

O.A. No. 326/2018 (SB)

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

Dated : 19.08.2019

Shri Nayase, Id. counsel holding for
Shri G.G. Bade, 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. 213/2019 (SB)

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

Dated : 19.08.2019

Shri S.N. Gaikwad, Id. counsel holding
for Shri G.K. Bhusari, Id. counsel for the
applicant and Shri V.A. Kulkarni, Id. P.O. for
R-1 to 4. None for R-5.

2. The learned P.O. has filed order dated
16/8/2018 issued by the respondent no.1 and
it is submitted that now the transfer of
respondent no.5. is cancelled.

S.O. 20/8/2019.

Member (J)

dnk.

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

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

Dated : 19.08.2019

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

2. The learned P.O. has produced copy of the proposal forwarded to the Government for consideration. The learned P.O. is directed to decide the proposal and representation of the applicant within four weeks.

S.O. four weeks.

Member (J)

dnk.

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

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

Dated : 19.08.2019

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

The learned P.O. requested two
weeks time to file reply. At his request, **S.O.**
two weeks.

Interim relief to continue till then.

Member (J)

dnk.

O.A. No. 412/2019 (SB)

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

Dated : 19.08.2019

Shri S.N. Gaikwad, Id .counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1 to 3. Await service of R-4.

2. It is submitted that affidavit-in-reply is ready and matter be kept in next week.

3. The learned counsel for the applicant submitted that he would file service affidavit of R-4 on the next date.

S.O. 26/8/2019.

Member (J)

dnk.

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

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

Dated : 19.08.2019

None for the applicants. Shri S.A. Deo, Id. CPO for the respondents.

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

Member (J)

dnk.

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

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

Dated : 19.08.2019

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

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

Member (J)

dnk.

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

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

Dated : 19.08.2019

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

The State waives the notice on behalf of R-2. One week time is granted to file reply.

S.O. one week.

Member (J)

dnk.

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

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

Dated : 19.08.2019

Shri S.N. Gaikwad, Id .counsel for the applicant and Shri S.A. Sainis, 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. 597/2019 (SB)

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

Dated : 19.08.2019

C.A. 307/2019

Heard Shri A.M. Sudame, Id. counsel for the applicant, Shri V.A. kulkarni, Id. P.O. for the respondents and Shri P.S. Wathore, Id. counsel for Intervener.

2. The intervener has submitted application.

3. The learned counsel for the applicant so also learned P.O. submitted that they would file reply to this application.

S.O. 26/8/2019.

Member (J)

dnk.

O.A. No. 554/2019 (SB)

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

Dated : 19.08.2019

Shri P.S. Patil, Id. counsel holding for Shri V.A. Kothale, Id .counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for the respondents.

At the request of Id. CPO, **S.O. three weeks** for filing reply on behalf of the respondents.

Member (J)

dnk.

O.A. No. 564/2019 (SB)

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

Dated : 19.08.2019

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

S.O. three weeks for filing service affidavit of R-2&3.

Member (J)

dnk.

O.A. No. 783/2017 (SB)

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

Dated : 19.08.2019

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

The learned P.O. submitted that Officer on behalf of the respondents will file affidavit on the next date.

At the request of Id. P.O.,
S.O.23/8/2019.

Member (J)

dnk.

O.A. No. 628/2019 (SB)

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

Dated : 19.08.2019

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. Issue notice to R-2 & 3, returnable in **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. three weeks.**

Member (J)

dnk.

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

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

Dated : 19.08.2019

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

The learned P.O. submitted that as per the direction of the Bench application is submitted in the District Court, Nagpur to obtain certified copy of the Judgment and decree passed in Civil Appeal and it is yet not received, therefore, three weeks time is required. At his request, **S.O. three weeks**.

Member (J)

dnk.

O.A. No. 610/2018 (SB)

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

Dated : 19.08.2019

Shri A.P. Sadavarte, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 to 5, none for R-6 and Shri S.N. Gaikwad, Id. counsel for r-7.

The learned P.O. submitted that during course of day he would file return on behalf of R-3&4.

S.O. 28/8/2019.

Member (J)

dnk.

O.A. No. 471/2019 (SB)

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

Dated : 19.08.2019

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

At the request of Id. counsel for the applicant, **S.O. 20/8/2019**.

Member (J)

dnk.

O.A. No. 301/2019 (SB)

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

Dated : 19.08.2019

Heard Shri P.S. Wathore, 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. 27/8/2019** along with O.A.308/2019.

Member (J)

dnk.

O.A. No. 911/2018 (SB)

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

Dated : 19.08.2019

Heard Shri V.A. Kothale, learned counsel for the applicant and Shri P.N. Warjurkar, learned P.O. for the respondents.

2. The facts are that vide letter dated 15/05/2014 decision was taken by the Government not to give extension in service to the applicant till completion of age of 62 years. The applicant was serving as Assistant Professor and as extension was refused, consequently the applicant stood retired on 30/04/2014. The applicant challenged the decision of the Government not giving him extension to continue in service till attaining age of 62 years.

3. The O.A.No. 428/2014 was filed by the applicant. The application came to be decided by the Division Bench of M.A.T., Nagpur on 22/6/2015 and direction was given to reinstate the applicant in service with immediate effect and to continue the applicant in service till attaining age of 62 years. However, relief of back wages were refused in O.A.428/2014.

4. The applicant completed his service till attaining age of 62 years and thereafter the applicant retired from the service. It is grievance of the applicant though back wages are refused to him, legally he was entitled to pension for a period from the date of retirement i.e. 30/04/2014 till his reinstatement in service as per the order dated 22/06/2015. It is submitted that as per the order dated 22/06/2015 the applicant was reinstated in service on 30/06/2015. It is contention of the applicant that he was entitled either to the pension or the salary, but as the either is not paid, therefore, grave prejudice is caused to him.

5. I have perused the reply submitted by the respondents. The pension is valuable right of the retired Government servant. There is no dispute about the fact that in pursuance of the order passed in O.A.No.428/2014 the applicant was reinstated in service on 30/06/2015 and lateron the applicant stood retired from the post on 30/04/2016. It is not disputed that either pension or salary from 1/5/2014 to 29/6/2015 is not paid to the applicant. I have perused the order passed in O.A.No.428/2014, by this order the Bench refused the back wages. In view of this, I accept submission of the applicant that atleast he was entitled for the pension for this period.

6. It appears that the various representations made by the applicant are not considered by the Government, therefore, it is necessary in the interest of justice to allow this application. The respondents are directed to pay pension for a period from 1/5/2014 to 29/6/2015 to the applicant within a period of three months from the date of this order. No order as to costs.

Member (J)

dnk.
