#### O.A.No.642/2019 (S.B.)

## <u>Coram</u>:Shri Shree Bhagwan, Vice Chairman <u>Dated</u> :23<sup>rd Sep.</sup> 2019.

Heard Shri Vishal Anand, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State. Await service of respondent nos. 2 to 5.

2. The ld. counsel for the applicant has points out that notices has been served. The ld. C.P.O. seeks time to file the reply. At his request, **S.O. three weeks.** 

#### Vice Chairman

#### O.A.No.657/2019 (S.B.)

## <u>Coram</u>:Shri Shree Bhagwan, Vice Chairman <u>Dated</u> :23<sup>rd Sep.</sup> 2019.

Heard Shri B.Kumar, the Id. Counsel for the applicant, Shri S.A.Deo, the Id. C.P.O. for the respondent nos. 1 & 2 and Shri A.M.Kukday, the Id. counsel for the respondent no. 3.

2. As pointed out by Id. C.P.O. in relief clause A, the Id. counsel for the applicant has mentioned impugned order dated 27/07/2011 (Annexure-A-3), P.B., Pg. No. 32 which is the original punishment by C.E.O., Z.P., Nagpur. However, the Id. counsel for the applicant submits that he is challenging order dated 07/08/2018, P.B., Pg. No. 47 by Under Secretary, Government of Maharashtra, Rural Development Department. He requires to amend the O.A. then submit the accurate documents. The Id. counsel for the applicant is directed to amend the O.A. as per his relief clause.

3. S.O. three weeks.

Vice Chairman

## O.A.No.685/2018 (S.B.)

## <u>Coram</u>:Shri Shree Bhagwan, Vice Chairman <u>Dated</u> :23<sup>rd Sep.</sup> 2019.

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

2. Since, reply is filed and matter is **admitted** and kept for final hearing.

3. The Id. P.O. waives notices for the respondents.

4. The Id. P.O. is directed to call the record of Departmental Enquiry.

5. S.O. three weeks.

## Vice Chairman

#### O.A.No.658/2019 (S.B.)

#### <u>Coram</u>:Shri Shree Bhagwan, Vice Chairman <u>Dated</u> :23<sup>rd Sep.</sup> 2019.

Heard Shri R.S.Khobragade, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State. Await service of respondent nos. 2 & 3.

2. The Id. counsel as filed letter dated 31.08.2019 by Deputy Director, Public Health Services, Nagpur. He further submits that as per this letter grievances of the applicant has been solved and O.A. became infructuous. However, Id. counsel for the applicant is at liberty to challenge this communication dated 31.08.2019.

3. In view of the above, **O.A. is disposed of** with no order as to costs.

#### Vice Chairman

#### O.A.St.No.1719/2019 (S.B.)

# <u>Coram</u>:Shri Shree Bhagwan, Vice Chairman <u>Dated</u> :23<sup>rd Sep.</sup> 2019.

## C.A.No.319/2019:-

None for the applicant. Shri S.A.Deo, the Id. C.P.O. for the respondent nos. 1 & 3. Await service of respondent no. 2.

2. **S.O. three weeks.** 

Vice Chairman

#### O.A.No.640/2019 (S.B.)

## <u>Coram</u>:Shri Shree Bhagwan, Vice Chairman <u>Dated</u> :23<sup>rd Sep.</sup> 2019.

None for the applicant. Shri A.P.Potnis, the Id. P.O. for the State. Await service of respondent no. 2.

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

Vice Chairman

## O.A.No.639/2019 (S.B.)

## <u>Coram</u>:Shri Shree Bhagwan, Vice Chairman <u>Dated</u> :23<sup>rd Sep.</sup> 2019.

None for the applicant. Shri A.P.Potnis, the Id. P.O. for the State. Await service of respondent no. 2.

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

Vice Chairman

## O.A.No.337/2019 (S.B.)

# <u>Coram</u>:Shri Shree Bhagwan, Vice Chairman <u>Dated</u> :23<sup>rd Sep.</sup> 2019.

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

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

Vice Chairman

## O.A.No.169/2019 (S.B.)

# <u>Coram</u>:Shri Shree Bhagwan, Vice Chairman <u>Dated</u> :23<sup>rd Sep.</sup> 2019.

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

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

Vice Chairman

#### O.A.No.67/2019 (S.B.)

## <u>Coram</u>:Shri Shree Bhagwan, Vice Chairman <u>Dated</u> :23<sup>rd Sep.</sup> 2019.

Shri B.Kumar, 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.** 

3. The Id. P.O. is further directed to supply the copy of the reply in advance to the Id. counsel for the applicant. The Id. counsel for the applicant is at liberty to file rejoinder, if any.

Date:-23/09/2019. aps.

## Vice Chairman

## O.A.No.611/2018 (S.B.)

# <u>Coram</u>:Shri Shree Bhagwan, Vice Chairman <u>Dated</u> :23<sup>rd Sep.</sup> 2019.

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

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

Vice Chairman

#### O.A.St.No.3098/2017 (S.B.)

## <u>Coram</u>:Shri Shree Bhagwan, Vice Chairman <u>Dated</u> :23<sup>rd Sep.</sup> 2019.

#### C.A.No.575/2017:-

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 parawise reply on C.A. No. 3098/2017 for condonation of delay. He further seeks two weeks time to file the same on record. **S.O. two weeks.** 

Date:-23/09/2019. aps. Vice Chairman

#### O.A.No.619/2018 (S.B.)

#### <u>Coram</u>:Shri Shree Bhagwan, Vice Chairman <u>Dated</u> :23<sup>rd Sep.</sup> 2019.

Shri W.N.Nayse, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

 Issue fresh notice to R-2 & 3, returnable on four weeks. Learned 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.

In case notice is not collected within <u>three</u>
<u>days</u> and if service report on affidavit is not filed
<u>three days</u> before returnable date. Original
Application shall stand dismissed without reference
to Tribunal and papers be consigned to record.

8. S.O. four weeks.

Vice Chairman

#### O.A.No.34/2019 (S.B.)

#### <u>Coram</u>:Shri Shree Bhagwan, Vice Chairman <u>Dated</u> :23<sup>rd Sep.</sup> 2019.

Shri W.N.Nayse, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State. Await service of respondent nos. 2 to 4.

 Issue fresh notice to R-2 to 4, returnable on four weeks. Learned 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 <u>three</u> <u>days</u> and if service report on affidavit is not filed <u>three days</u> before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. S.O. four weeks.

Vice Chairman

#### O.A.No.592/2017 (S.B.)

#### <u>Coram</u>:Shri Shree Bhagwan, Vice Chairman <u>Dated</u> :23<sup>rd Sep.</sup> 2019.

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

2. Order passed by respondent no. 2 at P.B., Pg. No. 37 (Annexure-A-9) dated 24/01/2017 is not discriminatory, it is in view of G.R. Dated 10/11/2016. It is for all the employees working at Pranhita Sub Division. However, Id. counsel for the applicant submits that G.R. itself has discriminating provision.

3. The ld. counsel for the applicant is directed to file separate O.A., challenging the very contention of the G.R. that will be heard in Division Bench.

4. In view of the above directions, **O.A.** is disposed of with no order as to costs.

Vice Chairman

## O.A.No.650/2018 (S.B.)

## <u>Coram</u>:Shri Shree Bhagwan, Vice Chairman <u>Dated</u> :23<sup>rd Sep.</sup> 2019.

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

2. As per the order dated 14/02/2019, representation of applicant dated 24/04/2017 is to be decided within two weeks time. The Id. P.O. submits that he requires further two weeks time to take instructions and submit the report to the Tribunal. The Id. P.O. is directed to intimate the same to the department and communicate to the Tribunal too.

#### 3. S.O. 07/10/2019.

#### Vice Chairman

#### O.A.No.196/2017 (S.B.)

## <u>Coram</u>:Shri Shree Bhagwan, Vice Chairman <u>Dated</u> :23<sup>rd Sep.</sup> 2019.

None for the applicant. Shri H.K.Pande, the Id. P.O. for the respondent nos. 1 & 2. None for the respondent no. 3.

2. The ld. P.O. submit that the ld. counsel for the applicant has amended the O.A. and he seeks further two days to file reply on the amended portion. The applicant is going to retire on 30.09.2019.

3. S.O. Friday i.e. 26.09.2019.

Date:-23/09/2019. aps. Vice Chairman

#### O.A.No.181/2019 (S.B.)

## <u>Coram</u>:Shri Shree Bhagwan, Vice Chairman <u>Dated</u> :23<sup>rd Sep.</sup> 2019.

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

2. In view of the detailed order dated 29/08/2019, **O.A. is disposed of with no order as to costs.** 

3. The respondents are directed to comply the order within three months from the date of this order

Date:-23/09/2019. aps.

# Vice Chairman

## O.A.Nos.360, 370, 493, 575, 654, 690/2015,

## 825 & 497/2019 (S.B.)

#### <u>Coram</u>: Shri Shree Bhagwan, Vice Chairman <u>Dated</u> :23<sup>rd Sep.</sup> 2019.

Shri R.S.Khobragade, the Id. counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents. (None for the applicant in O.A. Nos. 360, 370, 575, 690/2015 & 825/2016. There is a leave note of Shri Bharat Kulkarni i.e. in O.A. Nos. 493 & 654/2015).

2. As submitted by Id. P.O., the proposal for redressal of the grievances of the applicant is pending with the Government. In view of the coming General Election, the matter will be heard in last week of November of year. Till that time, the Id. P.O. will take instructions from the Government regarding the progress of the proposal.

3. S.O. first week of December, 2019.

Vice Chairman

#### O.A.No.93/2016 (S.B.)

#### <u>Coram</u>:Shri Shree Bhagwan, Vice Chairman <u>Dated</u> :23<sup>rd Sep.</sup> 2019.

Shri P.K.Mishra, the Id. counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

2. The applicant was suspended under gambling act. Subsequently, as per record on P.B., Pg. No. 24, the applicant has been exonerated by J.M.F.C., Kuhi vide his order dated 25/04/2014. The applicant was exonerated from the charges, the same order is reproduced below:-

"vkjkih i Hkkdj ckGd".kjko pukjdj ; kyk ench2 topkj nk: conh dk; nk dye 12%c% P; k xljg; kmu OkStnkjh i fd?, k I ligrkps dye 255%1% vrxi<sup>e</sup> nkškelipr dj.; kr ; r vkgs"

3. The applicant was reinstated by order dated 20/11/2014 (Annexure-A-6, P.B., Pg. No. 30) and his period from 18/01/2008 to 06/08/2008 has been treated as suspension period. Aggrieved with this order, applicant approached to this Tribunal.

4. After hearing both the parties and considering the order of J.M.F.C., Kuhi following order is passed:-

#### ORDER

- A. Order dated 20/11/2014 (Annexure-A-6) is quashed and set aside.
- B. The period between 18/01/2008 to 06/08/2008 should be treated as duty

period, since he has been exonerated from the charges.

**C.** With these directions O.A. is disposed off with no order as to costs.

Vice Chairman

#### O.A. No. 1023/2018(DB)

# <u>Coram</u>: Hon'ble Shri Shri Bhagwan, Vice-Chairman & Hon. Shri A.D. Karanjkar, Member (J).

#### Dated : 23.09.2019

Heard Shri N.R. Saboo, learned Advocate for the applicant and Shri A.M. Khadatkar, learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer for the respondents, as a last chance, **S.O. three weeks** for filing affidavit in reply.

Member (J) Vice Chairman

## O.A. No. 127/2019(DB)

# <u>Coram</u> : Hon'ble Shri Shri Bhagwan, Vice-Chairman & Hon. Shri A.D. Karanjkar, Member (J).

#### Dated : 23.09.2019

Heard Shri N.R. Saboo, learned Advocate for the applicant and Shri A.M. Ghogre, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, **S.O. one week** for filing rejoinder affidavit.

3. Interim relief granted earlier to continue till next date.

<u>Member (J)</u>

Vice Chairman

# C.A. 245/2019 in C.A. 305/2019 in O.A. 555/2018 (**DB**)

# <u>Coram</u> : Hon'ble Shri Shri Bhagwan, Vice-Chairman & Hon. Shri A.D. Karanjkar, Member (J).

## Dated : 23.09.2019

Heard Shri A.P. Jibhkate, learned Advocate for the applicant, Shri A.M. Khadatkar, learned Presenting Officer for respondent 1 to 3 and Shri A.V. Kapgate, learned Advocate for respondent Nos. 4 and 5.

2. At the request of Learned Advocate for the applicant, **S.O. two weeks**.

## <u>Member (J)</u>

## Vice Chairman

# O.A. No. 236/2014(DB)

# <u>Coram</u> : Hon'ble Shri Shri Bhagwan, Vice-Chairman & Hon. Shri A.D. Karanjkar, Member (J).

# Dated : 23.09.2019

None for the applicant. Shri S.A. Sainis, learned Presenting Officer for respondents.

At the request of learned Presenting
Officer for the respondents, S.O. to
07.10.2019.

<u>Member (J)</u>

Vice Chairman

# O.A. No. 587/2018(DB)

# <u>Coram</u>: Hon'ble Shri Shri Bhagwan, Vice-Chairman & Hon. Shri A.D. Karanjkar, Member (J).

#### Dated : 23.09.2019

Heard Shri A.P. Sadavarte, learned Advocate for the applicant and Shri S.A. Sainis, learned Presenting Officer for respondents.

2. At the request and by consent of both the parties, **S.O. to 07.10.2019.** 

Member (J)

Vice Chairman

## O.A. No. 677/2018(DB)

# <u>Coram</u>: Hon'ble Shri Shri Bhagwan, Vice-Chairman & Hon. Shri A.D. Karanjkar, Member (J).

#### Dated : 23.09.2019

Heard Shri A.N. Kawale, learned Advocate for the applicant and Shri A.P. Potnis, learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer for the respondents, as a last chance, **S.O. to 01.10.2019.** 

<u>Member (J)</u>

Vice Chairman

## C.A. 53/2019 in O.A. St. 266/2019 (DB)

# <u>Coram</u> : Hon'ble Shri Shri Bhagwan, Vice-Chairman & Hon. Shri A.D. Karanjkar, Member (J).

#### Dated : 23.09.2019

Heard Shri R.R. Ramteke, learned Advocate for the applicant and Shri V.A. Kulkarni, learned Presenting Officer for respondents.

2. After hearing the matter for considerable time, it is closed for orders.

<u>Member (J)</u>

Vice Chairman

#### O.A. No. 125/2019(DB)

# <u>Coram</u>: Hon'ble Shri Shri Bhagwan, Vice-Chairman & Hon. Shri A.D. Karanjkar, Member (J).

#### Dated : 23.09.2019

Heard Shri Y.P. Kaslikar, learned Advocate for the applicant and Shri A.M. Khadatkar, learned Presenting Officer for respondents.

At the request of learned Presenting
Officer for the respondents, S.O. to
14.10.2019 for filing affidavit in reply.

## <u>Member (J)</u>

Vice Chairman

## O.A. No. 647/2019(DB)

# <u>Coram</u> : Hon'ble Shri Shri Bhagwan, Vice-Chairman & Hon. Shri A.D. Karanjkar, Member (J).

#### Dated : 23.09.2019

Heard Shri Sagar Katkar, learned Advocate holding for Shri A.P. Tathod learned Advocate for the applicant and Shri S.A. Sainis, learned Presenting Officer for respondents.

At the request of learned Presenting
Officer for the respondents, , S.O. Three
weeks for filing affidavit in reply.

# <u>Member (J)</u>

#### Vice Chairman

## O.A. No. 667/2019(DB)

# <u>Coram</u> : Hon'ble Shri Shri Bhagwan, Vice-Chairman & Hon. Shri A.D. Karanjkar, Member (J).

#### Dated : 23.09.2019

Heard Smt. D.S. Khandelwal, learned Advocate for the applicant and Shri A.M. Khadatkar, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant submits that one week's time require for filing service affidavit of respondent Nos. 2 to 4.

At the request of learned Presenting
Officer for the respondents, S.O. Three
weeks for filing affidavit in reply.

<u>Member (J)</u>

Vice Chairman

## O.A. No. 646/2019(DB)

# <u>Coram</u> : Hon'ble Shri Shri Bhagwan, Vice-Chairman & Hon. Shri A.D. Karanjkar, Member (J).

#### Dated : 23.09.2019

Heard Shri Chintan Deopujari, learned Advocate for the applicant and Shri Shrikant Deo, learned Chief Presenting Officer for respondents.

2. Learned Advocate for the applicant submits that he will file service affidavit of 2 and 3 today.

At the request of learned Chief
Presenting Officer for the respondents, S.O.
Three weeks for filing affidavit in reply.

<u>Member (J)</u>

# Vice Chairman

# <u>Coram</u> : Hon'ble Shri Shri Bhagwan, Vice-Chairman & Hon. Shri A.D. Karanjkar, Member (J).

#### Dated : 23.09.2019

None for the applicant. Shri S.A. Sainis, learned Presenting Officer for respondents.

2. Learned Presenting Office files on record a copy of the affidavit in reply on behalf of respondents. Same is taken on record.

# 3. S.O. Three weeks.

Member (J)

Vice Chairman

Rev. A. 17/2017 in O.A. No. 96/2016 (DB)

# <u>Coram</u>: Hon'ble Shri Shri Bhagwan, Vice-Chairman & Hon. Shri A.D. Karanjkar, Member (J).

## Dated : 23.09.2019

Heard Shri Bharat Kulkarni, learned Advocate for the applicant and Shri A.M. Ghogre, learned Chief Presenting Officer for respondents.

2. Learned Presenting Officer submits that the State has preferred an appeal.

3. S.O. Four weeks.

Member (J) Vice Chairman

## <u>Coram</u>: Hon'ble Shri Shri Bhagwan, Vice-Chairman & Hon. Shri A.D. Karanjkar, Member (J).

#### Dated : 23.09.2019

Heard Shri S.P. Palshikar, learned Advocate for the applicant and Shri A.M. Ghogre, learned Chief Presenting Officer for respondents.

2. Learned Presenting Officer submits that he will take instructions from the department as to whether service book of the applicant has been prepared and pension papers are prepared and submitted to the A.G. Nagpur as per the order dated 01.08.2019.

3. S.O. to 01.10.2019.

<u>Member (J)</u>

Vice Chairman

# C.A. 365/2019 in O.A. 763/2019 (**DB**)

## <u>Coram</u>: Hon'ble Shri Shri Bhagwan, Vice-Chairman & Hon. Shri A.D. Karanjkar, Member (J). <u>Dated : 23.09.2019</u> <u>C.A. No. 365/2019</u>

Heard Shri A.D. Tote , learned Advocate for the applicant and Shri A.P.Potnis, learned Presenting Officer for respondents.

2. By this C.A., the applicants are seeking leave to sue jointly. For the reasons stated in the C.A., leave to sue jointly as prayed for is granted, subject to the applicants paying requisite court fees, if not already paid. C.A. stands disposed of accordingly.

#### O.A. No. 763/2019

 Issue notice to the respondent, returnable after three weeks. Learned
P.O. waives notice for R-1. Hamdast allowed.

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

3. 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.

4. 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.

5. 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.

6. In case notice is not collected within <u>three days</u> and if service report on affidavit is not filed <u>three days</u> before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

## 7. S.O. three weeks.

## <u>Member (J)</u>

## Vice Chairman

Review 17/15 in O.A. 777/2015**(DB)** 

## <u>Coram</u>: Hon'ble Shri Shri Bhagwan, Vice-Chairman & Hon. Shri A.D. Karanjkar, Member (J).

## Dated : 23.09.2019

Heard Shri P.A. Jibhkate, learned Advocate for the applicant, Shri H.K. Pande, learned Presenting Officer for respondent Nos. 1 to 3 and Smt. Sheipu Ohatole, learned Advocate holding for Shri K.S. Motwani, learned Advocate for respondent No. 4.

2. Admit.

3. The present matter be kept for final hearing in due course.

## <u>Member (J)</u>

Vice Chairman

O.A. Nos. 956/17, 789, 790, 802, 803, 804, 805, 809, 810, 811 & 857 all of 2018 **(DB)** 

## <u>Coram</u> : Hon'ble Shri Shri Bhagwan, Vice-Chairman & Hon. Shri A.D. Karanjkar, Member (J).

#### Dated : 23.09.2019

#### O.A. No. 956/2017

None for the applicant. Shri A.M. Khadatkar, learned Presenting Officer for respondent 1 to 4 and Shri A.P. Sadavarte, learned Advocate for respondent Nos. 5 to 12.

# <u>O.A. Nos. 789, 790, 802, 803, 804, 805, 809, 810, 811 & 857 all of 2018</u>

S/shri A. P. Sadavarte, N.B. Bhargat, R.V. Shiralkar learned Advocates for the applicants in respective matters, S/shri Shrikant Deo, S.A. Sainis, A.P. Potnis, H.K. Pande, A.M. Ghogre, V.A. Kulkarni and M.I. Khan, learned Chief Presenting Officer and Presenting Officers for the respondents. R.A. Haque, learned Advocate for intervener (**Absent**). Shri N.R. Saboo, learned Advocate for intervener.

2. Learned Advocate Shri A.P. Sadavarte, for the applicants seeks time to

carry out the necessary amendment in the O.As. Time granted. The applicants are directed to supply the amended copy of the O.As. to the learned Presenting Officer.

3. S.O. four weeks.

<u>Member (J)</u>

Vice Chairman

## O.A. No. 746/2019(DB)

## <u>Coram</u> : Hon'ble Shri Shri Bhagwan, Vice-Chairman & Hon. Shri A.D. Karanjkar, Member (J).

#### Dated : 23.09.2019

Heard Shri N.R. Saboo, learned Advocate for the applicant and Shri A.P. Potnis, learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer for the respondents, **S.O. 24.09.2019** for filing affidavit in reply.

## <u>Member (J)</u>

Vice Chairman

#### O.A. No. 604/2010(DB)

## <u>Coram</u> : Hon'ble Shri Shri Bhagwan, Vice-Chairman & Hon. Shri A.D. Karanjkar, Member (J).

#### Dated : 23.09.2019

Heard Shri M.Y. Wadodkar, learned Advocate for the applicant and Shri A.M. Ghogre, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant has filed pursis. Same is taken on record.

3. S.O. two weeks.

## <u>Member (J)</u>

Vice Chairman

O.A. No. 264/2012 with O.A. No. 141/2015 with C.A. 127/19 with O.A. 718/2015 (**DB**)

## <u>Coram</u> : Hon'ble Shri Shri Bhagwan, Vice-Chairman & Hon. Shri A.D. Karanjkar, Member (J).

## Dated : 23.09.2019

#### O.A. No. 264/2012

None for the applicant. Shri A.M. Ghogre, learned Presenting Officer for respondents. None for respondent No. 11.

#### O.A. No. 141/15 with C.A. 127/19

Shri P.B. Patil, learned Advocate for the applicant, Shri A.M. Ghogre, learned Presenting Officer for respondent Nos. 1 to 5 and Shri A.P. Sadavarte, learned Advocate for respondent Nos. 7 to 10.

#### O.A. No. 718/2015

None for the applicant. Shri H.K. pande, learned Presenting Officer for respondents and Shri A.P. Sadavarte, learned Advocate for respondent Nos. 8 to 11. None for respondent Nos. 5 to 7.

2. At the request of learned Advocate for the applicant in O.A. NO. 414/2015, **S.O. next week.** 

## <u> Member (J)</u>

kpb.

#### Vice Chairman

O.A. 166/2012 with C.A. 100/19 (DB)

## <u>Coram</u>: Hon'ble Shri Shri Bhagwan, Vice-Chairman & Hon. Shri A.D. Karanjkar, Member (J).

## Dated : 23.09.2019

Heard Shri G.K. Bhusari, learned Advocate for the applicant and Shri V.A. Kulkarni, learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer for the respondents, **S.O. next week** for filing original record.

Member (J)

Vice Chairman

#### O.A. No. 413/2013(DB)

## <u>Coram</u> : Hon'ble Shri Shri Bhagwan, Vice-Chairman & Hon. Shri A.D. Karanjkar, Member (J).

#### Dated : 23.09.2019

Heard Shri G.K. Bhusari, learned Advocate for the applicant and Shri A.M. Khadatkar, learned Presenting Officer for respondents.

2. Learned Presenting Officer for he respondents desires to produce on record documents regarding D.E. and F.I.R.

## 3 S.O. two weeks.

#### Member (J)

#### Vice Chairman

## O.A. No. 749/2013(DB)

## <u>Coram</u>: Hon'ble Shri Shri Bhagwan, Vice-Chairman & Hon. Shri A.D. Karanjkar, Member (J).

#### Dated : 23.09.2019

Heard Shri V.R. Thote, learned Advocate for the applicant and Shri V.A. Kulkarni, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, **S.O. two weeks**.

<u>Member (J)</u>

Vice Chairman

O.A. No. 556/1995 with C.A. 43/16, 52/16, 53/16, 428/16, 101/17, 246/17 247/17 with (M.C.A. 40/17 in C.A. 74/18 & C.A. 379/18) **(DB)** 

## <u>Coram</u>: Hon'ble Shri Shri Bhagwan, Vice-Chairman & Hon. Shri A.D. Karanjkar, Member (J).

## Dated : 23.09.2019

None for the applicant. Shri A.M. Ghogre, learned Presenting Officer for respondents. None for respondent No. 4.

As none present for the applicant,
S.O. four weeks.

<u>Member (J)</u>

Vice Chairman

## O.A. No. 566/2013(DB)

## <u>Coram</u> : Hon'ble Shri Shri Bhagwan, Vice-Chairman & Hon. Shri A.D. Karanjkar, Member (J).

#### Dated : 23.09.2019

Heard Shri G.G. Bade, learned Advocate for the applicant and Shri A.M. Ghogre, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, **S.O. two weeks** for filing documents.

## <u>Member (J)</u>

Vice Chairman

O.A. No. 267 /11, 268/11, 269/11, 591/12, 614/12, 620/12, 647/12, 836/12, 54/13, 55/13, 56/13, 75/13, 76/13, 77/13, 548/13, 549/13, 550/13, 551/13, 775/13 and 805/14**(DB)** 

## <u>Coram</u>: Hon'ble Shri Shri Bhagwan, Vice-Chairman & Hon. Shri A.D. Karanjkar, Member (J).

## Dated : 23.09.2019

Heard Shri N.R. Saboo, G.G. Bade, A.M. Kukday & B. Mohata learned Advocate for the applicants in respective O.As. None for the applicant in O.A. Nos. 614/12, 620/12, 647/12, 836/12. and S/shri Shrikant Deo, M.I. Khan, S.A. Sainis, A.P. Potnis, A.M. Ghogre, H.K. Pande, P.N. Warjurkar, V.A. Kulkarni, A.M. Khadatkar, learned Chief Presenting Officer and Presenting Officer for respective respondents in respective O.As..

2. All these O.As. have identical issue.

3. Learned Advocates for the applicants have submitted that all these matters should be placed together.

4. Hence, **S.O. to 05.11.2019.** 

## <u> Member (J)</u>

## Vice Chairman

## O.A. No. 377/2016(DB)

#### <u>Coram</u>: Hon'ble Shri Shri Bhagwan, Vice-Chairman & Hon. Shri A.D. Karanjkar, Member (J).

#### Dated : 23.09.2019

Heard Shri P.R. Agrawal, learned Advocate for the applicant and Shri A.M. Khadatkar, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, **S.O. next week.** 

Put up this O.A. along with O.A. Nos.
141/15 and 718/2015.

<u>Member (J)</u>

Vice Chairman

O.A. No. 580/2016 (SB)

## <u>Coram</u> : Hon. Shri A.D. Karanjkar, Member (J). <u>Dated : 23.09.2019</u>

Shri B.S. Mandhare, Id. counsel holding for Shri A. Ramteke, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

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

#### Member (J)

dnk.

O.A. No. 215/2017 (SB)

Shri S.N. Gaikwad, ld. counsel holding for Shri G.K. Bhusari, ld. counsel for the applicant and Shri M.I. Khan, ld. P.O. for the respondents.

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

Member (J)

dnk.

O.A. No. 583/2018 (SB)

None for the applicant. Shri H.K. Pande, Id. P.O. for R-1 to 5. None for other respondents.

At the request of Id. P.O., <u>S.O. two</u> weeks.

<u>Member (J)</u>

dnk.

O.A. No. 951/2018 (SB)

Shri P.J. Mehta, Id. counsel holding for Shri G.N. Khanzode, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1&3. Await service of R-2.

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

## Member (J)

dnk.

O.A. No. 377/2019 (SB)

Shri P.J. Mehta, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

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

S.O. one week.

Member (J)

dnk.

O.A. No. 401/19 with C.A.240/19 (SB)

None for the applicant. Heard Shri V.A. Kulkarni, Id. P.O. for R-1 to 3 and Shri S.N. Gaikwad, Id. counsel for R-4 (Intervener).

#### Heard. Admit.

The Id. P.O. waives notice for R-1 to 3.

S.O. 7/10/2019.

Member (J)

dnk.

O.A. No. 489/2019 (SB)

There is a leave note from the Bharat Kulkarni, learned counsel for the applicant. Shri V.A. Kulkarni, ld. P.O. for the respondents.

The learned P.O. files reply on behalf of R-2 to 5. It is taken on record.

S.O. 9/10/2019.

Member (J)

dnk.

O.As. 700,701,703,704,705 & 706 of 2019. (SB)

Shri N.R. Saboo, Id. counsel for the applicants and Shri S.A. Sainis, Id. P.O. for R-1 to 3. Await service of R-4.

At the request of Id. P.O., <u>S.O. two</u> weeks for filing reply.

Member (J)

dnk.

O.A. No. 702/2019 (SB)

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1. Await service of R-2.

2. Shri S.P. Palshikar, ld. counsel appears on behalf of R-3 and submitted that he has already filed reply of R-3 along with Vakalatnama.

3. The learned P.O. is directed to file reply positively on 3/10/2019.

#### S.O. 3/10/2019.

#### Member (J)

dnk.

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

Ms. M. Mudliar, Id. counsel holding for Shri S.M. Patrikar, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1&2 and Smt. J.J. Alkari, Id. counsel for R-3&4. None for R-5.

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

Member (J)

dnk.

O.A. No. 160/18 (SB)

Shri A.Y. Kapgate, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1&2 and none for R-3.

At the request of Id. P.O., <u>S.O. four</u> weeks along with O.A.161/18.

Member (J)

dnk.

O.A. No. 161/18 (SB)

Shri A.Y. Kapgate, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1&2 and none for other respondents.

At the request of Id. P.O., <u>S.O. four</u> weeks along with O.A.160/18.

Member (J)

dnk.

O.A. No. 387/19 (SB)

Shri C. Rohankar, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

At the request of learned counsel for the applicant, the matter be kept <u>on 24/9/2019 at</u> <u>3.00 p.m.</u>

Member (J)

dnk.

O.A. No. 919/18 (SB)

The applicant in person absent. Heard Shri A.M. Ghogre, Id. P.O. for the respondents.

## S.O. four weeks.

Member (J)

dnk.

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

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., <u>S.O. two</u> weeks.

Member (J)

dnk.

O.A. No. 71/16 (SB)

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

The matter be kept in the next weekly hearing parties board.

Member (J)

dnk.

O.A. No. 240/16 (SB)

## <u>C.A.301/2017 -</u>

Heard Shri B. Dafle, ld .counsel for the applicant and Shri M.I. Khan, ld. P.O. for the respondents.

For the reasons stated in the application, the C.A. No.301/17 is allowed.

<u>O.A.240/2016</u> -

S.O. 1<sup>st</sup> week of October,2019.

Member (J)

dnk.

O.A. No. 730/16 (SB)

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

The matter be kept in the next weekly hearing parties board.

<u>Member (J)</u>

dnk.

O.A. No. 732/16 (SB)

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

The matter be kept in the next weekly hearing parties board.

<u>Member (J)</u>

dnk.

O.A. No. 99/17 (SB)

Heard Shri S.U. Bhuyar, 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. 7/10/2019**.

Member (J)

dnk.

O.A. No. 142/17 (SB)

Heard Shri S.P. Palshikar, ld. counsel for the applicant and Shri S.A. Sainis, ld. P.O. for the respondents.

The matter be kept in the next weekly hearing parties board.

Member (J)

dnk.

O.A. No. 202/17 (SB)

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

The matter be kept in the next weekly hearing parties board.

<u>Member (J)</u>

dnk.

O.A. No. 265/17 (SB)

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

The matter be kept in the next weekly hearing parties board.

<u>Member (J)</u>

dnk.

O.A. No. 412/17 (SB)

Heard Shri R.V. Shiralkar, ld .counsel for the applicant and Shri A.M. Khadatkar, ld. P.O. for R-1 to 3. None for R-4.

# S.O. 14/10/2019 (PH).

## Member (J)

dnk.

O.A. No. 527/17 (SB)

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

The matter be kept in the next weekly hearing parties board.

Member (J)

dnk.

O.A. No. 784/17 (SB)

Shri S.U. Bhuyar, Id. counsel for the applicant and shri S.A. Sainis, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 11/10/2019**.

Member (J)

dnk.

O.A. No. 982/17 (SB)

None for the applicant. Shri S.A. Sainis, Id. P.O. for R-1 to 3 and Shri N. Majithia, Id. counsel for R-4&5.

## S.O. 15/10/2019.

## Member (J)

dnk.

O.A. No. 82/18 (SB)

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

The matter be kept in the next weekly hearing parties board.

<u>Member (J)</u>

dnk.

O.A. No. 943/17 (SB)

Shri Pranay Rathi, ld. counsel holding for Shri P.D. Meghe, ld. counsel for the applicant, Shri M.I. Khan, ld .P.O. for R-1 to 3 and none for R-4.

The learned counsel for the applicant files rejoinder. It is taken on record. Copy is supplied to the other side.

At the request of learned counsel for the applicant, **S.O. 26/9/2019**.

#### Member (J)

dnk.

O.A. No. 770/19 (SB)

Heard Shri P.S. Wathore, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the State.

2. It is contention of the applicant that vided order dated 13/06/2018 the applicant was transferred from Ramtek, District Nagpur on the ground that there were complaints against the applicant, but posting was not given to the applicant. The applicant challenged that transfer order in O.A.424/18. In that proceeding order was passed on 18/6/2018 and it was directed to maintain status-quo till next date of hearing. It is submitted that lateron the applicant was placed under suspension vide order dated 30/8/2018 and during period of suspension his head quarter was Civil Hospital, Chandrapur. The applicant is challenging the impugned order dated 19/9/2019. By this order, the respondent no.1 revoked the suspension of the applicant and posted him at Rural Hospital, Audha Nagnath, District Hingoli as Medical Superintendent. It is submission of the applicant that during period of suspension, he was not paid subsistence allowance or any monetary benefits to which he was entitled as per the service rules and disregarding the order of status-quo the present order is passed. In these circumstances, it is contention of the applicant that the order of transfer dated 19/9/2019 be stayed and during pendency of this application, the respondents be directed to allow the applicant to resume duty as before his suspension at Ramtek.

3. After hearing the submissions of the applicant and perusing the documents, it seems that in pursuance of the complaint there was inquiry, the matter was enquired by the The Members of the Committee Committee. were divided and some Members formed a view that it was not a complaint pertaining to the harassment of the lady at the work place, but Members arrived to the contrary some conclusion. It appears that the applicant is seeking mandatory injunction order ex-party and such relief can be granted only in rarest of the rarest cases. As the applicant was under suspension and his headquarter was at Chandrapur, it was necessary for the applicant to report at his head quarter during the period of suspension, because, that Authority was competent to draw the suspension allowance. It is not clear whether the applicant reported to the Civil Surgeon, Civil Hospital, Chandrapur during the period of the suspension. It is

contention of the respondents that as per the policy decision taken by the Government that the Government servant who is placed under suspension and who is facing the departmental inquiry, should not be posted in the same area where alleged misconduct was committed by him.

4. Under these circumstances, it is not suitable to grant ex-party relief in this matter and therefore I direct to issue notice to R-2 to 6, returnable <u>after two weeks</u>. 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.

 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. 768/19 (SB)

# <u>Coram</u> : Hon. Shri A.D. Karanjkar, Member (J). Dated : 23.09.2019

Heard Shri A.P. Sadavarte, ld. counsel for the applicant and Shri A.P. Potnis, ld. P.O. for the State.

2. It is grievance of the applicant that vide order dated 20/2/2019 she was transferred as Sub Divisional Officer, Ralegaon, District Yavatmal. Thereafter, she completed the Training and after completion of her Training, the applicant resumed her duty at Ralegaon. The applicant received order dated 20/9/2019 by

which the applicant came to be transferred from Ralegaon to Yavatmal on the post of Dy. Collector, Bembala Project. It is submitted that the transfer order is premature and the Divisional Commissioner, Amravati who issued the transfer order, had no authority in law to transfer the applicant.

3. It is also contended by the applicant that vide order dated 20/9/2019 Shri Shailesh Kale, the respondent no.4 was posted as Sub Divisional Officer, Ralegaon, District Yavamtal and thereafter second order was passed on 21/9/2019 by which the respondent no.5, the Dy. Collector (Land Acquisition), Washim was transferred to Ralegaon, District Yavatmal as Sub Divisional Officer and the respondent no.4 was transferred to Yavatmal as Dy. Collector (Revenue). It is submitted that this is malafide exercise of jurisdiction and the impugned order are in contravention of law, therefore, the impugned order be stayed. It is submitted that the applicant is yet no relieved from the post and therefore there is no hurdle in granting interim relief to the applicant.

4. I have perused the impugned order dated 20/9/2019. In para-2, it is specifically mentioned that unilateral decision was taken by the Divisional Commissioner, Amravati and he relieved the applicant from the duty. Secondly, in para-3 of the order, it was directed that the applicant should hand over her detailed charge of the post to other officer and shall join the new posting within 24 hours. In para-4 it is again

cleared that the said transfer was in pursuance of the Election Programme for the elections of Legislative Assembly,2019 and on failure to obey the order, would be the offence under the People's Representative Act,1950 and would take action as per the Maharashtra Civil Services (Disciplinary & Appeal) Rules,1979. After reading clause-2 of the order, it is clear that the applicant is already relieved from the duty. The law is time to time explained by the Hon'ble Apex Court that the Government

servant who is transferred shall obey the transfer order promptly and he may challenge the legality of the order in the Court or Tribunal. Though it is contended that the respondent no.2 has no authority in law to transfer the applicant, but it appears that the reference in the transfer order is given that as per the direction received from the Government of Maharashtra, Revenue and Forest Department dated 9/9/2019 and direction received from the Election Commission, the order was issued. In view of this, in my opinion it is not suitable to grant any interim protection at this stage. The applicant may resume the duty without prejudice her right to challenge the legality of the transfer orders.

Issue notice to R-2 to 5, returnable <u>after</u>
<u>two weeks</u>. Learned P.O. waives notice for R 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 <u>three days</u> and if service report on affidavit is not filed <u>three days</u> 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.

\*