.Ghate, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O.**
28.09.2019.

**Member(J)
Chairman**

Date:-03/09/2019.

aps.

Vice

O.A.Nos.243, 244, 245 & 246/2016 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :03rd Sep. 2019.

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

2. **S.O. four weeks.**

**Member(J)
Chairman**

**Date:-03/09/2019.
aps.**

Vice

O.A.No.879/2017 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :03rd Sep. 2019.

Shri S.P.Palshikar, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. **S.O. 05.09.2019.**

**Member(J)
Chairman**

Date:-03/09/2019.

aps.

Vice

O.A.No.142/2019 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :03rd Sep. 2019.

Shri A.D.Girdekar, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. **Closed for orders.**

**Member(J)
Chairman**

Date:-03/09/2019.

aps.

Vice

O.A.No.446/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :03rd Sep. 2019.

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. As submitted by Id. counsel for the applicant, O.A. No. 445/2019 is also connected with the same O.A. It is not on board today. Registry is directed to keep the same matter on board at next date.

3. At the request of Id. P.O., **S.O. one week to file reply.**

Vice

Chairman
Date:-03/09/2019.
aps.

O.A.Nos. 87, 88 & 89/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :03rd Sep. 2019.

Heard Shri S.C.Deshmukh, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State. Await service of respondent nos. 2 to 4.

2. The Id. counsel for the applicant submits that grievances might have been redressed. At his request, **S.O. one week.**

Chairman
Date:-03/09/2019.
aps.

Vice

O.A.Nos. 496, 497 & 498/2019
(S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :03rd Sep. 2019.

Heard Smt. K.N.Saboo, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. three weeks to file reply.**

Chairman
Date:-03/09/2019.
aps.

Vice

O.A.No.354/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :03rd Sep. 2019.

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

2. At the request of Id. P.O., **S.O. three
weeks to file reply.**

Vice

Chairman
Date:-03/09/2019.
aps.

O.A.No.184/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :03rd Sep. 2019.**

None for the applicant. Shri S.A.Sainis, the Id. P.O. for the respondent nos. 1 & 2 and Shri M.Shaikh, the Id. counsel for the respondent no. 3.

2. At the request of Id. P.O., **S.O. three weeks to file reply of respondent nos. 1 & 2.**

Vice

Chairman

Date:-03/09/2019.

aps.

O.A.No.552/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :03rd Sep. 2019.

C.A.NO.271/2019:-

Shri R.V.Shiralkar, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the respondents.

2. The Id. counsel for the applicant has filed C.A. No. 271/2019 for Jt. O.A.. Since, the applicant grievances are similar and as agreed by both the counsels, **C.A. No. 271/2019 is allowed.**

3. At the request of Id. C.P.O., **S.O. three weeks to file reply.**

Vice

Chairman
Date:-03/09/2019.
aps.

O.A.No.284/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :03rd Sep. 2019.

C.A.NO.164/2019:-

None for the applicant. Shri S.A.Deo, the Id. C.P.O. for the respondent nos. 1 to 5. None for the respondent no. 6.

2. The Id. C.P.O. has pointed out P.B., Pg. Nos. 11, 12 & 13 of letter dated 13.01.2012 by Commissioner & Director, Municipal Counsel Administration to Principal Secretary, Mumbai. As per this letter, he pointed out that in the last para by this letter it appears that matter pertains to Municipal Counsel and Municipal Counsel is considering this case sympathetically. In view of this there is no need to interfere in this matter at this stage, matter is kept after two weeks.

3. **S.O. two weeks.**

Chairman
Date:-03/09/2019.
aps.

Vice

O.A.No.605/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :03rd Sep. 2019.

None for the applicant. Shri H.K.Pande,
the Id. P.O. for the respondents.

2. As submitted by Id. P.O., pleadings are
completed in this matter. Hence, matter is
admitted and kept for final hearing.

3. The Id. P.O. waives notice for the
respondents.

4. **S.O. in due course.**

Vice

Chairman
Date:-03/09/2019.
aps.

O.A.No.594/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :03rd Sep. 2019.

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

2. As pointed out by Id. C.P.O. on P.B., Pg. No.
12, relief clause nos. 7 (i) & (ii) are as follows:-

*(i) hold and declare that the applicant is
entitled to fixation of her revised pay scale with
effect from 01.01.1986.*

*(ii) hold and declare that the act on the part of
the respondents in revising her pay scale w.e.f.
27.07.1998 is illegal and bad;*

3. As submitted by Id. C.P.O., both the above
relief clause are contradictory and it will require
condonation of delay also.

4. **S.O. four weeks to file reply.**

Chairman
Date:-03/09/2019.
aps.

Vice

O.A.No.581/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :03rd Sep. 2019.

Shri N.W.Almelkar, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant submits that he served the notices. Registry should take it on record. The Id. P.O. filed the reply of respondent nos. 5 and 7. It is taken on record. Copy is supplied to the other side.

3. As agreed by both the counsels, matter is **admitted** and kept for final hearing.

4. The Id. P.O. waives notices for the respondents.

5. **S.O. in due course.**

6. *The Id. counsel for the applicant is at liberty to file Rejoinder, if any.*

Vice

Chairman

Date:-03/09/2019.

aps.

O.A.No.849/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :03rd Sep. 2019.**

None for the applicant. Shri H.K.Pande,
the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. one week.**

Vice

Chairman
Date:-03/09/2019.
aps.

O.A.Nos.126 & 189/2015
(S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :03rd Sep. 2019.

Smt. Saboo, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

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

Chairman
Date:-03/09/2019.
aps.

Vice

O.A.No.20/2016 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :03rd Sep. 2019.

None for the applicant. Shri H.K.Pande,
the Id. P.O. for the respondent nos. 1 to 3. None
for the respondent no. 4.

2. S.O. two weeks.

Chairman
Date:-03/09/2019.
aps.

Vice

O.A.No.684/2016 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :03rd Sep. 2019.

None for the applicant. Shri H.K.Pande,
the Id. P.O. for the respondent nos. 1 & 2. None for
the respondent no. 3.

2. S.O. in due course.

Chairman
Date:-03/09/2019.
aps.

Vice

O.A.No.19/2016 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :03rd Sep. 2019.

None for the applicant. Shri H.K.Pande,
the Id. P.O. for the respondents.

2. S.O. in due course.

Chairman
Date:-03/09/2019.
aps.

Vice

O.A.No.689/2016 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :03rd Sep. 2019.

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

2. S.O. three weeks.

Chairman
Date:-03/09/2019.
aps.

Vice

O.A.No.793/2016 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :03rd Sep. 2019.

Shri R.V.Shiralkar, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O.**
13.09.2019.

Chairman
Date:-03/09/2019.
aps.

Vice

O.A.No.420/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :03rd Sep. 2019.

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

2. As submitted by Id. P.O., In the Tribunal order dated 06.08.2019 in para no. 3 it was mentioned that there was discrepancy in service book and in para no. 4 of the reply about the appointment date of the applicant. The Id. P.O. agreed that as per service book, the applicant was appointed as per order dated 08.12.1983 and joined on 26.12.1983 and he got exemption from Revenue Qualifying Examination on 19.06.2004.

3. The Id. P.O. has filed the letter dated 25.03.2005, which is marked Exh. "X" for the purpose of identification. As per this letter, applicant is at Sr. No. 5 and he completed age of 45 on 19.06.2004 and he got exemption from Revenue Qualifying Examination on 19.06.2004.

4. As per the relief clause 7 (i) (ii), it appears that applicant has requesting for seniority from 26.12.1995. However, he never passed the Revenue qualifying examination and he was finally exempted after attaining the age of 45 on 19/06/2004.

5. **S.O. two weeks.**

Chairman
Date:-03/09/2019.
aps.

Vice

C.A.No. 68 of 2019 (SB)
In Review App. St. 370 of 2019
In O.A. 724/2012

**(Mukunda S/o Laxman Sultane Vs.
State of Maharashtra & Ors.)**

**Coram :- Hon. Shri Anand
Karanjkar,
Member (J).**

Dated :- 03/09/2019.

ORDER

C.A. No. 68/2019 -

1. This C.A. is moved by the applicant to condone the delay caused in filing the Review Application. It is submitted that the O.A.724/2012 was filed by the applicant before this Bench to challenge the appointment order of the respondent no.3. This Bench by order dated 01/02/2013 dismissed the O.A. after hearing the applicant and the respondents. It is contention of the applicant that he

made applications under the RTI Act to secure the copies of the documents, the applicant did not receive the copies till 2018. Thereafter the applicant filed Writ Petition before the Hon'ble High Court.

2. It is submission of the applicant that the Writ Petition came for hearing before the Hon'ble High Court and on 17/07/2018 it was noticed by the Hon'ble High Court that there was no prayer in the Writ Petition to challenge the order passed by this Bench in O.A.No.724/2012. The applicant requested to rectify the mistake by amending the Writ Petition. In this situation, the Hon'ble High Court permitted the applicant to approach the MAT for the review or for taking such course as per law.

3. It is submission of the applicant that after this order the applicant applied for certified copy of the order passed by Hon'ble High Court it was received, but the applicant was suffering from Hepatitis and bed ridden, therefore, the applicant was unable to file Review Application within time. It is submitted that there is delay of 176 days in filing the Review Application and this delay be condoned. The learned counsel for the applicant has placed reliance on the Judgment in case of the **Director, Government of India Vs. General Secretary, Central Government Small Scale Industries Organization Employees Union, AIR 1999 (SC) 553.** The learned counsel for the applicant is also placing reliance on the Judgment in case of **Pralhad**

Rambhau Dhole Vs. State of Maharashtra & Ors. 2019 (4)

Mh.L.J.,89. It is submitted that while deciding the application for condonation of delay the approach of the Court to be pragmatic and liberal and harsh view should not be taken.

4. In the reply, it is submission of the respondents that though the Writ Petition No. 3771 was filed by the applicant in 2018, but in that Writ Petition there was no challenge to the order passed by the MAT on 01/02/2013. It is submitted that there was a delay of 5 years in filing the Writ Petition regarding which there was no whisper in the application why that delay was caused. It is submitted that now story is concocted by the applicant that the

applicant applied to obtain copies of the documents under RTI Act and as the documents were not supplied till 2018, therefore, there was a delay.

5. The learned counsel for the respondents have placed reliance on the Judgment in case of **Esha Bhattacharjee Vs. Managing Committee of Raghunathpur Nafar Academy & Ors.,** in SLP (C) Nos.24868-24869 of 2011, decided on 13/09/2013.

6. The learned counsel for the respondents submitted that the Hon'ble Apex Court has observed that there is distinction between inordinate delay and a delay of short duration or few days so as the **former** is concerned, the doctrine of prejudice is attracted whereas the latter this

principle is not attracted. The conduct and behavior and attitude of a party relating to its inaction or negligence are relevant factors to be taken into consideration. It is fundamental principle that the Courts are required to weigh the scale of balance of justice in respect of both the parties and the said principle cannot be given a total go by in the name of liberal approach, therefore, when the explanation offered is concocted or the grounds urged are fanciful, the Courts should be vigilant not to expose the other side unnecessarily to face a litigation. It must be borne in mind that no one gets away with fraud, misrepresentation or interpolation by taking recourse to the technicalities of law of limitation.

7. Keeping in view the observations made by the Hon'ble Apex Court, in my opinion; it was burden on the applicant first to establish why the applicant did not challenge the order dated 01/02/2013 within a period of limitation prescribed by law. I do not see any merit in the contention of the applicant that after judgment delivered by MAT, he filed application under RTI Act to receive the copies of the documents and he was waiting for the copies till 2018, because under RTI Act period is prescribed to issue the information demanded. As a matter of fact, when the O.A. was decided the applicant was represented by Counsel and it was duty of the learned counsel of the applicant to give him proper legal advice that there was a period of

limitation to challenge the order of MAT, but it was not done. The period of 5 years is not a small period. Had it been fact that the applicant applied for the copies of the documents under RTI Act and remained silent for reasonable period, matter would have been different. It is difficult to believe a story that a person who is not selected in the service would remain silent for a period of 5 years.

8. The second material aspect of the case is that though the applicant filed Writ Petition No.3771/2018, the applicant did not challenge the order dated 01/02/2013, perhaps the reason might be, had applicant challenged that order passed in 2013 in a Writ Petition filed in 2018, the Hon'ble High Court would

have dismissed the Writ Petition at the threshold. When it was realized by the applicant that the trick did not work, he made submission that he was intending to amend the Writ Petition. It is important to note that though the Hon'ble High Court permitted the applicant to approach the MAT, it is nowhere mentioned that the delay of 5 years, i.e., from the date of expiry of the period of limitation to challenge the order passed by MAT till the date of filing of the Writ Petition was not condoned by the Hon'ble High Court. Even the later story that the applicant was suffering from Hepatitis is also not a convincing one. It is not case of the applicant that he was continuously bed ridden. Under these circumstances, it is necessary to examine the case of the applicant in

view of the guidelines given in case of **Esha Bhattacharjee Vs. Managing Committee of Raghunathpur Nafar Academy & Ors. (cited supra.** In the present case, it seems that the applicant was under obligation to explain the delay since the year 2013 till the date of filing of the Review Petition. It apparent that this delay is inordinate, therefore liberal approach cannot be taken in this case. The legal position is settled that the Court should not ask the explanation regarding each days delay, but after considering the fact that the applicant remained silent for a unreasonable period more than 5 years, compels to suspect the bonafides of the applicant.

9. In view of this fact, I am of the firm view that no case is made out

for condoning the delay. Hence, the C.A.No.68/2019 to condone the delay is hereby dismissed. No order as to costs.

(Anand Karanjkar)

Member(J).

Dated :- 03/09/2019.

After pronouncement of the order, Ms. R.V. Palaspagar, the learned counsel for the applicant appeared, she was not present when the order was pronounced. The learned counsel for the applicant submitted that she be permitted to place the written notes of argument on record.

(Anand Karanjkar)

Member(J).
Dated :- 03/09/2019.

*dnk.