

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

Dated : 07.11.2019

Heard Smt. K.N. Saboo, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the State.

2. Issue notice to R-2 to 4, returnable **after two 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. after two weeks.**

Member (J)

dnk.

O.A. No. 41/2018 (SB)

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

Dated : 07.11.2019

Heard Shri P.J. Mehta, Id. counsel holding for Shri S. Kotwal, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

The learned P.O. files reply of R-2. It is taken on record. Copy is served on the applicant. It is submitted that reply of other respondents is not necessary.

Heard. Admit.

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

S.O. in due course.

Member (J)

dnk.

O.A. No. 133/2019 (SB)

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

Dated : 07.11.2019

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

The learned P.O. files reply of R-1&2.
It is taken on record. According to the
learned P.O. it is sufficient to decide the
matter.

Heard. Admit.

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

S.O. in due course.

Member (J)

dnk.

O.A. No. 403/2019 (SB)

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

Dated : 07.11.2019

Smt. K.N. Saboo, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1 to 4. None for R-5.

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

Member (J)

dnk.

O.A. No. 574/19 (SB)

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

Dated : 07.11.2019

Smt. K.N. Saboo, Id .counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1. Await service of R-2 to 4.

At the request of Id. counsel for the applicant, **S.O. one week** for filing service affidavit.

Member (J)

dnk.

O.A. Nos. 648,652,653,654 & 655 of 2019 (SB)

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

Dated : 07.11.2019

Heard Shri D.M. Kakani, Id. counsel for the applicants and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. The learned P.O. files reply on behalf of the respondents. Same are taken on record and copies are given to the learned counsel for the applicants.

3. The learned P.O. is directed to produce the record which was placed before the Civil Services Board.

S.O. 19/11/2019.

Steno copy is granted...

Member (J)

dnk.

O.A. No. 712/2019 (SB)

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

Dated : 07.11.2019

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

At the request of Id. P.O., **S.O.**
14/11/2019 for filing reply.

Member (J)

dnk.

O.A. No. 745/2019 (SB)

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

Dated : 07.11.2019

Shri S. Borkute, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1 to 4 & 6. None for R-5.

At the request of Id. P.O., **S.O.**
14/11/2019 for filing reply.

Member (J)

dnk.

O.A. No. 770/2019 (SB)

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

Dated : 07.11.2019

Shri M.V. Joshi, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1. Await service of R-2 to 6.

At the request of Id. counsel for the applicant, **S.O. two weeks** for filing service affidavit.

Member (J)

dnk.

O.A. No. 794/2019 (SB)

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

Dated : 07.11.2019

Shri D.T. Shinde, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1 to 3. None for R-4&5.

2. The learned counsel for the applicant submitted that the applicant was deputed to work as Deputy District Election Officer and after completion of the Election, he is now relieved from that duty on 27/10/2019 and he was directed to resume his previous duty. It is grievance of the applicant that Shri R.K. Guthale, Area Manager is not permitting him to resume the duty. Under these circumstances, the respondents are directed to make submission on the next date.

S.O. 13/11/2019.

Steno copy is granted..

Member (J)

dnk.

O.A. No. 795/2019 (SB)

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

Dated : 07.11.2019

Shri D.T. Shinde, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1 to 3. None for R-4&5.

2. The learned counsel for the applicant submitted that the applicant was deputed to work as Deputy District Election Officer and after completion of the Election, he is now relieved from that duty on 27/10/2019 and he was directed to resume his previous duty. It is grievance of the applicant that Shri B.A. Yadav, Area Manager is not permitting him to resume the duty. Under these circumstances, the respondents are directed to make submission on the next date.

S.O. 13/11/2019.

Steno copy is granted...

Member (J)

dnk.

O.A. No. 840/2019 (SB)

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

Dated : 07.11.2019

Shri S.S. Chauhan, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

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

Member (J)

dnk.

O.A. No. 163/2018 (SB)

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

Dated : 07.11.2019

Shri R.R. Dawda, Id .counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1 and Mrs. Gayatri Reve, Id. counsel holding for Shri B.N. Jaipurkar, Id. counsel for R-2.

At the request of Id. counsel for R-2, **S.O. two weeks** for filing reply as a last chance.

Member (J)

dnk.

O.A. No. 808/2019 (SB)

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

Dated : 07.11.2019

None for the applicant. Shri V.A. Kulkarni, Id. P.O. for R-1. Await service of R-2 to 4.

Service report is not filed.

S.O. two weeks.

Member (J)

dnk.

O.A. No. 811/2019 (SB)

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

Dated : 07.11.2019

Shri N.S. Autkar, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1. Await service of R-2 to 4.

The learned counsel for the applicant submitted that the respondent nos. 2 to 4 are served and he will file service affidavit to that effect.

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

Member (J)

dnk.

O.A. No. 923/2017 (SB)

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

Dated : 07.11.2019

Mrs. V. Chimurkar, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1,2&5 and Shri S. Majid, Id. counsel for R-3&4.

The learned counsel for R-3&4 submitted that he has to file affidavit of the concerned Doctor and now he is at Pune, therefore, two weeks time is required. At his request, **S.O. two weeks.**

Member (J)

dnk.

O.A. No. 373/2018 (SB)

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

Dated : 07.11.2019

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

At the request of Id. P.O., **S.O.**
13/11/2019.

Member (J)

dnk.

O.A. No. 539/2019 (SB)

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

Dated : 07.11.2019

Mrs. R.S. Sirpurkar, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O.**
15/11/2019.

Member (J)

dnk.

O.A. No. 818/2015 (SB)

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

Dated : 07.11.2019

Heard Shri D.B. Chambhare, Id. counsel holding for Shri A. Athalye, Id. counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1&2 and Shri V.P. Maldhure, Id. counsel for R-3.

2. My attention is invited to the Judgment delivered in Regular Civil Appeal No.427/1991 on 15/04/1998. The applicant was respondent no.1 in that appeal and the appeal was filed by the FDCM. It came to my notice that the Judgment in that appeal was pronounced by me and therefore in the interest of justice it is not suitable to hear this matter.

3. The Registry is therefore directed to place this matter before the Hon'ble Vice-Chairman.

S.O. two weeks.

Member (J)

dnk.

O.A. 50/2015 (D.B.)

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

Dated : 07/11/2019.

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

At the request of Id. P.O., **S.O.**
21/11/2019.

Member (J)
Chairman

Vice-

dnk.

C.P. 14/19 in O.A. 657/17 (D.B.)

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

Dated : 07/11/2019.

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

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

Member (J)
Chairman

Vice-

dnk.

C.P. 36/19 in O.A. 251/10 (D.B.)

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

Dated : 07/11/2019.

None for the applicant. Shri M.I.
Khan, Id. P.O. for R-1. Await service of R-2 to
4.

S.O. two weeks.

**Member (J)
Chairman**

Vice-

dnk.

C.P. 37/19 in O.A. 607/17 (D.B.)

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

Dated : 07/11/2019.

Mrs. M.D. Awachat, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 to 3 & 6 and Shri J. Mokadam, Id. counsel for R-4.

The learned counsel for R-4 submitted that he has received parawise reply yesterday only and therefore he seeks further time. At his request, **S.O. two weeks.**

Member (J)
Chairman

Vice-

dnk.

**O.A. 159/15 with C.A. 154/16
(D.B.)**

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

Dated : 07/11/2019.

C.A.424/2019 -

Heard Shri Vishal Anand, Id .counsel
for the applicants and Shri A.M. Ghogre, Id.
P.O. for R-1 to 5.

For the reasons stated in the
application, the C.A.424/2019 is allowed.
Necessary amendment be carried out within
two weeks.

O.A. 159/15 with C.A. 154/16 –

S.O. four weeks.

Member (J)
Chairman

Vice-

dnk.

O.A. 807/19 with C.A. 423/19 (D.B.)

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

Dated : 07/11/2019.

C.A.382/2019 -

Heard Shri Abhay Sambre, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for R-1&2. None for other respondents.

By this C.A., the applicants are seeking leave to sue jointly. For the reasons stated in the C.A., leave to sue jointly as prayed for is granted, subject to the applicants' paying requisite Court fees, if not already paid. C.A. is disposed of accordingly.

O.A. 807/19 with C.A. 423/19 –

Heard Shri Abhay Sambre, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for R-1&2. None for other respondents.

It is submitted that the respondents are served. The respondents to file reply on O.A. as well as on C.A. within three weeks.

S.O. three weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 878/19 (D.B.)

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

Dated : 07/11/2019.

C.A.421/2019 -

Heard Shri S.N. Gaikwad, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for the State.

By this C.A., the applicants are seeking leave to sue jointly. For the reasons stated in the C.A., leave to sue jointly as prayed for is granted, subject to the

applicants' paying requisite Court fees, if not already paid. C.A. is disposed of accordingly.

O.A. 878/2019 –

Heard Shri S.N. Gaikwad, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for the State.

2. Issue notice to the respondents, returnable **after three weeks**. Learned C.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. after three weeks.**

Member (J)
Chairman

Vice-

dnk.

(D.B.)

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

Dated : 07/11/2019.

C.P. 30/18 in O.A.290/13, C.P. 31/18 in O.A.
304/14, C.P. 32/18 in O.A.305/14 & C.P.
33/18 in O.A.306/14 -

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

2. The learned P.O. submitted that he has received instructions that the order has been complied, however, he seeks two weeks time to file on record certain documents. The learned P.O. is directed to file on record certain documents and also to supply the same to the learned counsel for the applicants.

S.O. two weeks.

Member (J)
Chairman

Vice-

dnk.

C.P. 37/18 in O.A. 173/06 (D.B.)

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

Dated : 07/11/2019.

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

2. The learned P.O. has filed copy of letter no.647/2019, dated 29/1/2019. It is taken on record.

3. **S.O. after two weeks** for compliance of the order regarding payment to the applicant.

Member (J)
Chairman

Vice-

dnk.

C.P. 57/18 in O.A. 703/16 (D.B.)

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

Dated : 07/11/2019.

Shri S.V. Sohoni, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

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

Member (J)
Chairman

Vice-

dnk.

C.P. 43/19 in O.A. 600/19 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,**

Member(J)

Dated : 07/11/2019.

Shri G.G. Bade, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

2. The learned P.O. has filed affidavit-in-reply on behalf of R-2, i.e., the Principal Secretary, Public Health Department, Mumbai along with copy of letter dated 10/10/2019. Copies of the same are taken on record.

3. At the request of learned counsel for the applicant, **S.O. Next week.**

Member (J)
Chairman

Vice-

dnk.

C.P. 45/19 in O.A. 142/16 (D.B.)

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

Dated : 07/11/2019.

Heard Shri S. Khandekar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the State.

2. Issue Notice to the respondent No. 2 returnable after **three weeks** under Rule 8 of the MAT (Contempt of Courts) Rules, 1996 as to why they should not be proceeded for committing contempt of this Tribunal's order and as to why they shall not be punished under the Contempt of Court Act.

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

4. The learned P.O. has put appearance for respondent no.1.

S.O. after three weeks.

Member (J)
Chairman

Vice-

dnk.

O.A. 431/2018 (D.B.)

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

Dated : 07/11/2019.

Shri G.G. Bade, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1 to 4. None for R-5.

It is submitted that the copy of application filed by the respondent no.5 is not yet received and therefore further time is required.

S.O. two weeks.

Member (J)
Chairman

Vice-

dnk.

O.A. 723/2018 (D.B.)

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

Dated : 07/11/2019.

Smt. K.N. Saboo, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1&2. None for R-3.

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

Member (J)
Chairman

Vice-

dnk.

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

Dated : 07/11/2019.

Heard Shri A.P. Tathod, Id. counsel holding for Shri A.D. Girdekar, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1 to 4. None for R-5.

2. As per the earlier order dated 31/7/2019 it appears that the Joint Director of Health Services, Mumbai has submitted draft rules in Marathi as well in English to the Principal Secretary Department of Public Health, Mumbai vide order dated 27/2/2015, but these rules are yet to be finalised. In the said order direction was given to finalise the rules within two months, the two months period has expired on 30th September,2019. But the respondents have not taken any action and learned P.O. is unable to submit any progress.

3. The learned counsel for the applicant may proceed further as per legal provisions.

S.O. three weeks.

Member (J)

Vice-Chairman

dnk.

O.A.No.792/2016 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :07/11/2019.

C.A.No.538/2017:-

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

2. As per the Id. counsel of the applicant, condonation of delay was condoned on 16/10/2019. However, it is not mentioned in the order sheet. Hence, **C.A. No. 538/2017 is allowed and delay is condoned.**

3. As submitted by Id. counsel for the applicant relief clause no. 1 i.e. deemed date of the appointment to the applicant i.e. from 03.11.2000 has been granted by the respondents. Secondly, continuity of service from 06.04.1995 (Appointment of applicant as J.E. in C.P.W.D) and 03/11/2000 to 27/12/2005 has also been granted to the applicant. Now, the only point remains is that pay fixation as per deemed date of appointment and difference of salary with interest from 03.11.2000 has not been paid by the respondents.

4. The Id. P.O. has filed reply in para no. 15, respondents have mentioned the point that has already been granted to the applicant. Now, the question remains only about above points?

5. The Id. P.O. is directed to take instructions from the respondents and place on record and supply the same to the other side.

6. **S.O. 28/11/2019.**

7. **Steno copy is granted.**

Vice

Chairman

Date:-07/11/2019.
aps.

O.A.No.118/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :07/11/2019.

None for the applicant. Shri A.M.Ghogre, the Id. P.O. for the State. Notice of R-2 to 4 are yet not collected.

2. As suggested by Id. P.O., if notices have not collected till next date of hearing, then O.A. will be treated as D.I.D..

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

Chairman
Date:-07/11/2019.
aps.

Vice

O.A.No.812/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :07/11/2019.

None for the applicant. Shri A.M.Ghogre,
the Id. P.O. for the Respondent nos. 1 & 2. Await
service of respondent nos. 3 & 4.

2. **S.O. three weeks.**

Vice

Chairman
Date:-07/11/2019.
aps.

O.A.No.935/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :07/11/2019.

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

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

Chairman
Date:-07/11/2019.
aps.

Vice

O.A.No.941/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :07/11/2019.

Heard Shri S.Sohiluddin, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

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

Chairman
Date:-07/11/2019.
aps.

Vice

O.A.No.185/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :07/11/2019.**

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

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

Vice

Chairman
Date:-07/11/2019.
aps.

O.A.No.190/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :07/11/2019.

Heard Shri S.L.Chakole, the applicant in person and Shri A.M.Ghogre, the Id. P.O. for the respondents.

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

Vice

Chairman
Date:-07/11/2019.
aps.

O.A.No.347/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :07/11/2019.

Heard Shri S.N.Gaikwad, 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.18/11/2019.**

Chairman
Date:-07/11/2019.
aps.

Vice

O.A.No.880/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :07/11/2019.

C.A.NO.422/2019:-

Heard Smt. Saboo, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State.

2. All the applicants are similar, grievances are also similar and remedies will be required. In view of this, **C.A. No. 422/2019 for Jt. O.A. is allowed.**

3. Issue notice to R-2 to 4, returnable on four weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

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

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

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

8. 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.

9. **S.O. four weeks.**

Vice

Chairman

Date:-07/11/2019.

aps.

O.A.No.705/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :07/11/2019.

Heard Shri G.G.Bade, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

2. Pleadings are completed. Matter is **admitted** and kept for final hearing.

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

4. **S.O. three weeks.**

Vice

Chairman

Date:-07/11/2019.

aps.

O.A.No.881/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :07/11/2019.

Heard Smt. Saboo, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State.

2. Issue notice to R-2 to 4, returnable on four 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. four weeks.**

Chairman
Date:-07/11/2019.
aps.

Vice

O.A.No.702/2016 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :07/11/2019.

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

2. The Id. counsel for the applicant has submitted the written submission which is marked Exh. "X-1" in which he has given reference of O.A. No. 622/2016 delivered on 07.04.2018. The Tribunal in the said O.A. directed respondent P.W.D., Department to take decision in accordance with decision in W.P. No. 1495/2014. In W.P. No. 1495/2014 Hon'ble High Court, based on its earlier decision in W.P. 5182/2012, held that petitioners therein are entitled to pay scale of Jr. Engineer upon completion of 12 years service on the post of Mistry Grade & Revision of pension accordingly.

3. The Id. counsel for the applicant has also filed the copy of the W.P. No. 6212/2011, by all these pleadings when applicant were absorbed in the cadre of Civil Engineer Assistant from various lower posts they were to be exempted from passing the departmental examination after attaining the age of 45 years and after they should have considered from 12 years from initially appointment as a Technical Cadre. Further the Id. P.O. has pointed out the G.R. dated

31/01/1989 bearing no. b, l Vh 1083@/480%&vk
¼rkf=d½ at P.B., Pg. NO. 21 in its para no. 8 (b) on
P.B., Pg. No. 23 it is mentioned that :- ifjf'k"V v
e/hy tsvU; deþkjh LFKi R; vfHk; kf=dh l gk; d i nkl kBh oj
n'kZoY; kuq kj vgrki klr ul rhy R; k deþk&; kauk 5 eghU; kps
foHkxh; i'k{k.k.nou urj R; kauh nhM o"krkf=d l gk; d ; k i nkoj
dke dY; kuurj R; k deþk&; kauk rkf=d f'k{k.k foHkxkdMmu ?ks; kr
; shk&; k LFKi R; vfHk; kf=dh l gk; d i nkp; k i jh{k l kBh menokj
Eg.ku cl wns; kph l dkh ns; kr ; koh- v'kk deþk&; kaus t j l nj i jh{k
10 o"kr tkLrhr tkLr 3 l dhr mRrh.kz dsh rjp R; kl LFKi R;
vfHk; kf=dh l gk; d i nkoj ojhy ifjPNn 8 ¼v½ i ek.ks l keou
?ks; kr ; kos

4. However, the Id. counsel for the applicant
submits that these G.R. of 1989 (passing the
examination has been superseded) by G.R. dated
31/07/1989 bearing no. i jh{k 1013@izdz
185@vkl.Fk&2 in the last line it has been mentioned
that :-

"o; kph 45 o"kr i wkZ >KY; kuurj dfu"B vfHk; ark i nkl; k i nklurhph
foHkxh; i jh{k mRrh.kz gks; ki kl u l W fnysyh ul Y; kus i nklurh
vflok dkye/n i nklurh @ vk'okl r i xrh ; kstupk yHk feGr
ukgh"

For this G.R. corrigendum has also been issued
vide G.R. dated 24/09/2013 (Annexure-A-12,
P.B., Pg. No. 73) relevant para is at P.B., Pg. No. 74
second but last line, it is mentioned which is
marked "B":-

"l kf/kr deþk&; kauk o; kph 45 o"kr i wkZ >KY; kuurj R; kauk dfu"B
vfHk; ark ; k i nkojhy i nklurhl kBh ?koh ykx.kjh vgrk i fj {kk mRrh.kz
gks; ki kl u l W ns; kr ; koh o R; k vuqkakkus dkye/n i nklurh

@vk'okfl r i xrh ; kst upk ykHk ns; kr ; kok vI s vknsk egjk"V^a
i zkkI dli; U; k; kf/kdj .kkusfnysvkg\$

5. The Id. counsel for the applicant put on record the details of all the applicants as per the office order dated 07/06/2016 on P.B., Pg. Nos. 40, 41, 42 & 46 in which details of candidates have been given regarding their absorption at the age of 45 years and exemption from the passing of the examination also. The Id. P.O. submits that in O.A. No.

617/2014 it has been observed that Government letter dated 18/06/1988 (Annexure-A-3, P.B., Pg. No. 30) is not an authentic documents. Where reply of the respondents are at para no. 13 on P.B., Pg. No. 55, it has been mentioned that following details are there which is reproduced below as para "C":-

"Maharashtra State Mumbai stating that while granting MACP benefits to an employee the period of 12 years service may be counted only from the date of appointment in CRT establishment and not from work charged establishment. Also in a very recent decision pronounced on 02.12.2015 by this Hon'ble Tribunal Bench, Aurangabad in Original Application No. 617 of 2014 it has been observed that the letter dated 18.06.1998 is not authentic. There is no file on the record of the Water

Resources Department from which these letters were issued and the letter is contrary to the provisions of G.R. dated 08.06.1995 regarding time bound promotion. In view of these observations made by this Hon'ble Tribunal in O.A. No. 617 of 2014, it quite evident that the letter dated 03.03.2006 is also rendered nugatory. Considering the aforesaid true material fact it is clear that the contention of the applicant is not proper and correct but it is misleading."

6. However in the G.R. dated 28/10/2015 (Annexure-A-3, P.B., Pg. No. 76) the same circular dated 18/06/1998 is mentioned in no. 3. As Id. P.O. has pointed out in reply in P.B., Pg. No. 55, it is also mentioned in the para that there is no such file in the Water Resource Department. However, all the Circular has been issued from P.W.D. and there cannot be a similar file in the Water Resource Department, if this letter are not considered then file on record the same. The contention of the Id. P.O. is that the document at P.B., Pg. No. 30 as pointed out on P.B., Pg. No. 55 of reply is not an authentic documents. There is not at all tenable.

7. In view of all the discussions, the Id. P.O. is directed to contact Irrigation and P.W.D. department both and check the authenticity of the letter dated 18/06/1998 (Annexure-A-3, P.B., Pg. No. 30) either from Irrigation or from P.W.D. department. It is presumed that in P.W.D. department file no. I dh. k/20036@i : d: 26@l dk&3] frukd

03-03-2006 has been issued and annexed on P.B., Pg. No. 32 (Annexure-A-5) in this letter in reference column, letter dated 22/08/2005 is also been mentioned. So, the Id. P.O. is directed to produce the letter dated 18/06/1998 (Annexure-A-3).

8. **S.O. 26/11/2019.**

Chairman
Date:-07/11/2019.
aps.

Vice

O.A.No.292/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :07/11/2019.

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

2. **S.O. three weeks.**

Chairman
Date:-07/11/2019.
aps.

Vice

O.A.No.845/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :07/11/2019.

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

2. The Id. counsel for the applicant has filed latest G.R. of State Government dated 31/08/2018 bearing no. 1 d v k & 2018 @ i z d t 52 @ v k l F k & 2 along with the Rejoinder which is at P.B., Pg. No. 63 (Annexure-R-2) this Government G.R. is in pursuance to M.A.T. Aurangabad Judgment in O.A. No. 539/2016 delivered on 15/12/2016, Mumbai High Court, Bench at Aurangabad W.P. No. 10060/2017 delivered on 06.02.2018 and again M.A.T. Aurangabad Judgment in O.A. No. 100/2017 delivered on 25.04.2018. Today Id. P.O. has relied on Hon'ble Apex Court Judgment in the case of **State of Tamil Nadu Through Secretary to Government, Commercial Taxes and Registration Department, Secretariat & Another Vs. A.Singamuthu, (2017) 4 Supreme Court Cases 113.**

3. As per the Rejoinder in para no. 10, it is mentioned that applicant was regularised in service from 09/01/1989 and retired on 31/01/2013 (O.A., Pg. No. 2).

4. With the above facts, it appears that for 24 years applicant remained in service as on regular service against clear vacancy and then he stood retired and given pension and pensionary benefits also. Now, question remains is that applicant period from 08/08/1983 to 09/01/1989 during which he was temporarily appointed first he was appointed on 01.02.1983.

5. It appears that the respondents have kept the applicant from 1983 to 1989, when they required his services. Further also they continued his regular services because they required his services. The very fact that denying the applicant as benefit of regular services from 1983 to 1989 is indirectly exploitation of the person which is against the model employer principle which is supposed to be followed by the Government.

6. In view of the facts that Department had already kept the applicant on regular basis for 24 years and also kept from 1983 to 1989. It means that Government needed his services. Since 1983 i.e. first appointment itself. Hence, in the interest of justice, **O.A. is allowed in terms of the relief clause no. 7 (i), (ii) and (iii) with no order as to costs.**

Vice

Chairman

Date:-07/11/2019.

aps.

O.A.Nos.524,525&623/2016

(S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :07/11/2019.**

Heard Shri N.R.Saboo, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

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

Vice

Chairman

Date:-07/11/2019.

aps.

**O.A.No.71/2017 with C.A.41/2017
(S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :07/11/2019.**

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

2. At the request of Id. counsel for the applicant, **S.O. 19/11/2019.**

Chairman
Date:-07/11/2019.
aps.

Vice

O.A.No.195/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :07/11/2019.

Heard Shri M.R.Rajgure, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

2. As submitted by Id. P.O., review committee had recommended for revocation of suspension of the applicant on 25/10/2019. The Id. P.O. further submits that today he has been called in Amravati office for issuing order of revocation as well as posting order.

3. The Id. P.O. is directed to place on record on next date of hearing the revocation order and posting order and supply the same copy to the Id. counsel of the applicant.

4. S.O. 18/11/2019.

5. Steno copy is granted.

Vice

Chairman
Date:-07/11/2019.
aps.