

O.A. No. 879 of 2018 **(SB)**

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

Dated : 11.07.2019

Ms. N.R.Morande, Id. counsel holding for Shri G.B. Hemke, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1&2 and Shri P.V. Ghare, Id. counsel for R-3 to 5.

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

Member (J)

dnk.

O.A. No. 145/2019 **(SB)**

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

Dated : 11.07.2019

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

2. The Id. P.O. files reply on behalf of R-4. It is taken on record. Copy is served on the applicant.

3. The learned P.O. seeks time to file reply on behalf of R-2&3. At his request, **S.O. two weeks.**

Member (J)

dnk.

O.A. No. 213/2019 **(SB)**

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

Dated : 11.07.2019

Shri G.K. Bhusari, Id .counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1 to 4 and Shri S. Kumbhalkar, Id. counsel for R-5.

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

Member (J)

dnk.

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

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

Dated : 11.07.2019

Shri G.R. Sadar, 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.**
23/07/2019 for filing reply.

Member (J)

dnk.

O.A. No. 421/2019 **(SB)**

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

Dated : 11.07.2019

Shri Sunil Pande, 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.**
four weeks for filing reply.

Member (J)

dnk.

O.A. No. 429/2019 **(SB)**

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

Dated : 11.07.2019

Heard Shri A.R. Ingole, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. It is submitted that the applicant has made representation to the respondents for his posting at suitable Station. The respondents are directed to decide the applicant's representation within three months from the date of this order.

3. In view thereof, the O.A. stands disposed of. No order as to costs.

Member (J)

dnk.

O.A. No. 417/2019 **(SB)**

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

Dated : 11.07.2019

Shri Sunil Pande, 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.**
four weeks for filing reply.

Member (J)

dnk.

O.A. No. 418/2019 **(SB)**

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

Dated : 11.07.2019

Shri Sunil Pande, 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.**
four weeks for filing reply.

Member (J)

dnk.

O.A. No. 500/2019 **(SB)**

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

Dated : 11.07.2019

Shri Bhushan Dafle, Id .counsel for
the applicant and Shri A.M. Ghogre, Id.
P.O. for the State.

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

Member (J)

dnk.

O.A. No. 828/2018 (SB)

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

Dated : 11.07.2019

Heard Shri A.S. Ambatkar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. It is submission of the applicant that initially he was transferred vide order dated 29/05/2018 from Shedvahi to Lakkadkot Check Post. That order was challenged by one Shri D.S. Tonge. Consequently, order dated 18/8/2018 was issued by the respondents and the applicant was transferred to Nokhari. It is submitted that while giving posting to the applicant, his options were not considered. On the other hand, though the O.A.No.381/2018 filed by one Shri D.S. Tonge was disposed of, but no steps were taken to remove Shri Tonge after expiry of May,2019. Under these circumstances, in the interest of justice the respondents are directed to consider the grievance of the applicant. The applicant is permitted to submit his

representation informing suitable Stations and the respondents shall decide the said representation within three months from date of receipt of the representation.

3. In view of above, the O.A. stands disposed of. No order as to costs.

Member (J)

dnk.

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

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

Dated : 11.07.2019

Heard Mrs. R.S. Sirpurkar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. It is contention of the learned counsel for the applicant that the transfer of the applicant is governed by the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (In short "Maharashtra Transfers Act,2005") and as the transfer is in violation of Section 4 Sub Section 4 &5, therefore, it is illegal.

3. It is contention of the learned P.O. that the applicant is serving as Police Head Constable and therefore he is governed by the Maharashtra Police Act. It is submitted that under Section 22N, Sub section 2 of Clause (e), there is specific procedure laid down to transfer a Police Personnel in the public interest and on account of administrative exigency. According to the learned P.O. the Police Establishment Board at the District level is the Competent Authority. It is further submitted that the

impugned transfer order is issued after approval by the Police Establishment Board and therefore there is no illegality in the order.

4. The learned counsel for the applicant submitted that the Maharashtra Transfers Act, 2005 is special legislation and therefore it will prevail over the Maharashtra Police Act. In addition, it is contention of the applicant that the transfer is before expiry of the normal tenure and there was no administrative exigency, therefore, it is illegal. So far as the contention that the Maharashtra Transfers Act,2005 is special legislation, therefore, it will prevail over the Police Maharashtra Act is concerned, I do not see any merit in the contention for the reason that the Maharashtra Police Act is also special legislation so far as the Maharashtra Police Force is concerned, The Police force of Maharashtra is a special Branch and therefore it is taken out of the swing of the Maharashtra Transfers Act,2005. So far as the administrative exigency is concerned, the matter was placed before the District Police Establishment Board and the transfer of the applicant is approved by that Board, therefore, I do not see prima facie case. Here, I would like to point out that the applicant is not transferred out of Wadha District, he is simply transferred from Police Station, Wardha to Police Headquarter,

Wardha. Under these circumstances, the applicant may join his duty and in the meantime notices can be issued to the State and matter will be decided on merits.

5. Issue notice to R-2 & 3, returnable **after two weeks**. Learned P.O. waives notice for R-1. Hamdast allowed.

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

7. 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.

8. 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.

9. 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.

10. 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.

S.O. after two weeks.

Member (J)

dnk.

O.A. No. 46/2019 **(SB)**

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

Dated : 11.07.2019

Heard Shri R.A. Haque, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

The learned counsel for the applicant has filed Pursis. It is taken on record.

Closed for orders.

Member (J)

dnk.

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

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

Dated : 11.07.2019

Shri G.K. Bhusari, Id. counsel holding for Ms. S.S. Dhone, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1,2&5 and none for R-3&4.

At the request of Id. counsel for the applicant, **S.O. 16/7/2019.**

Member (J)

dnk.

O.A. No. 589/2018 **(SB)**

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

Dated : 11.07.2019

Heard Shri G.K. Bhusari, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1&2. None for R-3.

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

Member (J)

dnk.

O.A. No. 781/2018 **(SB)**

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

Dated : 11.07.2019

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

S.O. two weeks.

Member (J)

dnk.

**

O.A.No.735/2016
(S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated : 11th July 2019.

Heard Shri M.R.Rajgure, the Id.
Counsel for the applicant, Shri S.A.Sainis,
the Id. P.O. for the respondent nos. 1 & 2.
None for the respondent no. 3.

2. Keep it in final hearing column.

3. **S.O. 31.07.2019.**

4. *Matter is treated as P.H.*

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

O.A.No.706/2017

(S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated : 11th July 2019.

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

2. The Id. P.O. filed the affidavit-in-reply on behalf of the respondent no. 3. It is taken on record. Copy is served to the other side. He submits that reply of respondent no. 2 was already filed. Hence reply of respondent no. 3 also covers for respondent no. 4.

3. Matter is admitted and kept for final hearing.

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

5. S.O. in due course.

6. *Meanwhile, the Id. counsel for the applicant may file Rejoinder, if any.*

Chairman

Vice

Date:-11/07/2019.
aps.

O.A.No.711/2017 (S.B.)

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

Dated: 11th July 2019.

Heard Shri N.S.Khandewale, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. The Id. P.O. submits that he has received the parawise reply of respondent no. 2. He further seeks one week time to file reply and the same will cover for all the respondents.

3. S.O. two weeks.

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

Vice

O.A.No.10/2019 (S.B.)

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

Dated: 11th July 2019.

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

2. The Id. P.O. submits that he has received the parawise reply of respondent nos. 3 to 5. He further seeks two weeks time to file reply.

3. S.O. two weeks.

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

Vice

O.A.No.123/2019 (S.B.)

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

Dated: 11th July 2019.

C.A.No.70/2019:-

Heard Shri D.S.Sawarkar, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant is again pleaded for stay. However, in previous order dated 25.03.2019, in para no. 2 following observations has been made:-

"2. The Id. C.P.O. submitted that he is intending to file reply to the O.A.. The applicant is requesting to stay the operation of the order of punishment. As the applicant is seeking the final relief as the interim stay, therefore, it is not desirable to intervene in the matter."

3. S.O. 01.08.2019.

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

Vice

O.A.No.985/2018 (S.B.)

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

Dated: 11th July 2019.

Heard Shri A.D.Ramteke holding for Shri A.A.Dhawas, the Id. Counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the respondent nos. 1 & 2 and Shri S.N.Gaikwad, the Id. counsel for the respondent no. 3.

2. The Id. P.O. submits that he has filed reply of respondent no. 2 on earlier date. The respondent no. 3 was appointed by respondent no. 2 and scored highest marks. The Id. P.O. submits that the objection raised by the applicant during appointment process was heard and rejected by the Collector, Amravati at that time only.

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

4. The Id. P.O. waives notices for the respondent nos. 1 & 2.

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

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

Vice

O.A.No.69/2019 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated : 11th July 2019.

Heard Shri Barun Kumar, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. The Id. P.O. has placed on record today letter no. dzvklfk&2019@i7dz@dk&1¼c½@1455@2019] fnukd 20-03-2019 by Additional Commissioner, Tribal Development, Amravati, which is marked Exh-X for the purpose of identification. By this order, the applicant has been reinstated in the D.E. and posted at Government, Ashram School, Raipur. After review committee meeting the suspension is revoked.

3. The Id. counsel for the applicant submits that he has received the order just now, he wants to consult his client. **S.O. 25.07.2019.**

Chairman

Vice

Date:-11/07/2019.
aps.

O.A.No.228/2016 (S.B.)

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

Dated: 11th July 2019.

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

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

Vice

Chairman

Date:-11/07/2019.

aps.

O.A.No.197/2018 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated : 11th July 2019.

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondents.

2. As submitted by Id. P.O., there is a mistake in para no. 2 of the reply. The applicant was appointed as Library Attendant in 1982 and on 23/10/2003, he was promoted as Assistant Librarian. However, in reply, there is a mistake in para no. 2, which needs to be corrected and submits the factual position. The Id. P.O. is directed to file the same documents in correct format.

3. As per the record at P.B, Pg. No. 40, the applicant was Assistant Librarian and was getting the pay-scale of Rs.5200-20,200 with G.P. of Rs.2000/- and after 12 years, applicant is getting Rs.5200-20,200 with G.P. Rs.2300/- from 26.06.2015. However, the Id. counsel for the applicant submits that ideally applicant should have

been given pay-scale of Librarian. The Id. counsel for the applicant has also invited my attention to correspondence dated 01.04.2014 (Annexure-A-3, P.B., Pg. No. 17) by which Government of Maharashtra has asked certain clarification from Director, Technical Education, Mumbai, Maharashtra, reply of that correspondence is still pending.

4. The respondent no. 2 i.e. Director Technical Education, Mumbai is directed to submit opinion to letter dated 01.04.2014 from the Government within four weeks from the date of this order and place on record.

5. **S.O. 08.08.2019.**

6. **Steno copy is granted.**

7. *Matter is treated as P.H.*

Vice

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

O.A.No.426/2016 (S.B.)

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

Dated: 11th July 2019.

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

2. As per the request of Id. counsel for the applicant, **S.O. one week.**

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

Vice

O.A. Nos.530, 531, 532 and 533of 2018.

(D.B.)

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

Dated : 11th July 2019.

Heard Shri R.V. Shiralkar, Adv. holding for Shri S.P. Bhandarkar the Ld. counsel for the applicants and Shri S.A. Deo,, the learned C.P.O. for the respondent No.1. Shri P.N. Warjekar, Ld. P.O. for Caveator/R.2. Shri Akshay Naik, learned counsel for R. 3 to 10.

At the request of Ld. counsel for the applicants, Ld. and counsel for R. 3 to 10 and Ld. CPO, all matters be kept tomorrow for hearing.

Put up these O.As with O.A. No. 482/2017 and O.A. Nos. 507,508, 509 and 510 of 2019.

S.O. 12th July 2019.

Member (J)

Vice-Chairman

Dt. 11.7.2019.

pdg.

O.A. No.317/2016 and O.A. 602/2003.

(D.B.)

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

Dated : 11th July 2019.

C.P. Nos. 23,24,25, 27 & 28 of 2019.

Heard Shri G.N. Khanzode, the Ld. counsel for the applicants and Shri P.N. Warjekar, the learned P.O. for the respondent No.1.

2. In O.A. Nos. 316 and 317 of 2016, order was passed by this Tribunal on 5.7.2016. As per order passed by Collector, Chandrapur on 23.3.2018 (A-2, P.19), applicant's name is at Sr. No.2. However, the Ld. counsel for the applicants submits that the order passed by this Tribunal on 5.7.2016 has not been complied with till today. Ld. P.O. requires time to take instructions from the department.

3. Issue notice to the respondents 2 and 3 returnable in four weeks.

4. Shri P.N. Warjekar, the learned P.O. waives notice for the respondent No.1. Hamdast granted.

4-A. 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.

10. In O.A. No. 317/2016, order was pronounced on 5.7.2016. Para 7 (a) of the order has been complied with and Part 7 (b) is yet to be complied with in respect of all the applicants.

11. The respondents are directed to comply para 7 (b) of the order in case of all the applicants.

12. S.O. four weeks.

Member (J)

Vice-Chairman

Dt. 11.7.2019.

pdg.

O.A. No.804/2016

(D.B.)

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

Dated : 11th July 2019.

C.P. No. 26 of 2019.

Heard Shri G.N. Khanzode, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondent No.1.

2. The Ld. counsel for the applicant has pointed out the order at Annexure A-1, P.11 dated 24.7.2018 passed by this Tribunal in

O.A. No.804/2016 and the operative part at page 19 was being complied with within three months as per clause (iii) of the order. However, as submitted by the Ld. counsel for the applicant, till now it has not been done.

3. Issue notice to the respondent Nos. 2 and 3 returnable in four weeks.

4. Shri P.N. Warjekar, the learned P.O. waives notice for the respondent No.1. Hamdast granted.

4-A. 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.

Member (J)
Chairman

Vice-

Dt. 11.7.2019.

pdg.

O.A. Nos.535 of 2019. (D.B.)

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

Dated : 11th July 2019.

Heard Shri R.M. Ahirrao, the Ld. counsel for the applicants and Shri M.I. Khan, the learned P.O. for the respondent No.1.

2. Issue notice to the respondent Nos.2 to 4 returnable in two weeks.

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

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. **two weeks.**

Member (J)

Vice-Chairman

Dt. 11.7.2019.

pdg.

O.A. Nos.536 of 2019.

(D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 11th July 2019.**

Heard Shri R.M. Ahirrao, the Ld. counsel for the applicants and Shri M.I. Khan, the learned P.O. for the respondent No.1.

2. Issue notice to the respondent Nos.2 to 4 returnable in two weeks.

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

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. **two weeks.**

Member (J)

Vice-Chairman

Dt. 11.7.2019.

pdg.

O.A. No.910/2018.

(D.B.)

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

Dated : 11th July 2019.

Heard Shri S.D. Borkute, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents 1 and 2. None for R. 3 to 21.

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

Member (J)

Vice-Chairman

Dt. 11.7.2019.

pdg.

O.A. No.738/2014.

(D.B.)

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

Dated : 11th July 2019.

C.P. 05/2019.

Heard Miss S.A. Tiwari, Adv. holding for Shri P.J. Mehta, the Ld. counsel for the applicant and Shri A.M. Khadatkar the learned P.O. for the respondents.

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

Member (J)

Vice-Chairman

Dt. 11.7.2019.

pdg.

O.A. No.154/2018.

(D.B.)

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

Dated : 11th July 2019.

C.P. 20/2019.

Heard Shri A.D. Girdekar, the Ld. counsel for the applicant and Shri V.A. Kulkarni,, the learned P.O. for the respondent No.1.

Await service to R. 2 and 3.

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

Member (J)

Vice-Chairman

Dt. 11.7.2019.

pdg.

O.A. No.534/2019.

(D.B.)

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

Dated : 11th July 2019.

C.A. 258/2019.

Heard Shri N.B. Bargat, the Ld. counsel for the applicants and Shri S.A Sainis, the learned P.O. for the respondent No. 1.

2. C.A. 258/2019 for joint O.A. is allowed subject to payment of requisite court fee to be deposited in the office of this Tribunal.

O.A. No.534/2019.

1. Issue notice to the respondents 2 to 8 returnable in four weeks.
2. Shri S.A Sainis, the learned P.O. waives notice for the respondent Nos.4 to 8 Hamdast granted.
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. Any prayer made as per this application, will be subject to final outcome of this O.A.

9. Objections at page Nos. 54 & 55 are ignored.

10. S.O. **four weeks.**

Member (J)

Vice-Chairman

Dt. 11.7.2019.

pdg.

O.A. No.537/2019.

(D.B.)

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

Dated : 11th July 2019.

C.A. 259/2019.

Heard Shri S.A. Marathe, the Ld. counsel for the applicants and Shri A.M. Khadatkar, the learned P.O. for the respondent No.1.

C.A. 259/2019 is allowed and disposed of subject to payment of requisite court fee to be deposited in the office of this Tribunal.

O.A. No.537/2019.

1. Issue notice to the respondents 2 and 3 returnable in **four weeks**.
2. Shri A.M. Khadatkar, the learned P.O. waives notice for the respondent No.1. Hamdast granted.
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.**

9. Any prayer made as per this application, will be subject to final outcome of this O.A.

Member (J)

Vice-Chairman

Dt. 11.7.2019.

pdg.

O.A. No.630/2017.

(D.B.)

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

Dated : 11th July 2019.

C.A. 45/2019.

Heard Shri S.G. Karmarkar, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

At the request of the Ld. counsel for the applicant, S.O. **one week.**

Member (J)

Vice-Chairman

Dt. 11.7.2019.

pdg.

**O.A. Nos.630, 631, 632, 633, 634 & 635
of 2018.**

(D.B.)

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

Dated : 11th July 2019.

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

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

Member (J)

Vice-Chairman

Dt. 11.7.2019.

pdg.

O.A. Nos.893/2018.

(D.B.)

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

Dated : 11th July 2019.

Heard Shri S.G. Jagtap, the Ld. counsel for the applicants and Shri S.A. Deo,, the learned C.P.O. for the respondent Nos.1 to 4. Ms. V.V. Tiwari, Adv. for R.5 to 8.

Ld. counsel for R. 5 to 8 as well as Ld. CPO seek time.

With consent of Ld. counsels, S.O. **25th July 2019.**

I.R. to continue till then.

Member (J)

Vice-Chairman

Dt. 11.7.2019.

pdg.

O.A. Nos.313/2018.

(D.B.)

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

Dated : 11th July 2019.

Heard Shri R.V. Shiralkar, the Ld.
counsel for the applicants and Shri A.M.
Ghgore,

Closed for orders.

Member (J)

Vice-Chairman

Dt. 11.7.2019.

pdg.

O.A. Nos.932/2018.

(D.B.)

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

Dated : 11th July 2019.

Heard Shri S.C. Deshmukh, the Ld. counsel for the applicant and Shri S.A. Deo, Ld. P.O. for the respondents 1 and 2. None for R. 3 to 6.

Ld. CPO submits that the post of Sr. Clerk is filled in by promotion only and not by direct nomination. It was missing in the order dated 25.4.2019. Second point is that the respondent No. 5 was promoted as OBC candidate and for OBC, there was no reservation.

The Ld. counsel for the applicant has pointed out that the earlier O.A. No. 893/2018 and this O.A. No. 932/2018 are similar. Both the O.As should be heard again. However, it is pointed out that this matter has been heard at length and closed for orders. Only some queries were pending.

This matter is closed for orders. However, order will be pronounced after pronouncement in O.A. No.893/2018.

Member (J)

Vice-Chairman

Dt. 11.7.2019.

pdg.

O.A. No.356 of 2017.

(D.B.)

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

Dated : 11th July 2019.

Heard Shri S. Borkute, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondent Nos.1 and 2. None for R.3 and 4.

The Ld. counsel for the applicant has moved the Government the application and he has also added new respondent No.4. Ld. P.O. desires time to file reply to the amended part.

S.O. **three weeks.**

Member (J)

Vice-Chairman

Dt. 11.7.2019.

pdg.

C.P. 28/2018. O.A. No.356 of 2017.

(D.B.)

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

Dated : 11th July 2019.

Heard Shri S. Borkute, the Ld. counsel for the applicant and Shri S.A.

Sainis, the learned P.O. for the respondent Nos.1 and 2. None for R.3 and 4.

The Ld. counsel for the applicant has moved the Government the application and he has also added new respondent No.4. Ld. P.O. desires time to file reply to the amended part.

S.O. **three weeks.**

Member (J)

Vice-Chairman

Dt. 11.7.2019.

pdg.

O.A. No.223 of 2013.

(D.B.)

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

Member(J)
Dated : 11th July 2019.

C.P. 28/2018.

Heard Miss R.P. Pande, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents.

During hearing on 2.5.2019, Ld. P.O. has pointed out Govt. order dated 13.2.2019 (P.69) vide which the order of this Tribunal has been complied with by the department. However, the applicant has not received his dues after he joined the duty. Then only dues can be paid to the applicant. In the order dated 13.4.2019, part No.5, it is made clear that after the applicant joined the duty, his dues be paid. Hence, the C.P. is disposed of.

Member (J)
Chairman

Vice-

Dt. 11.7.2019.

pdg.

O.A. Nos.961/2018.

(D.B.)

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

Dated : 11th July 2019.

C.A. 260/2019.

Heard Shri S.G. Karmarkar, the
Ld. counsel for the applicants and Shri
P.N. Warjekar Ld. P.O. for the
respondents 1 to 5. None for R. 6 to 17.

C.A. 260/2019 for early hearing is
allowed and disposed of.

O.A. Nos.961/2018.

S.O. 23rd July 2019.

Member (J)

Vice-Chairman

Dt. 11.7.2019.

pdg.

**O.A. Nos.673 and 674 of 2018.
(D.B.)**

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 11th July 2019.**

C.A. 09/2019.

Heard Shri Sunil Pande, the Ld. counsel for the applicant and Shri A.M. Khadatkar, Ld. P.O. for the respondents.

Ld. P.O. has filed letter dated 10.7.2019 today. It is marked "X" for identification, by which it appears that after retirement, there is a difference of Rs. 20/- and for which the Treasury office has raised objection. The Ld. counsel for the applicant is directed to consult his client about the difference of amount.

S.O. two weeks.

Member (J)

Vice-Chairman

Dt. 11.7.2019.

pdg.