

O.A. 468/2017 (S.B.)

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

Dated : 09/12/2019.

Shri R.V. Shiralkar, Id .counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1&2 and Shri S.A. Puranik, Id. counsel holding for Shri N.S. Khandewale, Id. counsel for R-3.

The Id. counsel for R-3 submitted that reply is ready and one time is required to file the same on record. One week time is granted. The Id. counsel for R-3 is directed to file reply to the other sides well advance.

S.O. one week.

Vice-Chairman

dnk.

O.A. 958/2018 (S.B.)

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

Dated : 09/12/2019.

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

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

Put up along with other connected
matters.

Vice-Chairman

dnk.

O.A. 959/2018 (S.B.)

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

Dated : 09/12/2019.

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

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

Put up along with other connected
matters.

Vice-Chairman

dnk.

O.A. 284/2019 (S.B.)

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

Dated : 09/12/2019.

C.A. 164/2019 -

None for the applicants. Heard Shri M.I. Khan, Id .P.O. for R-1 to 5. None for R-6.

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. is disposed of accordingly.

O.A. 284/2019 –

None for the applicants. Heard Shri M.I. Khan, Id .P.O. for R-1 to 5. None for R-6.

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

Put up along with other connected matters.

Vice-Chairman

dnk.

O.A. 616/2019 (S.B.)

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

Dated : 09/12/2019.

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

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

Vice-Chairman

dnk.

O.A. 881/2019 (S.B.)

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

Dated : 09/12/2019.

None for the applicant. Shri A.M. Khadatkar, Id .P.O. for R-1. Await service of R-2 to 4.

S.O. four weeks.

Vice-Chairman

dnk.

O.A. 877/2019 (S.B.)

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

Dated : 09/12/2019.

Heard Shri I. N. Choudhari, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

2. As pointed out by the learned CPO, the applicant has made revision application before the respondent no.2. The respondent no.2 is directed to decide the applicant's revision application within two months from the date of this order.

3. With this direction, the O.A. stands disposed of. No order as to costs.

Vice-Chairman

dnk.

O.A. 886/2019 (S.B.)

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

Dated : 09/12/2019.

Shri R.V. Shiralkar, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

The Id. counsel for the applicant submitted that the respondents are served and he will file service affidavit before the next date.

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

Vice-Chairman

dnk.

O.A. 527/2019 (S.B.)

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

Dated : 09/12/2019.

Heard Shri S.M. Khan, 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 the respondents. It is taken on record. Copy is served on the applicant.

Heard. Admit.

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

S.O. After Vacation.

Vice-Chairman

dnk.

O.A. 268/2018 (S.B.)

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

Dated : 09/12/2019.

Shri K.A. Masorke, 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. Next week.**

Vice-Chairman

dnk.

O.A. 982/2018 (S.B.)

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

Dated : 09/12/2019.

Heard Shri Pranay Rathi, Id. counsel holding for Shri P.D. Meghe, Id .counse lfor the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. one week** to produce documents as mentioned in para-3 of the order dated 25/11/2019.

S.O. one week.

Vice-Chairman

dnk.

O.A. 70/2016 (S.B.)

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

Dated : 09/12/2019.

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

Closed for orders.

Vice-Chairman

dnk.

O.A. 88/2016 (S.B.)

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

Dated : 09/12/2019.

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

2. The learned counsel for the applicant submits that the O.A.No. 165/2015 was heard in this Tribunal only and many Citations and G.Rs. are filed in that O.A. and he desires to go through it and rely on that matter.

3. In view thereof the O.A.165/2015 be tagged along with this O.A. on the next date of hearing.

S.O. 12/12/2019.

Vice-Chairman

dnk.

O.A. 334/2019 (S.B.)

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

Dated : 09/12/2019.

Heard Shri G.D. Asole, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the respondents.

2. The learned counsel for the applicants desires regularisation of Van Majurs as per the G.R. dated 16/10/2012 (A-1(b),P-59). He pointed out requirement of the G.R. at page no.60 wherein in para-1 the period has been taken from 1/11/1994 to 30/6/2004 and every year the applicants should have worked for 240 days continuously or with breaks. However in para-2 it is clarified that this 240 days period should be only under plan or non-plan Scheme of Forest Department and not EGS or schemes like EGS Scheme. The learned P.O. desires four weeks time to clarify in this regard.

3. The learned P.O. is directed to clarify whether the applicants fulfil this criteria or not.

S.O. four weeks.

Vice-Chairman

dnk.

O.A. 343/2019 (D.B.)

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

Dated : 09/12/2019.

Shri K.K. Kadu, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

At the request of Id. learned counsel for the applicant, **S.O. 17/12/2019.**

Member (J)

Vice-Chairman

dnk.

O.A. 78/2017 (D.B.)

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

Dated : 09/12/2019.

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

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

Member (J)

Vice-Chairman

dnk.

O.A. 762/2019 (D.B.)

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

Dated : 09/12/2019.

None for the applicant. Shri H.K. Pande,
Id. P.O. for R-1. Await service of R-2 to 4.

S.O. After Vacation.

Member (J)

Vice-Chairman

dnk.

O.A. 115/2019 (D.B.)

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

Dated : 09/12/2019.

Heard the applicant in person and Shri A.M. Khadatkar, Id. P.O. for the respondents.

The learned P.O. files reply on behalf of R-1&2. It is taken on record. Copy is served on the applicant. It is submitted that reply of R-1&2 is to decide the O.A.

The matter is admitted and it be kept for final hearing.

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

In the meantime the applicant is at liberty to file rejoinder, if any.

S.O. four weeks.

Put up along with O.A.908/2018.

Member (J)

Vice-Chairman

dnk.

O.A. 908/2018 (D.B.)

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

Dated : 09/12/2019.

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

S.O. four weeks.

Put up along with O.A.115/2019.

Member (J)

dnk.

Vice-Chairman

O.A. 754/2015 (D.B.)

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

Dated : 09/12/2019.

C.A.141/2016 -

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

2. By this C.A., the applicant is seeking permission to file application for Contempt Petition. For the reasons stated in the application, the C.A. is allowed..

C.P. St.556/2016 in O.A. 754/2015 –

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

S.O. After Vacation.

Member (J)

Vice-Chairman

dnk.

O.A. 882/2019 (D.B.)

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

Dated : 09/12/2019.

None for the applicant. Shri A.M. Khadatkar, Id .P.O. for R-1 to 3. None for R-4 to 8.

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

Member (J)

Vice-Chairman

dnk.

C.P. 23/2018 in O.A. 480/2016(D.B.)

(P.W. Salve Vs. State of Maharashtra)

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

Dated : 09/12/2019.

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

2. It is submitted that the proposal is forwarded to comply the order. Two weeks time is granted to the respondents to make specific submission before the Bench regarding the steps taken for complying the order.

S.O. 03/01/2020.

Steno copy is granted to the Id. P.O...

Member (J)

Vice-Chairman

dnk.

O.A. 245/2018 (D.B.)

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

Dated : 09/12/2019.

Shri M.R. Pillai, Id .counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1 to 4. None for R-5.

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

Member (J)

Vice-Chairman

dnk.

O.A. 972/2019 (D.B.)

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

Dated : 09/12/2019.

Heard Shri R.V. Shiralkar, Id .counsel for the applicant and Shri M.I. Khan, Id .P.O. for the State.

2. It seems that as per the merit the applicant was at Sr.No.4 in Open Sport quota, there were 22 posts reserved for Open Sport category. It is grievance of the applicant that as per the advertisement, it was necessary to produce the sport certificate validity report and it should be before 15/7/2017. It is submitted that the applicant submitted his documents to the Competent Authority which were forwarded on 16/6/2017, but he could not receive the validity certificate as it is issued on 2/8/2017. When the applicant learnt that the respondents were not intending to appoint him, he informed the respondents that the same issue was decided in O.A.635/2018 between **Shri Suraj Prakashrao Shinde Vs. The Secretary, MPSC & Ors.** on 19/11/2018 and it was held that such condition imposed in the advertisement was itself illegal. It is further contended that the same view is taken in O.A. No.732/2018 in case of **Nisar**

Musa Pathan Vs. State of Maharashtra & Ors.

and the O.A. No.554/2018 in case of **Kunal Sukhram Meshram Vs. State of Mah. & Ors.**

In view of the settled law, we have no hesitation in directing the respondents to consider the case of the applicant in view of the Judgments delivered in the O.As. which are discussed above and till the decision, the respondents are directed to keep one post vacant in Open Sport category. The respondents are directed to take decision within four weeks.

3. Issue notice to R-2 & 3, returnable **after four weeks**. Learned C.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.

S.O. after four weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 508/2018 with C.A. 213/19 (D.B.)

(P.B. Kamble Vs. State of Maharashtra)

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

Dated : 09/12/2019.

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

2. The Id. P.O. is directed to produce the Muster Roll, Cash Book of Primary Health Center, Meghala of the year 1998 to 2005 or the payment register to temporary appointed seasonal spray workers.

S.O. two weeks.

Steno copy is granted to the Id. P.O...

Member (J)

Vice-Chairman

dnk.

O.A. 981/2018 (D.B.)

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

Dated : 09/12/2019.

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

The Id. counsel files rejoinder on behalf of the applicant. It is taken on record. Copy is served to the other side.

The Id. P.O. submitted that he would seek instructions from the Department. At his request, **S.O. After Vacation.**

Member (J)

Vice-Chairman

dnk.

O.A. No. 341 of 2019 (D.B.)

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

Dated : 09/12/2019.

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

2. The applicant is challenging his dismissal from the service. It is submitted that vide order dated 17/4/2019 the respondent no.4 exercised powers under Article 311 (2) (b) of the Constitution of India and straight way dismissed the applicant from the service. It is submitted that the order of dismissal is passed without following the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 (in short "MCS (D&A) Rules,1979") and in the order no reasonable cause is shown as to why it was necessary to dispense with the disciplinary inquiry as contemplated under Rule 8 of the MCS (D&A) Rules,1979.

3. We have perused the order. In the order it is mentioned that the disciplinary authority, the respondent no.4 examined the papers of the ACB case and came to the conclusion that no one would come forward to dispose against the

applicant and therefore it was not suitable to conduct the inquiry.

4. In this case it is surprising to note that the letter was written by the Dy. Superintendent of Police (ACB), Nagpur on 15/4/2019 to the Senior Police Inspector, Police Station, Ramtek, District Nagpur. It was mentioned that the applicant accepted bribe Rs.25,000/- and therefore offence under Sections 7, 7 (A) of the Prevention of Corruption Act,1988 be registered against him. The copy of the FIR is at Annex-A-3 and it seems that on 15/4/2019 offence under the Prevention of Corruption Act was registered against the applicant at Police Station, Ramtek. It is pertinent to note that when the case was filed against the applicant and offence was registered under the Prevention of Corruption Act, at least there was evidence of the Officers on establishment of ACB, Nagpur who raid the trap. In view of these facts, the observation made by the respondent no.4 that, no witness would come forward against the applicant is without having any substance.

5. Though power is confirmed on the disciplinary authority to dispense with the inquiry contemplated in the Service Rules, but such power is to be exercised only in rare cases. It is nowhere mentioned in the order that why it was not reasonably practicable to conduct the disciplinary inquiry as provided in the Service Rules. After reading this order, we are unable to

accept that there was a reason to exercise power under Article 311 (2) (b) of the Constitution of India. Hence, the order impugned is hereby set aside. The respondents are at liberty to take action as per the rules applicable to the applicant.

6. In view thereof, the O.A. stands disposed of. No order as to costs.

Member (J)

Vice-Chairman

dnk.

O.A. No. 342 of 2019 (D.B.)

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

Dated : 09/12/2019.

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

2. The applicant is challenging his dismissal from the service. It is submitted that vide order dated 17/4/2019 the respondent no.4 exercised powers under Article 311 (2) (b) of the Constitution of India and straight way dismissed the applicant from the service. It is submitted that the order of dismissal is passed without following the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 (in short "MCS (D&A) Rules,1979") and in the order no reasonable cause is shown as to why it was necessary to dispense with the disciplinary inquiry as contemplated under Rule 8 of the MCS (D&A) Rules,1979.

3. We have perused the order. In the order it is mentioned that the disciplinary authority, the respondent no.4 examined the papers of the ACB case and came to the conclusion that no one would come forward to dispose against the

applicant and therefore it was not suitable to conduct the inquiry.

4. In this case it is surprising to note that the letter was written by the Dy. Superintendent of Police (ACB), Nagpur on 15/4/2019 to the Senior Police Inspector, Police Station, Ramtek, District Nagpur. It was mentioned that the applicant accepted bribe Rs.25,000/- and therefore offence under Sections 7, 7 (A) of the Prevention of Corruption Act,1988 be registered against him. The copy of the FIR is at Annex-A-3 and it seems that on 15/4/2019 offence under the Prevention of Corruption Act was registered against the applicant at Police Station, Ramtek. It is pertinent to note that when the case was filed against the applicant and offence was registered under the Prevention of Corruption Act, at least there was evidence of the Officers on establishment of ACB, Nagpur who raid the trap. In view of these facts, the observation made by the respondent no.4 that, no witness would come forward against the applicant is without having any substance.

5. Though power is confirmed on the disciplinary authority to dispense with the inquiry contemplated in the Service Rules, but such power is to be exercised only in rare cases. It is nowhere mentioned in the order that why it was not reasonably practicable to conduct the disciplinary inquiry as provided in the Service Rules. After reading this order, we are unable to

accept that there was a reason to exercise power under Article 311 (2) (b) of the Constitution of India. Hence, the order impugned is hereby set aside. The respondents are at liberty to take action as per the rules applicable to the applicant.

6. In view thereof, the O.A. stands disposed of. No order as to costs.

Member (J)

Vice-Chairman

dnk.
* *

O.A. 968/2019 (D.B.)

(S.N. Puri Vs. State of Maharashtra)

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

Dated : 09/12/2019.

Heard Shri Ashok Raghute, Id .counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. It is apprehension of the applicant that he may not be considered for promotion and therefore this O.A. is filed by the applicant. It is submitted that as per the G.R. dated 2/4/1976 and G.R. dated 8/3/2017, the applicant is entitled for promotion and direction be given to the respondents to consider / recommend name of the applicant though the disciplinary proceeding and criminal proceeding are pending against the applicant.

3. It is admitted that disciplinary enquiry and criminal proceeding are pending against the applicant, the learned counsel for the applicant has submitted that the other Officer is considered for promotion though disciplinary enquiry and criminal proceeding are pending against him. In view of the matter, we think it suitable to direct the respondents to consider the

case of the applicant in view of the G.R. dated 15/12/2017 and examine his case in the DPC.

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

Steno copy is granted to the Id. CPO...

Member (J)

Vice-Chairman

dnk.

C.P. 06/2019 in O.A. 112/2008 (D.B.)

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

Dated : 09/12/2019.

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. Dr. Dilip Patil- Bhujbal, Superintendent of Police, Buldhana appeared in person. The Officer has filed the apology on Affidavit. It is mentioned that the para nos.3,7,8,9,10,11,12 & 13 in the disputed appointment order are immediately withdrawn and the Officer has expressed that he has regret about the allegations. In view of this, we do not wish to proceed further with the matter.

3. The learned counsel for the applicant submitted that only part of the order is complied with by issuing appointment order to the applicant, but 50% back wages are not paid. In this respect, we direct that the remaining part of the order be complied within three months.

S.O. after three months.

Member (J)

Vice-Chairman

dnk.

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

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

Dated : 09.12.2019

Smt. P.T.Joshi learned Advocate for the applicant and Shri S.A.Sanis, Id. P.O. for the respondents.

Learned P.O. appearing for all respondents requested for time for filing affidavit in reply. Time is granted.

S.O. four weeks.

Member (J)

yuk

O.A.No.255/19, 256/19, 257/19 & 258/19(SB)

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

Dated : 09.12.2019

Shri D.P.Dapurkar Id. Advocate holding for Shri Y.P.Kaslikar learned Advocate for the applicant and Shri A.M.Ghogre, Id. P.O. for the respondents in respective O.As.

Learned P.O. requested 2 weeks' time for filing affidavit in reply. Time is granted.

S.O. after vacation.

Member (J)

yuk

O.A.No.437/2019 (SB)

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

Dated : 09.12.2019

Shri Bharat Kulkarni learned Advocate for the applicant and Shri H.K.Pande Id. P.O. for the respondents.

Ld. P.O. seeks time to file reply. Time is granted.

S.O. after vacation.

Member (J)

yuk

O.A.No.455/2019 (SB)

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

Dated : 09.12.2019

Shri A. Pankule Id. Advocate for the applicant and Shri M.I.Khan Id. P.O. for the respondent nos.1 to 4. None appears for respondent nos.5, 6 & 7.

At the request of Id. Advocate for the applicant, S.O. 2 weeks.

Member (J)

yuk

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

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

Dated : 09.12.2019

Shri G.G.Bade learned Advocate for the applicant and Shri A.M.Khadatkar Id. P.O. for the respondents.

At the request of Id. Advocate for the applicant, S.O. 2 weeks.

Member (J)

yuk

O.A.No.665/2019 **(SB)**

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

Dated : 09.12.2019

Smt. D.I.Charlewar Id. Advocate for the applicant and Shri P.N.Warjurkar Id. P.O. for the respondents.

Ld. Advocate for respondent no.3 submitted that he would file reply in the course of the day.

Ld. P.O. appearing for respondent nos.1 and 2 requested for time for filing affidavit in reply.

S.O. after vacation.

Member (J)

yuk

O.A.No.780/2019 **(SB)**

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

Dated : 09.12.2019

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

At the request of Id. P.O., S.O. after
vacation.

Member (J)

yuk

C.A.426/2019 IN O.A.No.885/2019 (SB)

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

Dated : 09.12.2019

Heard Shri A.D.Mehta learned Advocate for the applicant and Shri A.M.Ghogre Id. P.O. for the respondents.

Perused the impugned order dated 09-09-2019. It seems that as the post at Bhandara is abolished, consequently, the applicant is transferred at Amravati. In such circumstances, it is desirable that the applicant should join duty as per order dated 09-09-2019. It is insistence of the applicant that there is one post available at Gondia and he be permitted to join at Gondia. In my opinion, at this stage, this request of the applicant cannot be accepted. Therefore, keeping this O.A. pending the applicant may resume duty at Amravati.

Respondents are directed to file their reply within 4 weeks. S.O. 4 weeks.

Member (J)

yuk

O.A.No.951/2019 (SB)

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

Dated : 09.12.2019

Shri D.P.Dapurkar learned Advocate for the applicant and Shri S.A.Sanis Id. P.O. for the respondents.

Learned Advocate for the applicant submitted that the service report is filed by him in the Registry. Learned P.O. requested 3 weeks' time for filing reply.

It is submission of learned Advocate for the applicant that the representations of the applicant are pending with the respondents and are not yet decided.

Respondents are directed to decide the representations dated 26-03-2019, 09-04-2019 and 14-07-2019 till next date.

S.O. 3 weeks.

Member (J)

yuk

O.A.No.414/2019 (SB)

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

Dated : 09.12.2019

Heard Shri G.S.Bhagde learned Advocate for the applicant, Shri A.M.Ghogre Id. P.O. for the respondents and Shri V.M.Kulsange Id. Advocate for respondent no.3.

Executive Engineer, Zilla Parishad Works Department has passed order on 13-11-2019, in which it is mentioned that as per the judgment delivered by Hon'ble High Court, applicant is entitled to available Grade Pay of Rs.6600 and such proposal is forwarded to Pay Verification Unit, Amravati.

Respondent no.3 is directed to follow up this matter and pass suitable order after the pay fixation is done as per the Grade Pay Rs.6600. If any amount is recovered from the applicant it be refunded and his pension be fixed accordingly.

O.A. stands disposed of accordingly with no order as to costs.

Member (J)

yuk

O.A.No.883/2019 (SB)

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

Dated : 09.12.2019

Ku. Joshi Id. Advocate holding for Shri V.R.Thote learned Advocate for the applicant and Shrikant Dev, Id. C.P.O. for the respondents.

Ld. Advocate appearing for the applicant submitted that 2 weeks' time is required to file service affidavit. Hence, S.O. after vacation.

Member (J)

yuk

O.A.No.884/2019 **(SB)**

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

Dated : 09.12.2019

Shri S.D.Shukla learned Advocate for the applicant and Shrikant Dev, Id. C.P.O. for the respondents.

Ld. Advocate for the applicant submitted that he would filed service affidavit on the next date. Hence, S.O. after vacation.

Member (J)

yuk

O.A.No.838/2018 (SB)

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

Dated : 09.12.2019

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

Learned P.O. has filed letter dated 28-11-2019 written by Deputy Commissioner/ Member, District Caste Scrutiny Committee, Akola. It is submitted that the order dated 05-11-2019 is complied with and amount of T.A. Bill of Rs.11027/-, on account of transfer an amount of Rs.19057/-, amount of GIS Rs.2,76,138/- and leave encashment amount of Rs.7,39,356/- are paid to the applicant. Matter be kept on next Monday.

S.O. to 16-12-2019.

Member (J)

yuk

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

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

Dated : 09.12.2019

Smt. R.S.Sirpurkar learned Advocate for the applicant and Shri A.M.Khadatkar Id. P.O. for the respondents.

At the request of Id. Advocate for the applicant, S.O. 13-12-2019.

Member (J)

yuk

O.A.No.126/2017 (SB)

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

Dated : 09.12.2019

Smt. D.I.Charlewar learned Advocate for the applicant, Shri V.A.Kulkarni Id. P.O. for the respondents and Shri N. Majithia Id Advocate for respondent no.2 and 3.

At the request of learned Advocate for the applicant, S.O. tomorrow i.e. on 10-12-2019.

Member (J)

yuk

O.A.No.781/2018 **(SB)**

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

Dated : 09.12.2019

Heard Shri V.K.Gulhane learned Advocate for the applicant and Shri H.K.Pande Id. P.O. for the respondents.

Ld. P.O. has filed Office Orders along with letter dated 06-07-2018 written by Principal, I.T.I., Nagbhid, Dist. Chandrapur.

Case is closed for order.

Member (J)

yuk

O.A.No.254/2019 (SB)

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

Dated : 09.12.2019

1. Shri G.R.Sadar learned Advocate for the applicant and Shri A.M.Ghogre Id. P.O. for the respondents.
2. The applicant was transferred vide order dated 31-05-2017 to Murtijapur. It is grievance of the applicant that this order is not cancelled till today but he is not relieved from the office of Buldhana Irrigation Division, Buldhana, Sub Division Malkapur. The applicant has submitted that he sought information under the Right to Information Act and it is informed by the Executive Engineer and Information Officer, Akola Irrigation Division that one post is vacant at Borgaon Manju and one post is vacant at Morna, Branch Kapshi in Akola Irrigation Division.
3. Learned Advocate for the applicant submitted that the applicant is ready to resume duty at either place if it is not possible to post him at Murtijapur. Learned P.O. has submitted that as per the information given by Executive Engineer, Irrigation Division, Akola as 2 posts are vacant, necessary directions may be given to the respondents.

4. Respondents are directed to post the applicant either at Katepurna Project Branch, Borgaon Manju or Morna Branch Kapshi in Irrigation Division, Akola. The order be complied within 4 weeks from the date of this order. O.A. stands disposed of with no order as to costs.

Member (J)

yuk

C.A.No.219/19 IN O.A.No.374/2019 **(SB)**

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

Dated : 09.12.2019

Smt. G.S.Bhagde learned Advocate for the applicant and Shri P.N.Warjurkar Id. P.O. for the respondents.

At the request of learned Advocate for the applicant, S.O. to 16-12-2019.

Member (J)

yuk

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

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

Dated : 09.12.2019

Shri D.P.Dapurkar Id. Advocate holding for Shri V.A.Kothale learned Advocate for the applicant and Shri A.P.Potnis Id. P.O. for the respondents.

Learned Advocate for the applicant submitted that the disciplinary enquiry pending against the applicant is now dropped and no objection certificate is issued to release the pension but it will take some time.

S.O. 4 weeks.

Member (J)

yuk

O.A.No.648/19, 652/19, 653/19, 654/19 &
655/19 **(SB)**

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

Dated : 09.12.2019

Shri G.K.Bhusari learned Advocate for
the applicants and Shri A.M.Ghogre Id. P.O. for
the respondents in respective cases.

At the request of Id. Advocate for the
applicants, S.O. to 12-12-2019.

Member (J)

yuk

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

Dated : 09.12.2019

1. Shri R.V.Shiralkar Id. Advocate for the applicant and Shri S.A.Sanis Id. P.O. for the respondents.
2. The applicant has challenged his transfer from Public Works Department, Sub Division, Malkapur to Zilla Parishad (Public Works) Sub Division, Aheri on the ground that the applicant earlier worked in the aspiring district and now he is transferred to naxalite area. It is his contention that as per the Government Resolution dated 10-12-2012 newly promoted officer should be appointed in naxalite area and as the applicant was promoted in the year 2002, therefore, the posting of the applicant in the naxalite area is contrary to the Government Resolution dated 10-12-2012.
3. It appears from paper book page 32 that the applicant is relieved from duty and he has handed over charge of his post to Shri S.N.Tayade, Assistant Engineer Grade-I, Public Works Sub Division-2, Khamgaon. In this situation, the applicant may resume his duty at Aheri as per the transfer order. He is at liberty to challenge the order of transfer and relieving order.
4. Issue notice to the respondents returnable after vacation.
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.

10. **S.O. after vacation.**

11. Steno copy and hamdust granted.

Member (J)

yuk