

O.A. No. 164/2019 **(SB)**

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

Dated : 22.07.2019

Shri N.S. Warulkar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1. None for R-2&3.

At the request of Id. counsel for the applicant, **S.O. 29/7/2019.**

Member (J)

dnk.

O.A. No. 62/2017 **(SB)**

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

Dated : 22.07.2019

Shri M.R. Khan, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1 to 4. None for R-5&6.

At the request of Id. counsel for the applicant, **S.O. 6/8/2019.**

Member (J)

dnk.

O.A. No. 836/2016 **(SB)**

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

Dated : 22.07.2019

Shri D. Chattarji, Id. counsel holding for Shri B. Lahiri, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1 to 3. None for R-4.

At the request of Id. counsel for the applicant, **S.O. 7/8/2019.**

Member (J)

dnk.

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

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

Dated : 22.07.2019

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

The learned P.O. files reply on behalf of R-1 to 3. It is taken on record.

Heard. Admit.

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

S.O. in due course.

Member (J)

dnk.

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

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

Dated : 22.07.2019

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

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

3. The learned P.O. submitted that there is no need to file reply on behalf of other respondents.

4. The learned counsel for the applicant desires to file rejoinder and for that purpose he seeks time.

S.O. 2/8/2019.

Interim relief to continue till then.

Member (J)

dnk.

O.A. No. 443/2019 **(SB)**

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

Dated : 22.07.2019

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

At the request of Id. P.O., **S.O.**
29/7/2019 for filing reply.

Member (J)

dnk.

O.A. No. 458/2019 **(SB)**

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

Dated : 22.07.2019

Shri G.G. Bade, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1. Await service of R-2 to 4.

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

Interim relief to continue till then.

Member (J)

dnk.

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

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

Dated : 22.07.2019

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

2. The learned counsel for the applicant submitted that the respondents are not permitting the applicant to resume duty as per the order.

3. The learned P.O. seeks time to file reply. At his request, **S.O. one week.**

Member (J)

dnk.

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

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

Dated : **22.07.2019**

Shri S.A. Marathe, 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. two weeks** for filing reply.

Interim relief to continue till filing of the reply.

Member (J)

dnk.

O.A. No. 480/2019 **(SB)**

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

Dated : 22.07.2019

Shri Bharat Kulkarni, Id. counsel
for the applicant and shri A.M. Ghogre, 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. 488/2019 **(SB)**

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

Dated : 22.07.2019

Shri S.B. Bawanthade, Id. counsel
for the applicants and shri A.M. Ghogre,
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. 511/2019 **(SB)**

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

Dated : 22.07.2019

Shri G.G. Bade, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

The Id. P.O. files reply on behalf of R-2&3. It is taken on record. Copy is served on the applicant.

The learned counsel for the applicant wants to go through the same.

S.O. one week.

Interim relief to continue till then.

Member (J)

dnk.

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

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

Dated : 22.07.2019

Heard Mrs. V. Chimurkar, Id. counsel for the applicant. Shri A.M. Ghogre, Id. P.O. for R-1,2&5 is absent. None for R-3&4.

The matter is partly heard.

S.O. 23/7/2019 (PH).

Member (J)

dnk.

O.A. No. 512/2019 **(SB)**

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

Dated : 22.07.2019

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. The learned P.O. has produced the order dated 12/7/2019 by which the posting of the applicant is changed and now the applicant is posted Uttar Kusumbi Bit, Khatkali Circle, Akot Range. It is submitted that this posting is given to the applicant as per his own request in the affidavit.

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

Member (J)

dnk.

O.A. No. 454/2019 **(SB)**

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

Dated : 22.07.2019

Shri S.P. Palshikar, Id. counsel for
the applicants and Shri M.I. Khan, 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. 563/2019 (SB)

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

Dated : 22.07.2019

Heard Shri G.K. Bhusari, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. It is request of the applicant that direction be given to the respondents to decide his representation dated 29/4/2019 as per the guidelines in Government Notification dated 28/4/2016. In view of the prayer, I have no hesitation to issue direction to the respondents to decide the representation dated 29/4/2019 as per the guidelines laid down in the said Notification. The decision be taken by the respondents 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. Nos. 422,431,432,433,434 & 473 of
2016 **(SB)**

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

Dated : 22.07.2019

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

Closed for orders.

Member (J)

dnk.

O.A. No. 243/2018 **(SB)**

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

Dated : 22.07.2019

Shri G.K. Bhusari, Id. counsel for the applicants and shri P.N. Warjurkar, Id. P.O. for the respondents.

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

Member (J)

dnk.

O.A. Nos. 692 & 693 of 2018 **(SB)**

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

Dated : 22.07.2019

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

2. The applicants and their counsel
were absent on the previous date also.

3. The last chance is given to the
applicants to argue the matter.

S.O. 13/8/2019.

Member (J)

dnk.

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

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

Dated : 22.07.2019

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

2. My attention is invited to order dated 10/8/2018. By this order the learned then Member called the say of the learned P.O. on submission made by the learned counsel for the applicant to club this matter with O.A.Nos.587/2017 and 928 of 2017 and time was granted to file reply. Now it is brought to my notice by the learned P.O. that the O.A.Nos.587/2017 and 928 of 2017 were decided by the learned Single Bench on 22/01/2019.

2. In view of these circumstances, it is suitable to pass same order in the present matter. Hence, it is directed that this O.A. stands disposed of for the same reasons recorded in order passed in O.A.Nos.587/2017 and 928 of 2017 and same direction be issued. No order as to costs.

Member (J)

dnk.

O.A. (St.) No. 1148/2018.

(D.B.)

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

Dated : 22nd July 2019.

C.A. 164/2018.

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

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

Member (J)
Chairman

Vice-

Dt. 22.7.2019.

pdg.

O.A. Nos. 490 ,491,492 & 493 of 2019.

(D.B.)

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

Dated : 22nd July 2019.

Heard Shri M.A. Vaishnav, the Ld. counsel for the applicants and Shri M.I. Khan, the learned P.O. for the respondents.

Ld. P.O. has filed letter dated 20.7.2019 written by Under Secretary, Govt. of Maharashtra, Rural Development Department, it is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant.

Ld. P.O. requested time till Wednesday.

S.O. 24.7.2019.

Member (J)
Chairman

Vice-

Dt. 202.7.2019.

pdg.

O.A. No. 548/2019.

(D.B.)

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

Dated : 22nd July 2019.

None for the applicant. Heard Shri A.M. Khadatkar, the learned P.O. for the respondent No.1. None for R.5.

Notices to R. 2 to 4 are not collected.

S.O. **four weeks.**

Member (J)
Chairman

Vice-

Dt. 22.7.2019.

pdg.

O.A. No. 699/2012. (D.B.)

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

Dated : 22nd July 2019.

M.C.A. 53/2019.

Heard Shri K.V. Kotwal, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

Ld. counsel for the applicant submitted copy of death certificate of the applicant. It is reported that the original applicant died on 25.1.2019. As a matter of fact, matter is abated after death of the

applicant, therefore, the MCA stands abated.

MCA stands abated.

Member (J)
Chairman

Vice-

Dt. 22.7.2019.

pdg.

O.A. No. 485/2018.

(D.B.)

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

Dated : 22nd July 2019.

C.A. 279/2019.

None for the applicant. Shri V.A. Kulkarni, the learned P.O. for the respondents.

The learned counsel for the applicant has taken circulation for early hearing and he is absent. In view of this, matter is kept in due course.

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

Member (J)
Chairman

Vice-

Dt. 22.7.2019.

pdg.

O.A. No. 15/2019.

(D.B.)

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

Dated : 22nd July 2019.

Heard Shri R.V. Shiralkar, Adv. holding for Shri R.M. Ahirrao, the Ld. counsel for the applicant and Shri A.M.

Ghogre, the learned P.O. for the respondents.

Ld. P.O. has filed reply on behalf of R.5, it is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant.

It is submitted that respondent No.5 is the disciplinary authority. Therefore, reply of R.4 is not necessary.

Matter is admitted and kept for final hearing in due course.

Shri A.M. Ghogre, the learned P.O. waives notice for the respondents.

S.O. due course.

Member (J)
Chairman

Vice-

Dt. 22.7.2019.

pdg.

O.A. No. 220/2019.

(D.B.)

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

Member(J)
Dated : 22nd July 2019.

Heard Shri R.V. Shiralkar, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

Ld. P.O. requested three weeks time to file reply.

S.O. **three weeks.**

Member (J)
Chairman

Vice-

Dt. 22.7.2019.

pdg.

O.A. Nos. 537,538,539 and 540 of 2015.

(D.B.)

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

Dated : 22nd July 2019.

Heard Shri S.A. Kalbande, the Ld. counsel for the applicants and Shri A.M. Ghogre, the learned P.O. for the respondents.

Matter is partly heard. Ld. P.O. is directed to produce original record and proceedings of the case for examination.

S.O.7.8.2019.

Member (J)
Chairman

Vice-

Dt. 22.7.2019.

pdg.

O.A. No. 197/2017.

(D.B.)

(Dadarao Madhavrao Ingale V/s State and one another)

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

Dated : 22nd July 2019.

ORAL ORDER

Heard Shri S.P. Palshikar, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

2. As per directions of this Tribunal dated 27.6.2019, The Ld. Counsel for the applicant has filed copy of O.A. No. 218/2006 & 353/2006 today which is taken on record and copy is given to Ld. P.O.

3. The Ld. Counsel for the applicant had filed order in O.A. No. 218/2006 & 353/2006 of this Tribunal, delivered on 15.9.2015 (A-2).

4. By record at Annexure A-4, P.35, it is clear that the applicant previously working at Govt. Polytechnic, Khamgaon and the Principal, Govt. Polytechnic, Khamgaon has issued the order relieving the applicant for joining on the post of Forest Guard (as per recruitment process of 2005 in P.H. category-bone category) dated 10.6.2016. In this letter, it is also made clear that the applicant had taken N.O.C. from concerned department before applying for the post of Forest Guard. It means applicant has followed all due process of law while working in one department of Govt.

5. It appears that, as per order of this Tribunal dated 19.5.2015 (P.31 & 32), applicant is appointed as Forest Guard vide order No.34 dated 11.5.2016 (A-3).

6. However, respondents have not mentioned deemed date of seniority of the applicant in the cadre of Forest Guard from the date on which first appointment was made with reference to the Advt. of 2005. In this situation, since as per appointment letter, applicant is being appointed against the recruitment process of 2005, he should have been given same deemed date as per the merit

list prepared. It appears that first appointment was given from 15.4.2006 as mentioned at page No.10 of the O.A. that their batchmate Shri Shyam Manikrao Nawalkar joined on 15.4.2006. In the interest of justice and equity, the applicant should also be given deemed date of seniority from 15.4.2006, he will not be entitled for any monetary benefits.

7. In view of above discussions, following order is passed:-

ORDER

- (i) O.A. is allowed in terms of relief clause 8 (i) and (ii).
- (ii) With these directions, O.A. stands disposed of.
- (iii) No order as to cost.

Member (J)
Chairman

Vice-

Dt. 22.7.2019.

pdg.

O.A. Nos. 646,647,648 and 723 of 2018.

(D.B.)

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

Dated : 22nd July 2019.

Heard Shri N.R. Saboo, the Ld. counsel for the applicants and Shri A.M. Ghogre, the learned P.O. for the respondents 1 and 2. None for R.3.

AS per the request of the Ld. counsel for the applicants as well as the Ld. P.O., S.O. **two weeks.**

Member (J)
Chairman

Vice-

Dt. 22.7.2019.

pdg.

O.A. Nos.193 & 194 of 2018.

(D.B.)

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

Dated : 22nd July 2019.

Heard Shri A.P. Sadavarte, the Ld. counsel for the applicants and Shri P.N. Warjekar, the learned P.O. for the respondents 1 to 5. None for R.6 to 9.

Matter is partly heard. It is the contention of the applicant that the respondent Nos. 6 to 9 have more than two issues, therefore, they were not eligible for appointment. Ld. P.O. submits that he will produce before the Bench relevant record on the next date.

S.O. 13.8.2019.

To be treated as part heard.

Member (J)
Chairman

Vice-

Dt. 22.7.2019.

pdg.

O.A. No. 791/2018.

(D.B.)

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

Dated : 22nd July 2019.

Heard Shri C.A. Joshi, the Ld. counsel for the applicant and Shri P.N.

Warjekar, the learned P.O. for the respondents.

Ld. P.O. requests two weeks time to seek instructions. hence, S.O. **two weeks.**

Member (J)
Chairman

Vice-

Dt. 22.7.2019.

pdg.

O.A. No. 644/2013.

(D.B.)

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

Member(J)
Dated : 22nd July 2019.

C.A. 210/2018

Heard Shri A. Mardikar, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

The applicant has preferred an appeal before the Govt. against the order of Additional Director General of Police (Administration), Mumbai. The Ld. counsel for the applicant desires to peruse the record submitted by the department, he is permitted to peruse the record before the Deputy Registrar.

The Ld. counsel for the applicant may peruse the record in the chamber of Dy. Registrar.

S.O. 6.8.2019.

Member (J)

Vice-Chairman

Dt. 22.7.2019.

pdg.

**O.A. No. 815,816,817,818,819,820,821 and
822 of 2016.
(S.B.)**

Coram:Shri Shree Bhagwan,
Vice-Chairman
Dated : 22nd July 2019.

Heard Shri A.D. Girdekar, the Ld. counsel for the applicants and Shri A.M. Khadatkhar, the learned P.O. for the respondents.

The Ld. counsel for the applicants submits that he will file rejoinder during the course of the day today.

ADMIT.

Shri A.M. Khadatkhar, the learned P.O. waives notice for the respondents.

S.O. **one week** for final hearing.

Vice-Chairman

Dt. 22.7.2019.

pdg.

O.A. No. 710/2014.

(S.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman
Dated : 22nd July 2019.

R.A. No. 19/2017.

Heard Shri G.G. Bade, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents.

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

Vice-Chairman

Dt. 22.7.2019.

pdg.

O.A. No. 990/2017.

(S.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman
Dated : 22nd July 2019.

Heard Shri S.N. Gaikwad, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents.

Ld. P.O. has filed reply of R. 3 and 4, it is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant.

ADMIT.

Shri S.A. Sainis, the learned P.O. waives notice for the respondents.

S.O. one week for final hearing.

Vice-Chairman

Dt. 22.7.2019.

pdg.

O.A.(St.) No. 1842/2018.
(S.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman
Dated : 22nd July 2019.
C.A. No. 329/2018.

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

Delay is condoned. C.A. for condonation of delay is allowed and disposed.

The Ld. P.O. has filed reply to the C.A. No. 329/2018, it is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant.

O.A.(St.) No. 1842/2018.

ADMIT.

Shri S.A. Sainis, the learned P.O.
waives notice for the respondents.

S.O. one week for final hearing.

Vice-Chairman

Dt. 22.7.2019.

pdg.

O.A. No. 560/2018.

(S.B.)

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

Dated : 22nd July 2019.

Heard Shri G.G. Bade, the Ld.
counsel for the applicant and Shri A.M.
Khadatkar, the learned P.O. for the
respondents.

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

Vice-Chairman

Dt. 22.7.2019.

pdg.

O.A. No. 457/2019.

(S.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman

Dated : 22nd July 2019.

Heard Shri G.G. Bade, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents.

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

Vice-
Chairman

Dt. 22.7.2019.

pdg.

O.A. No. 845/2018.

(S.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman
Dated : 22nd July 2019.

Heard Shri S.M. Khan, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents.

The Ld. P.O. has filed reply of R. 1 and 2. It is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant.

ADMIT.

A.M. Khadatkar, the learned P.O. waives notice for the respondents.

S.O. **two weeks** for final hearing.

Meanwhile, the Ld. counsel for the applicant is at liberty to file rejoinder, if any.

Vice-Chairman

Dt. 22.7.2019.

pdg.

O.A. No. 366/2017.

(S.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman
Dated : 22nd July 2019.

Heard Shri Yash Tattawawadi,
Adv. holding for Shri R.L. Khapre, the Ld.

counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents.

It is reported that Shri H.K. Pande, Ld. P.O. is not available today.

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

Vice-Chairman

Dt. 22.7.2019.

pdg.

O.A. No. 150/2018.

(S.B.)

Coram: Shri Shree Bhagwan,
Vice-Chairman
Dated : 22nd July 2019.

Heard Shri R.V. Shiralkar, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

2. Matter was heard in detail on 8.7.2019 and details were recorded in the ordersheet dated 8.7.2019. Today, the Ld. P.O. has filed on record documents relating to gratuity, they are taken on record and a copy thereof is supplied to the Ld. counsel for the applicant. In the said details, grade pay fixed for pension and gratuity to the father of the applicant is Rs. 4300/- In the G.R. dated 27th May 2016 (R.4,P.83 and 84), it is mentioned that grade pay upto Rs. 4400/- are categorized in Group-C. In view of this, *prima facie*, it appears that the applicant's father was treated in Group-C category by the department. Since the issue involved is having larger impact, matter will be heard in Division Bench.

S.O. 30th July 2019.

Put up before the Division Bench.

Vice-Chairman

Dt. 22.7.2019.

pdg.

O.A. No. 814/2015.

(S.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman
Dated : 22nd July 2019.

None for the applicant. Heard Shri M.I. Khan, the learned P.O. for the respondents 1 and 2. None for R.3.

2. Ld. P.O. submits that this is a case of appointment of Police Patil of the year 2015, where the applicant is challenging the appointment of respondent No.3(P.42).

3. In reply, the respondents have mentioned in para No.4 at page 42 that the respondent No.3 was appointed on 1.9.2015.

4. Since the learned counsel for the applicant is not present today, one week time is given. It is clear that if on the next date of hearing, the learned counsel for the applicant does not appear, matter will be decided on merit.

S.O. **one week.**

Vice-Chairman

Dt. 22.7.2019.

pdg.

O.A. No. 979/2018.

(S.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman
Dated : 22nd July 2019.

Heard Shri I.G. Meshram, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondent No.1. Shri Sachin Ukey, Adv. holding for Shri A.M. Kukday, Adv. for R.2.

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

Vice-Chairman

Dt. 22.7.2019.

pdg.

O.A. No. 654/2018.

(S.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman
Dated : 22nd July 2019.

Heard Shri A.A. Mardikar, the Ld. counsel for the applicants and Shri V.A. Kulkarni, the learned P.O. for the respondents.

2. The Ld. counsel for the applicants has relied upon the judgment in O.A. No.382/2013 (A-1, P.46) delivered on 31.3.2017 by this Tribunal and submitted that this O.A. in hand is having similar case. However, the Ld. counsel for the applicants was explained about the operative part of the judgment which is as under:-

(i) "The O.A. is allowed.

(ii) The impugned communication dated 9.5.2013 issued by respondent No.2 and

communication dated 11.6.2013 issued by respondent No.2 are quashed and set aside.

(iii) The respondent No.2 is directed to consider the name of the applicant for appointment on compassionate ground on its own merit and as per various circulars in the field in this regard and to take appropriate decision on the same without being influenced by any of the observations made in this regard.

(iv) Decision on such claim be taken within a period of eight weeks from the date of this order and the same shall be communicated to the applicant in writing.

(v) No order as to costs”.

3. As per para No. 2(ii) of this judgment, it is clear that the respondents have to decide as per its own merit as per various circulars in the field, without being influenced by any of the observations made in this regard. Unless the Ld. counsel for the applicants points out any Govt. Circular, G.R. or judgment which directs the employer to allow the candidate for substitution of another

dependant and under what condition, it is difficult to decide this. The Ld. counsel for the applicants desires to search such citation in the form of Circular, G.R. or judgment. The Ld. counsel for the applicants has also relied upon the judgment of Principal Bench of this Tribunal at Mumbai in O.A. No. 239/2016 delivered on 21.10.2016. However, the Ld. counsel for the applicants is directed to come out with the Circular, G.R. or judgment which allows such condition.

S.O. 5th August 2019.

To be treated as part heard.

Vice-Chairman

Dt. 22.7.2019.

pdg.

