

O.A. No. 160/2018 (SB)

**Coram : Hon'ble Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 20.06.2019**

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

2. The learned P.O. submits that he has already filed reply on behalf of respondent no.1. He also submits that reply of R-2 is sufficient for respondent nos. 2 and 3.

3. In this matter the order was passed by this court only and it was ex-party order.

4. In view thereof, this matter be placed before the same Bench **on 27/06/2019 at 3.00 p.m.**

Put up along with O.A.161/2018.

**Vice-Chairman.**

dnk.

O.A. No. 161/2018 (SB)

**Coram : Hon'ble Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 20.06.2019**

Heard Shri A.Y. Kapgate, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 to 3 and Shri S.N. Gaikwad, Id. counsel for R-4 and none for R-5.

2. The learned P.O. submits that he has already filed reply on behalf of respondent no.1. He also submits that reply of R-2 is sufficient for respondent nos. 2 and 3.

3. In this matter the order was passed by this court only and it was ex-party order.

4. The learned counsel for respondent no.4 requested that this matter may be heard before the same Court.

4. In view thereof, this matter be placed before the same Bench **on 27/06/2019 at 3.00 p.m.**

Put up along with O.A.160/2018.

**Vice-Chairman.**

dnk.

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

**Coram : Hon'ble Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 20.06.2019**

Shri A. Ansari, learned counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

At the request of learned P.O.,  
**S.O. 27/06/2019** for filing reply.

**Vice-Chairman.**

dnk.

O.A. No. 825/2018 (SB)

**Coram : Hon'ble Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 20.06.2019**

Shri G.G. Bade, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1,3&4. Await service of R-2.

2. The learned P.O. files reply on behalf of R-3&4. It is taken on record. Copy is served on the applicant.

3. The learned counsel for the applicant submits that he will file service affidavit of respondent no.2 before the next date.

**S.O. two weeks.**

**Vice-Chairman.**

dnk.

O.A. No. 213/2019 (SB)

**Coram : Hon'ble Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 20.06.2019**

Shri G.K. Bhusari, Id. counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1 to 4 and Ms. A. Singh, Id. counsel for R-5.

2. The learned P.O. as well as learned counsel for R-5 requested for time to file reply. Time is granted as prayed for.

3. In the meantime, status-quo order was passed on 25/03/2019 till filing of the reply, the same will also continue till filing the reply.

**S.O. three weeks.**

**Vice-Chairman.**

dnk.

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

**Coram : Hon'ble Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 20.06.2019**

Shri J.H. Jumde, Id. counsel for  
the applicant and Shri S.A. Sainis, 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.

**Vice-Chairman.**

dnk.

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

**Coram : Hon'ble Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 20.06.2019**

Smt. K.N. Saboo, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1. Await service of R-2 to 4.

2. Shri Zinjarde, Id. counsel appears on behalf of R-5 and seeks time to file reply. The Id. P.O. also seeks time to file reply of R-1. Time is granted as prayed for.

3. The learned counsel for the applicant submits that she will file service affidavit of R-2 to 4 during the course for day.

**S.O. four weeks.**

**Vice-Chairman.**

dnk.

O.A. No. 942/2018 (SB)

**Coram : Hon'ble Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 20.06.2019**

Mrs. P.R. Arbat, 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.**  
**three weeks** for filing reply.

**Vice-Chairman.**

dnk.



O.A. No. 315/2019 **(SB)**

**Coram : Hon'ble Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 20.06.2019**

Shri S.D. Chande, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1. Await service of R-2&3.

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

**Vice-Chairman.**

dnk.

O.A. No. 365/2019 (SB)

**Coram : Hon'ble Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 20.06.2019**

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

2. The learned counsel for the applicant has pointed representation of the applicant dated 27/11/2008 (A-1,P-8 to 9). As per relief clause no. 9 (i) the respondents are directed to decide applicant's representation dated 27/11/2008 within four weeks from the date of this order as per existing rules and regulations.

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

**Vice-Chairman.**

dnk.

O.A. No. 367/2019 **(SB)**

**Coram : Hon'ble Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 20.06.2019**

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

2. The learned counsel for the applicant has pointed representation of the applicant dated 03/11/2008 (A-1,P-8 to 9). As per relief clause no. 9 (i) the respondents are directed to decide applicant's representation dated 03/11/2008 within four weeks from the date of this order as per existing rules and regulations.

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

**Vice-Chairman.**

dnk.

O.A. No. 140/2019 (SB)

**Coram : Hon'ble Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 20.06.2019**

**C.A. 221/2019 -**

Heard Shri A.P. Sadavarte, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1 to 4, none for R-5&6 and Shri S.C. Shukla, Id. counsel for Intervener.

2. The learned counsel for the applicant has filed C.A.No.221/2019.

3. The learned counsel for the applicant has filed two citations one in O.A.Nos. 789 & 790 of 2018 decided on 08/10/2018 by this Tribunal only and he has relied on the Judgment on para-4. Similarly, Judgment in O.A. Nos.803,804 & 805 of 2018 decided on 11/10/2018 by this Tribunal, he relied on para-9 in which the status quo was maintained till filing of the reply.

4. The learned counsel for the applicant submits that the present O.A. is similar with those O.As.

5. The learned P.O. seeks two weeks' time to file reply on C.A. as well as on O.A. Shri S.C. Shukla, learned counsel for Intervener wants to become intervening party. He is allowed to file application as Intervener.

6. As decided in previous O.As., the respondents are directed not to take any penal action to revert the applicant till filing of the reply.

7. The prayer clause nos. (i) & (ii) in C.A.No. 221/2019 are allowed.

8. With this direction, the C.A. stands disposed of.

**O.A.140/2019** –

**S.O. three weeks.**

Steno copy is granted.

**Vice-Chairman.**

dnk.

O.A. No. 693/2017 (SB)

**Coram : Hon'ble Shri Shree Bhagwan,  
Vice-Chairman.**

**Dated : 20.06.2019**

Heard Shri S.C. Deshmukh, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. The learned counsel for the applicant has filed G.R. No.JLD/3597/49/prk.kra.229/Part-2/PRS-1, dated 12<sup>th</sup> September, 2003 which is marked as Exh-X for identification. In this G.R. at Sr.No.1 for the posts of Rakshak/Shipai/Paricharak the pay scale is shown as Rs.3050-4590/-. Admittedly, the applicant was appointed on 23/12/1995 as Rakshak as per page no.11 at sr.no. 3 and he was promoted to the post of Clerk as per order dated 28/05/2003 (A-2,P-17) and he joined on the said post on 31/05/2003. In both the posts the pay scale has been shown as Rs. 3050-4590/-

3. The applicant has made representation dated 09/06/2016 (A-5,P-29) to the Additional Director General of

Police & Inspector General of Prisons, Pune. However his application is still pending. The applicant's period of service as Rakshak from 23/12/1995 till 28/05/2003 (A-2,P-17) is about 8 years.

4. The respondents have filed their reply and in para-6.3 they have calculated 1<sup>st</sup> Assured Progressive Scheme of 12 years from 28/05/2003 and granted him 1<sup>st</sup> time bound promotion from 31/05/2015 after taking into consideration 12 years from 28/05/2003.

5. However it seems that the service of the applicant between 23/12/1995 to 28/05/2003 of about 8 years is not considered.

6. The respondents in their reply in para-6.5 have admitted that "*the applicant has made representation dated 09/06/2016 and thereby requesting to grant him 1<sup>st</sup> time bound promotion from 23/12/2007. The said representation is under consideration and it needs to be decided*".

7. In view of above discussions, the respondent no.2, the Additional Director General of Police & Inspector General of Prisons, Pune is directed to decide the applicant's representation dated

09/06/2016 as per their own reply in para no.6.5 within four weeks from the date of this order and communicate to the applicant in writing. The applicant is at liberty to approach to this Tribunal if he is aggrieved by the order.

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

**Vice-Chairman.**

dnk....



**O.A. No.123/2017.**

**(D.B.)**

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

**Dated : 20<sup>th</sup> June 2019.**

**C.A. 18/2019.**

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

2. As per order dated 10<sup>th</sup> June 2019, the Dr. Anoop Kumar Yadav, IAS, Acting Director of Health Services, Mumbai (R.2) who is personally present before this Tribunal and he explained that all the procedure regarding sanction from G.A.D. and M.P.S.C. has been taken. However, the Principal Secretary of the Department is on one month's training at Lal Bahadur Shastri National Academy of Administration, Mussoorie and he will be back within two weeks. He also states that within four weeks dues of the applicant will be paid and same would be communicated to the applicant as early as possible and affidavit will be filed before this Tribunal.

3. If the order is not complied and filed on the next date of hearing, the Principal Secretary of the Department

will be asked to remain present before this Tribunal to explain the delay alongwith Dr. Anoop Kumar Yadav, IAS, Acting Director of Health Services, Mumbai.

4. **S.O. 9<sup>th</sup> July 2019.**

5. Steno copies be provided to both the parties.

Vice-  
Chairman

Dt. 20.6.2019.  
Pdg

**O.A. No.303/2019.**

**(D.B.)**

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

**Dated : 20<sup>th</sup> June 2019.**

**C.A. 172/2019.**

None for the applicants.  
Heard Shri S.A. Deo, the learned  
C.P.O. for the respondent No.5.

2. C.A. No. 172/2019 is filed by  
the Ld. counsel for the applicant to  
sue jointly. C.A.is allowed subject  
to payment of requisite Court fee to  
be paid in the office of this Tribunal.  
C.A. stands disposed of. For this,  
Ld. CPO has no objection.

**O.A. No.303/2019.**

1. Issue notice to respondent  
Nos. 1 to 4 returnable after four  
weeks.

2. Shri S.A. Deo, the learned C.P.O. waives notice for the respondent No.1. Hamdast granted.

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

4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

8. S.O. **four weeks.**

Vice-Chairman

Dt. 20.6.2019.  
Pdg

O.A. No.1003/2018.

(D.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman  
Dated : 20<sup>th</sup> June 2019.**

Heard Shri N.D. Thombre, Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondent Nos.1 to 5. Shri S.P. Kumbhekar, Adv. for R.6.

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

Ld. counsel for R.6 is directed to file reply within two weeks.

S.O. **two weeks.**

Vice-Chairman

Dt. 20.6.2019.  
Pdg

**O.A. No.341/2019.**

**(D.B.)**

**Coram:Shri Shree Bhagwan,**  
**Vice-Chairman**  
**Dated : 20<sup>th</sup> June 2019.**

Heard Shri G.G. Bade, Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondent No.1.

Ld. counsel for the applicant submits that he will file service affidavit of R. 2 to 4 on Monday.

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

Vice-Chairman

Dt. 20.6.2019.  
Pdg

**O.A. No.342/2019.**

**(D.B.)**

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

**Dated : 20<sup>th</sup> June 2019.**

Heard Shri G.G. Bade, Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondent No.1.

Ld. counsel for the applicant submits that he will file service affidavit of R. 2 to 4 on Monday.



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

Vice-Chairman

Dt. 20.6.2019.  
Pdg

**O.A. No.307/2019.**

**(D.B.)**

**Coram:Shri Shree Bhagwan,**  
**Vice-Chairman**  
**Dated : 20<sup>th</sup> June 2019.**

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

Ld. counsel for the applicant has filed pursis dated 14.6.2019 alongwith which he has attached appointment order of the applicant as per directions of this Tribunal dated 30.4.2019 in para 3. Copy of which is supplied to the Ld. P.O. Ld. P.O. seeks time to file reply.

S.O. **two weeks** for filing reply.

Put up this case before the Single Bench.

Vice-Chairman

Dt. 20.6.2019.  
Pdg

**O.A. No.460/2019.**

**(S.B.)**

**Coram:Shri Shree Bhagwan,**  
**Vice-Chairman**  
**Dated : 20<sup>th</sup> June 2019.**

Heard Shri S.G. Jagtap, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondent No.1.

2. The Ld. counsel for the applicant has shown impugned order dated 31.5.2019 (A-1). The applicant is at Sr.No.4 and posted from Command Area Development Authority, Nagpur to Bagh Itiadh Irrigation Sub-Division, Amgaon, Distt. Gondia. He has been posted under respondent No.5 i.e. Sub-Divisional Engineer/Officer, Bagh Itiadh Irrigation Sub-Division, Amgaon, Distt. Gondia. The applicant was deputed from Command Area Development Authority, Nagpur vide order dated 27.4.2018 (A-3) to the office of respondent No.4 i.e. the

Executive Engineer Nagpur Irrigation Division (North), Nagpur.

3. Though, the applicant has completed five years at the place of posting and he was due for transfer, he has also submitted his choice as per Govt. policy as per A-6, Pages 27 & 28). On page No.27, the applicant has given 10 choices. Out of which, 8 choices are for Nagpur and only 2 choices are for Gondia. The transfer order dated 31.5.2019 to the extent of the applicant is stayed till filing of reply.

4. Ld. P.O. is directed to file reply within two weeks.

5. Issue notice to respondent Nos. 2 to 5 returnable after four weeks.

6. Shri M.I. Khan, the learned P.O. waives notice for the respondent No.1. Hamdast granted.

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

8. 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.

9. 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.

10. 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.

11. 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.

12. S.O. **8<sup>th</sup> July 2019.**

13. Steno copies be provided to both the parties.

Vice-Chairman

Dt. 20.6.2019.  
Pdg