

O.A. No. 162/2019 (SB)

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

Dated : 02.08.2019

Shri A.P. Tathod, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1&2, Shri S.N. Gaikwad, Id. counsel for R-3&4 and Shri A.P. Sadavarte, Id. counsel for R-5.

The Id. P.O. files reply on behalf of R-2. It is taken on record. Copy is supplied to the other sides.

The learned counsel for R-3,4 & 5 requested time to file reply.

Heard. Admit.

The Id. P.O. waives notice for R-1&2.

In the meantime, the liberty is given to the respondents to file reply.

S.O. 8/8/2019.

Member (J)

dnk.

O.A. No. 299/2019 **(SB)**

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

Dated : 02.08.2019

Smt. S.S. Dhore, Id. counsel holding on behalf of Mrs. B.P. Maldhure, the applicant in person and Shri V.A. Kulkarni, Id. P.O. for the respondents.

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

Member (J)

dnk.

O.A. No. 406/2019 (SB)

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

Dated : 02.08.2019

Shri N.R. Saboo, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1 to 3, Smt. Poonam Verma, Id. counsel holding for Shri R.S. Khobragade, Id .counsel for R-4. None for R-5.

At the request of Id. P.O. as well as Id. counsel for R-4, **S.O. two weeks** for filing reply.

Put up along with O.A.544/2019.

Member (J)

dnk.

O.A. No. 544/2019 **(SB)**

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

Dated : 02.08.2019

Shri N.R. Saboo, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1, Smt. Poonam Verma, Id. counsel holding for Shri R.S. Khobragade, Id. counsel for R-3. Await service of R-2.

At the request of Id. P.O. as well as Id. counsel for R-3, **S.O. two weeks** for filing reply.

Put up along with O.A.406/2019.

Member (J)

dnk.

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

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

Dated : 02.08.2019

Shri D.M. Kakani, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 9/8/2019.**

Member (J)

dnk.

O.A. No. 419/2019 **(SB)**

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

Dated : 02.08.2019

Shri R.V. Shiralkar, 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.**
three weeks for filing reply.

Member (J)

dnk.

O.A. No. 538/2019 (SB)

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

Dated : 02.08.2019

Shri N.R. Saboo, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1&3. None for R-4. Await service of R-2.

The learned counsel for the applicant submitted that service report of R-2 is not received and the respondent nos. 3&4 are served.

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

Member (J)

dnk.

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

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

Dated : 02.08.2019

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the State.

2. It is submitted that the applicant was not transferred in the general transfer of this year, but he is transferred vide order dated 16/7/2019. It is submitted that the applicant's daughter is taking education in 3rd Standard in CBSC Pattern School at Akot. It is submitted that distance between Akot and Shahnur is about 20 to 25 Kms., whereas, distance between Gurgipati to Akot is about 100 Kms. It is submitted that the entire order is silent. It is nowhere mentioned in the order what was the administrative exigency for transferring the applicant during the academic session.

3. In view of this, as the applicant is not relieved, the respondents are directed not to relieve the applicant till filing of the reply.

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

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

6. 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.

7. 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.

8. 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.

9. 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.

Steno copy is granted.

Member (J)

dnk.

O.A. No. 37/2019 (SB)

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

Dated : 02.08.2019

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

2. The learned P.O. has submitted letter dated 1/8/2019 written by the Section Officer, Government of Maharashtra, Public Health Department. In this letter it is mentioned that the Government has given sanction for deleting the name of the applicant from the inquiry and for his exoneration.

3. In view of this, the respondents are directed to release pension and other retiral benefits to the applicant within a period for four months from the date of this order. The applicant is permitted to claim the interest by filing separate O.A.

4. Accordingly, the O.A. stands disposed of. No order as to costs.

Member (J)

dnk.

O.A. No. 375/2018 **(SB)**

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

Dated : 02.08.2019

Heard Shri A.P. Sadavarte, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The learned counsel for the applicant submitted that he has filed Pursis in the Registry for withdrawing this O.A.

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

Member (J)

dnk.

O.A. No. 424/2018 **(SB)**

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

Dated : 02.08.2019

Shri P.S. Wathore, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1 to 4 and Shri S. Chavhan, Id. counsel for R-5&6.

S.O. 9/8/2019 for final hearing along with O.A.726/18.

Member (J)

dnk.

O.A. No. 726/2018 (SB)

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

Dated : 02.08.2019

C.A. 91/2019 -

Heard Shri P.S. Wathore, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1 to 3&5 and Shri S. Chavhan, Id. counsel for R-9. None for other respondents.

2. By the proposed amendment the applicant is intending to seek direction to respondent no.1 to suspend the respondent no.4 and to initiate departmental inquiry against the respondent no.4 for favoring the respondent nos. 7,8&9. Vide proposed amendment the applicant is seeking direction to the respondent no.1 and 2 to initiate departmental inquiry against the respondent no.6 for showing favour respondent nos. 7,8&9. During the course of argument, it is submitted by the learned counsel for the applicant that the applicant has made representation to the

Government through the Secretary for taking same action.

3. In view of this, the applicant is permitted to withdraw this application. Accordingly, the C.A.No.91/2019 stands disposed of as withdrawn.

O.A. 726/2019 –

Heard Shri P.S. Wathore, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1 to 3&5 and Shri S. Chavhan, Id. counsel for R-9. None for other respondents.

2. The learned counsel for the applicant has filed rejoinder. The copies are given to the other sides.

S.O. 9/8/2019 for final hearing along with O.A.424/18.

Member (J)

dnk.

O.A. No. 644/2018 **(SB)**

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

Dated : 02.08.2019

Heard Shri A.P. Sadavarte, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

The learned counsel for the applicant submitted Pursis and informed that the applicant does not want to proceed with this matter. Hence, the O.A. stands disposed of as withdrawn. No order as to costs.

Member (J)

dnk.

O.A. No. 376/2019 (SB)

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

Dated : 02.08.2019

Shri J.H. Jumde, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1 to 5. None for R-6.

The learned counsel for the applicant submitted that he has received the copy of reply today, therefore, time may be granted. At his request, **S.O. two weeks.**

Member (J)

dnk.

O.A.No.173/2019
(S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated : 02nd Aug. 2019.

Heard Shri N.D.Thombre, the Id. Counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. 09.08.2019 for filing reply.**

Chairman
Date:-02/08/2019.
aps.

Vice

O.A.No.189/2019 (S.B.)

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

Dated: 02nd Aug. 2019.

Heard Shri S.G.Jagtap, the Id. Counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the respondent nos. 1 & 2 and Shri H.D.Marathe, the Id. counsel for the respondent nos. 3 to 7 is going to file vakalatnama on behalf of the respondent nos. 3 to 7.

2. The Id. counsel for the respondent nos. 3 to 7 desires time to file reply. **S.O. two weeks.**

Chairman
Date:-02/08/2019.
aps.

Vice

O.A.No.298/2019 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated : 02nd Aug. 2019.

Heard Shri Amol P.Gase holding for Shri V.B.Bhise, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

2. By record it appears that applicant was suspended on 19.06.2018 (Annexure-A-1, P.B., Pg. No. 14). Now it appears that more than 1½ years has lapsed. The Id. counsel for the applicant submits that chargesheet is yet to be served.

3. Subsequently, on 09.07.2019 Government has issued G.R. No. 'कल u fu.क देलद fuiवक1118@i d11@11v] fnukd 09-07-2019. It is taken on record. Copy is served to the other side.

4. In view of all these facts, respondents are directed to take immediate action as per the Government policy and G.R. dated 09.07.2019. The action will be taken **within two weeks** from the date of this order. Communicate the same order to the applicant as well as

this Tribunal through Id. P.O.. In the same G.R. in para no. 2 following observations have been made:-

2. *By record it seems that review committee has very clearly recommended as per the provisions of G.R. No. vflk; k&1314@i:dz: 86@11&v] fnukd 31-01-2015 (Annexure-A-13, P.B., Pg. No. 43) and circular no. fuiM&1112@i:dz:82@11&v] fnukd 20-04-2013 (Annexure-A-12, P.B., Pg. No. 40). However, respondents have yet to comply with the provisions.*

5. After the policy decision taken by Government in G.R. dated 09.07.2019 in which reference no. 3 i.e. "Office Memorandum F.No. 11012/04/2016-Estt. (A) Government of India Ministry of Personnel, Public Grievances and Pensions, Department of Personnel & Training Establishment A-III Desk Dated August 23, 2016."

6. The Government decision is at Sr. No. 1 (ii), which is below:-

"(ii)fuyfcr 'kkl dh; I odk; k T; k i dzj.kh 3 efgU; kpk dkyko/khr foHkxh; pksd' kh l q d: u nks'kjksi i = ctk.; kr vkys ukgh] v'kk i dzj.kh ek- I okp U; k; ky; kps vkns k i kgrk] fuycu I ektr dj.; kf'kok; vU; i; kz; jkgr ukgh-

R; keGs fuyfcr 'kkl dh; I odkcker foHkxh; plcl' kph
dk; Bkgh I q d: u nkskkjki i= ctko.; kph dk; Bkgh
fuy:uki kl u 90 fnol k; k vkr dkVclji .ks dsh tkby
; kph n{krk@ [kcjnkjh?ks; kr; ; koh"

7. With the above directions, **O.A. is disposed of with no order as to costs.**

Vice

Chairman
Date:-02/08/2019.
aps.

O.A.No.352/2019 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated : 02nd Aug. 2019.

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

2. The applicant was suspended initially, Departmental Enquiry was conducted and punishment was also awarded. Now, the applicant period of suspension is also decided by order dated 09.04.2018 (Annexure-A-1) Pg. No. 21 to 22 (both inclusive). Aggrieved by this order, applicant has approached to this Tribunal regarding which decision of its suspension period.

3. As requested by Id. P.O., **S.O. two weeks.**

Chairman
Date:-02/08/2019.
aps.

Vice

O.A.No.386/2019 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated : 02nd Aug. 2019.

Heard Shri A.P.Tathod, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. The applicant was suspended vide order dated 10.05.2019 (Annexure-A-4, P.B., Pg. No. 26). However, since applicant suspension period is going more than 90 days and chargesheet are also yet to be framed as submitted by Id. counsel for the applicant.

3. Subsequently, on 09.07.2019 Government has issued G.R. No. 'कल u fu.क देलद fuiव&1118@i d z 11@11v] fnukd 09-07-2019. It is taken on record. Copy is served to the other side.

4. As submitted by Id. counsel for the applicant, applicant is going to retire on 31/08/2019. In view of this, respondents are directed to consider the suspension order, in view of G.R. dated 09.07.2019 in para no. 2 following observations have been made:-

2. By record it seems that review committee has very clearly recommended as per the provisions of G.R. No. vflk; k&1314@i:dz 86@11&v] fnukd 31-01-2015 (Annexure-A-13, P.B., Pg. No. 43) and circular no. fuiMk&1112@i:dz:82@11&v] fnukd 20-04-2013 (Annexure-A-12, P.B., Pg. No. 40). However, respondents have yet to comply with the provisions.

5. After the policy decision taken by Government in G.R. dated 09.07.2019 in which reference no. 3 i.e. "Office Memorandum F.No. 11012/04/2016-Estt. (A) Government of India Ministry of Personnel, Public Grievances and Pensions, Department of Personnel & Training Establishment A-III Desk Dated August 23, 2016."

6. The Government decision in Sr. No. 1 (ii), which is below:-

"(ii) fuyfcr 'kkI dh; I o d k ; k T; k i dzj.kh 3 efgU; kpk dkyko/khr foHkxh; pksd' kh I q d: u nks'kjki i= ctk.; kr vkys ukgh] v'kk i dzj.kh ek- I o d p U; k; ky; kps vkns'k i kgrk] fuy:u I ektr dj.; kf'kok; vU; i; k; jkgr ukgh- R; keGs fuyfcr 'kkI dh; I o d k ; k T; k i dzj.kh 3 efgU; kpk dkyko/khr foHkxh; pksd' kh I q d: u nks'kjki i= ctko.; kph dk; bkgH fuy:uki kl u 90 fnol k; k vkr dkVdkgj i.ks dsh tkbz ; kph n{krk @ [kcjnkjh?ks; kr ; koh"

7. S.O. 13.08.2019 for filing reply.

Vice

Chairman

Date:-02/08/2019.

aps.

O.A.No.543/2019 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated : 02nd Aug. 2019.

Heard Shri B.Kulkarni, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. As submitted by Id. counsel for the applicant in O.A. No. 543/2019, it is mentioned that applicants were given first time bound promotion from 01.10.1994 as per the original G.R. of time bound promotion. There are two time bound promotions, the second was due on 01.10.2006.

3. As submitted by Id. counsel for the applicant, as per the G.R. dated 09.12.2016, whereby the scheme is now made applicable to those employees who retired between 01.10.2006 to 31.03.2010. It is very clear that as per original G.R. of 1995, only they were secondly covered for second time bound promotion. However, it has not been given to them and aggrieved by this order they came to this Tribunal.

4. As requested by Id. P.O., **S.O. three weeks.**

Chairman
Date:-02/08/2019.
aps.

Vice

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

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

Dated : 02nd Aug. 2019.

C.A.Nos.236, 237 & 238/2019:-

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

2. The Id. counsel for the applicant has filed C.As. for Jt. O.A.. As agreed by Id. P.O.,
C.As. are allowed.

3. The Id. P.O. seeks four weeks to file reply. **S.O. four weeks.**

Vice

Chairman

Date:-02/08/2019.

aps.

O.A.No.549/2018 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated : 02nd Aug. 2019.

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

2. The Id. counsel for the applicant filed the affidavit-in-reply on behalf of the respondent nos. 2 & 3. It is taken on record. Copy is served to the other side.

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

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

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

Vice

Chairman

Date:-02/08/2019.

aps.

O.A.No.415/2019 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated : 02nd Aug. 2019.

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

2. The Id. P.O. filed Government letter No. dtb, uD; 2019@i z d z 267@i ky&2] f n u k d 04-07-2019 by Under Secretary, Home Department- It is taken on record. Copy is served to the other side.

3. As per this letter, it has been communicated that review committee has reviewed suspension case of the applicant in its meeting dated 21.06.2019 and it has recommended to reinstate applicant in service and post him to 'Non-Functional' post. This process is under way in the Government of Maharashtra.

4. However, it is observed that in pursuant to Hon'ble Apex Court Judgment in Civil Appeal No. 1912/2015, order delivered on 16.02.2015, Government of Maharashtra has issued G.R. dated

09.07.2019 bearing no. d&1118@iz
dz11@11v] fno& 09-07-2019. In the said G.R.
in para 1 (ii) is below:-

“(ii) fuyfcr ‘kkI dh; I o& k T; k izj.kh 3 efgU; kpk
dkyko/khr foHkxh; p&’ kh I q d: u n&kjksi i = ctk.; kr
vkys ukgh] v’kk izj.kh ek- I o& p U; k; ky; kps vkns k
i kgrkj] fuyfcr I ektr dj.; kf’kok; vU; i; kz; jkgr ukgh-
R; ke& fuyfcr ‘kkI dh; I o& kcr foHkxh; p&’ kh
dk; &gh I q d: u n&kjksi i = ctko.; kph dk; &gh
fuyfcr ki u 90 fno& k vkr dkV&ki .ks d&h tk&zy
; kph n{krk@ [k&jnkjh?ks; kr ; koh-”

5. The above decision has been taken
in view of observations given by DoPT on
this issue as mentioned in reference 3 of
the G.R. dated 09.07.2019:-

*“Office Memorandum F.No. 11012/04/2016-
Estt. (A) Government of India Ministry of
Personnel, Public Grievances and Pensions,
Department of Personnel & Training
Establishment A-III Desk Dated August 23,
2016.”*

6. The Hon’ble Apex Court in its
Judgment in Civil Appeal No. 8427-8428 of
2018 (Arising out of S.L.P. (Civil) No.
12112-12113 of 2017) in the case of **State
of Tamil Nadu Vs. Pramod Kumar IPS**

and Anr. delivered on 21/08/2018 in its para no. 23 had observed as follows:-

*23. This Court in **Ajay Kumar Choudhary v. Union of India, (2015) 7 SCC 291** has frowned upon the practice of protracted suspension and held that suspension must necessarily be for a short duration. On the basis of the material on record, we*

are convinced that no useful purpose would be served by continuing the first Respondent under suspension any longer and that his reinstatement would not be a threat to a fair trial. We reiterate the observation of the High Court that the Appellant State has the liberty to appoint the first Respondent in a non sensitive post.

7. In view of above facts, respondents are directed to take decision **within one week** in the light of their own policy and G.R. dated 09.07.2019 and observations made by Hon'ble Apex Court in para no. 6 above and also as per recommendation of review committee meeting dated 21.06.2019.

8. **S.O. 16.08.2019.**

9. **Steno copy is granted.**

Chairman
Date:-02/08/2019.
aps.

Vice

O.A.No.596/2019 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated : 02nd Aug. 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. The applicant was suspended vide order dated 31.05.2019 (Annexure-A-1) P.B., Pg. No. 16 to 18 (both inclusives).
3. Issue notice to R-2 & 3, returnable on 20-08-2019. 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. 20.08.2019.**

Vice

Chairman

Date:-02/08/2019.

aps.

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

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated : 02nd Aug. 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. The Id. P.O. filed the Judgment of Hon'ble High Court Bombay, Bench at Nagpur in W.P. No. 122/2014 delivered on 14.12.2018. It is taken on record. Copy is served to the other side.

3. As requested by Id. P.O., **S.O. 06.08.2019.**

Chairman **Vice**
Date:-02/08/2019.
aps.

O.A.No.915/2018 (S.B.)

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

Dated: 02nd Aug. 2019.

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

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

Chairman
Date:-02/08/2019.
aps.

Vice

**O.A.Nos.165, 161, 162, 163, 166/2015 &
48/2016 (S.B.)**

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

Dated: 02nd Aug. 2019.

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

2. The Id. P.O. has placed reliance on the **Hon'ble Supreme Court in State of Maharashtra & Ors. Vs. Anita And Another reported in (2016) 8 Supreme Court Cases 293** and he has also placed reliance on the another Judgment of **Hon'ble Supreme Court Judgment in State of Tamil Nadu through Secretary to Government, Commercial Taxes and Registration Department, Secretariat & Another Vs. A. Singamuthu reported in (2017) 4 Supreme Court Cases 113**. Both are taken on record. Copy is served to the other side.

3. The Id. counsel for the applicant disputed first Hon'ble Supreme Court Judgment delivered on 2016 because he does not agree with the relevant para which is at para no. 8. As per the

contention of Id. counsel for the applicant this posts belongs to 'Part-time or casual employment' that's why this Judgment cannot be covered the O.A. in hand. Regarding the second, Hon'ble Apex Court Judgment 2017, para nos. 8 and 9 discuss facts which are not be covered for O.A. in hand.

4. S.O. Thursday i.e. 08.08.2019.

Chairman
Date:-02/08/2019.
aps.

Vice

O.A.No.89/2018 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated: 02nd Aug. 2019.**

Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the State. Await service of respondent no. 2.

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

**Member(J)
Chairman
Date:-02/08/2019.
aps.**

Vice

O.A.No.420/2018 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated: 02nd Aug. 2019.**

Ms. S.Bhure, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent nos. 4 to 25.

2. The Id. counsel for the applicant is directed to delete the respondent nos. 4 to 25.

3. S.O. one week.

**Member(J)
Chairman
Date:-02/08/2019.
aps.**

Vice

O.A.No.507/2018 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated: 02nd Aug. 2019.**

Shri A.B.Bambal, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

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

**Member(J)
Chairman
Date:-02/08/2019.
aps.**

Vice

O.A.No.555/2018 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated: 02nd Aug. 2019.**

C.A.Nos.245 & 305/2019:-

Shri P.A.Jibhkate, the Id. Counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent nos. 4 & 5.

2. At the request of Id. P.O., **S.O. 09.08.2019** as a last chance for filing reply.

**Member(J)
Chairman
Date:-02/08/2019.
aps.**

Vice

O.A.No.807/2018 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated: 02nd Aug. 2019.**

Shri D.M.Kakani, the Id. Counsel for the applicant, 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. has filed Government letter No. U; kf; d 2019@i; d; 395@l d; 3] f n u d 29-07-2019 by Under Secretary, Public Health Department- It is taken on record. Copy is supplied to the other side.

3. As requested by Id. P.O., **S.O. four weeks.**

**Member(J)
Chairman
Date:-02/08/2019.
aps.**

Vice

O.A.No.204/2019 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated: 02nd Aug. 2019.**

C.A.No.101/2019:-

Heard Shri A.C.Dharmadhikari, the Id. Counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the respondent nos. 1 & 2 and Shri N.S.Warulkar, the Id. counsel for the respondent nos. 3 to 127.

2. It is submitted by Id. P.O. that in order to comply the order dated 17.07.2019, one week time is required. **S.O. 09.08.2019.**

**Member(J)
Chairman
Date:-02/08/2019.
aps.**

Vice

O.A.No.215/2019 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated: 02nd Aug. 2019.**

Shri S.D.Pachkhede the applicant in person and Shri A.M.Ghogre, the Id. P.O. for the respondent nos. 1 to 5. None for the respondent no. 6.

2. The applicant in person submits that Id. Counsel for the applicant is busy in Hon'ble High Court. The Id. P.O. has submitted that he has received copy of the original amended application and he wants time to file reply to the newly amended portion.

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

**Member(J)
Chairman
Date:-02/08/2019.
aps.**

Vice

O.A.No.248/2019 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated: 02nd Aug. 2019.**

C.A.No.257/2019:-

None for the applicant. Shri H.K.Pande, the Id. P.O. for the respondent no. 1 and Shri A.K.Madane, the Id. counsel for the Intervenor.

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

**Member(J)
Chairman
Date:-02/08/2019.
aps.**

Vice

O.A.No.557/2019 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated: 02nd Aug. 2019.**

Shri S.N.Gaikwad holding for Shri S.S.Bhalerao, the Id. Counsel for the applicant and Shri A.M.Ghogre, 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** to file service affidavit.

**Member(J)
Chairman
Date:-02/08/2019.
aps.**

Vice

O.A.No.313/2019 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated: 02nd Aug. 2019.**

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

2. The Id. P.O. submitted that two weeks time is required to file reply. **S.O. 16.08.2019.**

**Member(J)
Chairman
Date:-02/08/2019.
aps.**

Vice

O.A.No.339/2019 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated: 02nd Aug. 2019.**

Ms. Bhure, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

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

**Member(J)
Chairman
Date:-02/08/2019.
aps.**

Vice

O.A.No.619/2015 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated: 02nd Aug. 2019.**

Heard Shri N.R.Saboo, the Id. Counsel for the applicant, Shri H.K.Pande, the Id. P.O. for the respondent nos. 1 to 3 and Shri A.Chaware, the Id. counsel for the respondent no. 4.

2. **Closed for orders.**

**Member(J)
Chairman
Date:-02/08/2019.
aps.**

Vice

O.A.Nos.716 & 732/2017 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice Chairman and
Shri A.D.Karanjkar, Member(J)**
Dated: 02nd Aug. 2019.

Shri Deshpande, 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 holding for Shri V.B.Gawali, the Id. counsel for the respondent nos. 3 to 10.

2. The Id. counsel for the respondent nos. 3 to 10 submitted that Shri Gawali is not available and matter be kept for hearing on Monday.

3. Matter is treated as P.H.

4. S.O. Monday i.e. 05.08.2019.

**Member(J)
Chairman
Date:-02/08/2019.
aps.**

Vice

O.A.No.275/2012 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated: 02nd Aug. 2019.**

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

Closed for orders.

**Member(J)
Chairman
Date:-02/08/2019.
aps.**

Vice

**O.A.Nos.113/2018 & 871/2017
(D.B.)**

**Coram: Shri Shree Bhagwan,
Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated : 02nd Aug. 2019.**

Heard Shri S.N.Gaikwad in O.A. No. 113/2018 and Shri R.V.Shiralkar in O.A. No. 871/2017, the Id. Counsel for the applicant, Shri M.I.Khan, the Id. P.O. for the Respondent nos. 1 & 2. None for the respondent no. 3 in O.A.No.113/2018.

2. In the course of arguments, it is submitted that as the applicant was awarded punishment, therefore, he was not eligible for the promotion. It is contended that Departmental Enquiry was commenced against the applicant since in the year 2011. In this background, it is suitable to direct the Id. P.O. to produce the minutes of the D.P.C. meeting held for giving the promotion and punishment order.

3. S.O. 23.08.2019.

Member(J)
Chairman
Date:-02/08/2019.
aps.

Vice

O.A.Nos.547/2018 & 550/2018
(D.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated : 02nd Aug. 2019.

Shri S.G.Jagtap, the Id. Counsel for the applicant, Shri H.K.Pande, the Id. P.O. for the State. None for the respondent no. 2 in O.A.No.547/2018.

2. At the request of Id. P.O., **S.O. 21.08.2019.**

Member(J)
Chairman
Date:-02/08/2019.
aps.

Vice