

O.A. No. 948/18 (SB)

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

Dated : 14.08.2019

C.A.312/2019 -

Heard the applicant in person and Shri H.K. Pande, Id. P.O. for R-1 to 3. None for R-4.

2. Notice on application be issued returnable in **three weeks**.

3. Shri H.K. Pande, the learned P.O. waives notice for 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 the O.A.

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 an affidavit of compliance in the Registry as far as possible once week before the date fixed by this Tribunal. Applicant is directed to file Affidavit of compliance and notice.

S.O. three weeks.

Member (J)

dnk.

O.A. No. 520/2019 (SB)

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

Dated : 14.08.2019

Heard Ms. J. Meshram, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1 to 4.

2. Issue notice to the newly added respondent no.5, returnable **in three weeks**. 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)

dnk.

O.A. No. 574/2019 (SB)

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

Dated : 14.08.2019

Shri N.R. Saboo, Id. counsel for the applicant and Shri P.N. Warjurkar, 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.**

Member (J)

dnk.

O.A. No. 499/2019 with C.A. 315/19 **(SB)**

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

Dated : 14.08.2019

None for the applicant. Heard Shri M.I. Khan, Id. P.O. for R-1&3. None for R-4. Await service of R-2.

2. The learned P.O. has filed affidavit-in-reply on behalf of R-3 along with the copy of order dated 19/7/2019. The same is taken on record. It is submitted that now the applicant is posted at Primary Health Centre, Paras, Tq. Balapur, District Akola. I have perused the representation made by the applicant dated 4/6/2019. In the representation request was made by the applicant that instead of Kawatha, Tq. Risod, Dist. Washim, the applicant be posted at Primary Health Centre, Paras, Tq. Balapur, District Akola. It seems that the request of the applicant is considered and posting is given to the applicant at Primary Health Centre, Paras, Tq. Balapur, District Akola. Therefore, nothing survives in the O.A. and the C.A. Hence, both the applications stands disposed of. No order as to costs.

Member (J)

dnk.

O.A. No. 413/2019 (SB)

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

Dated : 14.08.2019

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

2. My attention is invited to the corrigendum dated 1/8/2019. Now the transfer order of the applicant is cancelled on administrative grounds. The learned counsel for the applicant submitted that now the applicant has no grievance, therefore, the O.A. stands disposed of. No order as to costs.

Member (J)

dnk.

O.A. Nos. 621,622,623,624 & 625 of 2019
(SB)

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

Dated : 14.08.2019

Heard Shri D.M. Kakani, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the State.

2. It is brought to my notice that the applicants applied for Inter Division transfer and these cases were referred to the Civil Services Board and it is approved by the Civil Services Board. Both the Divisions which are concerned have given no objection to review and permitted the applicants to join their establishments. The proposal is already forwarded to the Additional Chief Secretary, Revenue dated 12/2/2019. Till today no decision is taken. In these circumstances, it is suitable to issue direction to the respondent no.1 to take decision on proposal dated 12/2/2019 within a period of three months from the date of the order.

3. In view thereof the O.As. stand disposed of. No order as to costs.

Member (J)

dnk.

O.A. No. 260/2016 (SB)

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

Dated : 14.08.2019

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

S.O. three weeks.

Member (J)

dnk.

O.A. No. 502/2017 (SB)

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

Dated : 14.08.2019

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

S.O. four weeks.

Member (J)

dnk.

O.A. No. 769/2017 (SB)

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

Dated : 14.08.2019

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

S.O. four weeks.

Member (J)

dnk.

O.A. No. 06/2018 (SB)

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

Dated : 14.08.2019

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

2. It is submitted that the representations are made by the applicant for Inter Division transfer. The first representation is dated 4/7/2015 and second representation is dated 30/11/2015. In this situation, it is suitable to direct the Principal Secretary and Additional Chief Secretary, Revenue (M.S.) to decide both the representations within a period of three months from the date of this order. In view of this, the O.A. stands disposed of. No order as to costs.

Steno copy is granted.

Member (J)

dnk.

O.A. No. 489/2018 (SB)

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

Dated : 14.08.2019

Shri P.P. Khaparde, Id .counsel holding for shri G.G. Bade, Id .counsel for the applicant and shri A.M. Khadatkar, Id .P.O. for R-1 to 4. None for R-5.

The learned P.O. submitted that he would take necessary instructions from the Department and for that purpose he seeks two weeks time. At his request, **S.O. two weeks.**

Member (J)

dnk.

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

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

Dated : 14.08.2019

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

At the request of Id. P.O., **S.O. two weeks** for taking necessary instructions from the Department.

Member (J)

dnk.

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

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

Dated : 14.08.2019

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

At the request of Id. counsel for the applicant, **S.O. 26/8/2019.**

Member (J)

dnk.

O.A.No.580/2017
(D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and
Shri A.D.Karanjkar, Member(J)
Dated :14th Aug. 2019.**

Heard Ms. Divya Joshi holding for Shri N.R.Saboo, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

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

**Member(J)
Chairman
Date:-14/08/2019.
aps.**

Vice

O.A.No.127/2019
(D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and
Shri A.D.Karanjkar, Member(J)
Dated :14th Aug. 2019.**

Heard Ms. Divya Joshi holding for Shri N.R.Saboo, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. The Id. P.O. filed affidavit-in-reply on behalf of the respondent nos. 1 to 3. It is taken on record. Copy is served to the other side.

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

4. *I.R. to continue till next date.*

**Member(J)
Chairman
Date:-14/08/2019.
aps.**

Vice

O.A.No.35/2018 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :14th Aug. 2019.

C.P. No. 31/2019:-

Heard Shri A.P.Khadatkar, the Id. Counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondent no. 2. Await service of respondent no. 1.

2. The Id. P.O. filed document from Government of Maharashtra bearing no. d: fm, ev/kj&0814@i: d:173@14@0] nk&4] fmkd 03-11-2014- The same is marked Exh. 'X' for the purpose of identification. It is taken on record. Copy is served to the other side. By which it appears that applicant's seven months period was rejected, much before filing of the O.A. itself.

3. However, Id. counsel for the applicant wants to file Rejoinder. At his request, **S.O. two weeks.**

**Member(J)
Chairman
Date:-14/08/2019.
aps.**

Vice

O.A.No.41/2019 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :14th Aug. 2019.

C.A.No.285/19:-

None for the applicant. Shri M.I.Khan, the Id. P.O. for the respondents and Shri A.R.Fule, the Id. counsel for the respondent nos. 4 & 5.

2. The Id. counsel for the respondent nos. 4 & 5 has filed reply. It is taken on record. Copy is served to the Id. P.O.. He further submits that he will serve the copy to the applicant.

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

**Member(J)
Chairman**

Date:-14/08/2019.

aps.

Vice

O.A.No.264/2019 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :14th Aug. 2019.

Ms. A.M.Khsirsagar, 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.**

Member(J)

Chairman

Date:-14/08/2019.

aps.

Vice

O.A.No.400/2018 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :14th Aug. 2019.

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

2. **S.O. 27.08.2019.**

Member(J)

Chairman

Date:-14/08/2019.

aps.

Vice

O.A.Nos. 970, 991 & 992/2018 (D.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
and

Shri A.D.Karanjkar, Member(J)

Dated :14th Aug. 2019.

Shri S.S.Bajwa holding for Mrs.N.Gautam,
the Id. counsel for the applicant and Shri
S.A.Sainis, the Id. P.O. for the respondents.

2. The Id. P.O. seeks two weeks time to file
reply. **S.O. two weks.**

Member(J)
Chairman

Date:-14/08/2019.

aps.

Vice

O.A.No.777/2012 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :14th Aug. 2019.

Rev.Appl.No.17/2015:-

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.**

**Member(J)
Chairman**

Date:-14/08/2019.

aps.

Vice

O.A.No.455/2013 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :14th Aug. 2019.

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

2. At the request of Id. P.O., **S.O.**
27.08.2019.

**Member(J)
Chairman**

Date:-14/08/2019.
aps.

Vice

O.A.No.436/2017 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :14th Aug. 2019.

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

2. At the request of Id. P.O., **S.O.**
27.08.2019.

**Member(J)
Chairman**

Date:-14/08/2019.

aps.

Vice

O.A.No.677/2018 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :14th Aug. 2019.

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

2. At the request of Id. counsel for the applicant, **S.O. 20.08.2019.**

Member(J)

Chairman

Date:-14/08/2019.

aps.

Vice

O.A.No.910/2018 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :14th Aug. 2019.

Shri S.D.Borkute, the Id. counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondent nos. 1 & 2. None for the respondent nos. 3 to 21.

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

**Member(J)
Chairman**

Date:-14/08/2019.

aps.

Vice

O.A.Nos.747,748,749,750,752&755/2018(S.
B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :14th Aug. 2019.

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

2. The Id. P.O. seeks time to file reply. **S.O.**
three weeks.

Chairman
Date:-14/08/2019.
aps.

Vice

O.A. No. 155/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :14th Aug. 2019.

Heard Shri S.M.Pande, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent nos. 4 & 5.

2. The Id. P.O. seeks time to file reply. **S.O. one week.**

Chairman
Date:-14/08/2019.
aps.

Vice

O.A. No. 112/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :14th Aug. 2019.**

Heard Shri G.T.Borkar, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondent nos. 1 & 2. None for the respondent no. 3.

2. The Id. P.O. seeks time to file reply. **S.O. three weeks.**

Chairman
Date:-14/08/2019.
aps.

Vice

O.A. No. 710/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :14th Aug. 2019.

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

2. The Id. P.O. submits that respondents have already submitted proposal to Accountant General, Nagpur by Dean, Vasantryao Naik Govt. Medical College, Yawatmal on 08.08.2019. He has filed the said letter on record. The same is supplied to the other side.

3. At the request of Id. P.O., **S.O. 09.09.2019.**

Chairman
Date:-14/08/2019.
aps.

Vice

O.A. No. 654/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :14th Aug. 2019.

Heard Shri A.A.Mardikar, 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 file G.R. of compassionate ground of 2017 on record. He is further requested to supply the copy of the said G.R. to the Id. counsel for the applicant.

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

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

Vice

Chairman

Date:-14/08/2019.

aps.

O.A. No. 626/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :14th Aug. 2019.

C.A.No.313/2019:-

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

2. Since all the applicants have similar grievances and their remedy will be same. So, **C.A. No. 313/2019 for Jt. O.A. is allowed and disposed of.**

O.A.No. 626/2019:-

3. The Id. counsel for the applicant has relied upon the G.R. No. fVvkj, Q&2000@i zdz3@ckjk] fnukd 06-08-2002 (Annexure-A-1, P.B., Pg. No. 11) of para no. 7. The Id. counsel for the applicant further submits that as per the Policy of the Government vide this G.R. applicant's pay was fixed as per the Annexure-4(a) to Annexure-4(f) as on 27.08.2014 to the next higher level with basic pay Rs. 7510/- and G.P. Rs.2400/-. Applicant were forest guard and they were given benefits of the said G.R. by giving them one level above pay of Forester Scale.

4. However, as submitted by Id. counsel for the applicant without giving any chance or hearing to the applicants, their pay scale was

revised on 17/07/2019 as per (Annexure-5-A to Annexue-5-D). Now applicants vide the letter dated 17/07/2019, the basic pay has been changed. The said para is below:-

Rkl p u{kylxLr Hkkxk djhrk , dLrj i nWurh varxLr l mDh; vkrnk 2 ud kj dlyyh oufuf'prh gh dk; e dj.; kr ; r vl u fnukd 18-11-2013 jkth u{kylxLr {k-P; k/2 i nkpsoru 5410+2400 &7810 , o<s fuf'pr dlys vl Y; kus R; ki qhy oruok-h [kkyhy i ek.ksetj dj.; kr ; r vkg

5. As they have fixed the pay of the applicants as Rs.5410+G.P.2400. Respondents contention that applicants were entitled for increase in G.P. and not in basic pay. Aggrieved with this order at (Annexure-5-A to Annexure-5-D), applicants have approached to this Tribunal.

6. Hence, order dated 17/07/2019 (Annexure-5(a) to Annexure-5(d)) are stayed till filing of the reply. The Id. P.O. is further requested to take information from Revenue and Police Department about pay fixation of employees working under Naxal Affected Area that whether other department has also adopted the similar policy or not?

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

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

9. 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.

10. 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.

11. 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.

12. 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.

13. **S.O. three weeks.**

14. *Steno copy is allowed.*

Chairman
Date:-14/08/2019.
aps.

Vice

O.A. No. 627/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :14th Aug. 2019.

C.A.No.314/2019:-

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

2. Since all the applicants have similar grievances and their remedy will be same. So, **C.A. No. 314/2019 for Jt. O.A. is allowed and disposed of.**

O.A.No. 627/2019:-

3. The Id. counsel for the applicant has relied upon the G.R. No. fVvkj, Q&2000@i zdt3@ckjk] fnukd 06-08-2002 (Annexure-A-1, P.B., Pg. No. 11) of para no. 7. The Id. counsel for the applicant further submits that as per the Policy of the Government vide this G.R. applicant's pay was fixed as per the Annexure-4(a) as on 27.08.2014, Annexure-4(b) as on 22.04.2014 , Annexure-4(c) as on 24.08.2015, Annexure-4(d) as on 28.08.2014, Annexure-4(e), Annexure-4(f) & Annexure-4(g) as on 27.08.2014, Annexure-4(h) as on 10.03.2014 to the next higher level with basic pay Rs. 7510/- and G.P. Rs.2400/-. Applicant were forest guard and they were given benefits of the said G.R. by giving them one level above pay of Forester Scale.

4. However, as submitted by Id. counsel for the applicant without giving any chance or hearing to the applicants, their pay scale was revised on 11/07/2019 (Annexure-5-A to Annexure-5-J). Now applicants vide the letter dated 11/07/2019, the basic pay has been changed. The said para is below:-

*Rkl p u{kxLr Hkxk djhrk , dLrj inWurh vrxr
l mDh; vksk 2 ud kj dyyh osufuf'prh gh dk; e dj.; kr ; r
vl q frukd 18-11-2013 jst h %u{kxLr {k=K; k% inkpsoru
5410+2400 &7810 , o<s fuf'pr dyy vl Y; kus R; ki qhy
oruok-h [kkyh i ek.ksetj dj.; kr ; r vkg*

5. As they have fixed the pay of the applicants as Rs.5410+G.P.2400. Respondents contention that applicants were entitled for increase in G.P. and not in basic pay. Aggrieved with this order at Annexure-5-A to Annexure-5-J, applicants have approached this Tribunal.

6. Hence, order dated 11/07/2019 (Annexure-5(a) to Annexure-5(j)) are stayed till filing of the reply. The Id. P.O. is further requested to take information from Revenue and Police Department about pay fixation of employees working under Naxal Affected Area that whether other department has also adopted the similar policy or not?

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

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

9. 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.

10. 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.

11. 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.

12. 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.

13. **S.O. three weeks.**

14. *Steno copy is allowed.*

Chairman
Date:-14/08/2019.
aps.

Vice