

O.A. No. 499/2017 **(SB)**

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

**Dated : 26.06.2019**

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

At the request of learned counsel  
for the applicant, **S.O. 10/07/2019.**

**Member (J)**

dnk.

O.A. No. 73/2017 **(SB)**

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

**Dated : 26.06.2019**

Shri G.G. Bade, Id .counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1 to 4. None for R-5.

At the request of Id. counsel for the applicant, **S.O. 9/7/2019**.

**Member (J)**

dnk.

O.A. No. 292/2018 **(SB)**

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

**Dated : 26.06.2019**

Shri Bharat Kulkarni, Id. counsel holding for Shri S.P. Palshikar, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

At the request of learned counsel for the applicant, **S.O. 10/07/2019.**

**Member (J)**

dnk.

O.A. No. 713/2018 (SB)

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

**Dated : 26.06.2019**

**C.A.232/2019 -**

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

2. For the reasons stated in the application, permission is granted to amend the O.A. In view of this, the C.A. is allowed.

3. The applicant to amend the O.A. and serve the amended copies to the respondents.

**O.A. No. 713/2018 –**

**S.O. two weeks** along with other connected matter.

**Member (J)**

dnk.

O.A. No. 714/2018 (SB)

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

**Dated : 26.06.2019**

**C.A.233/2019 -**

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

2. For the reasons stated in the application, permission is granted to amend the O.A. In view of this, the C.A. is allowed.

3. The applicant to amend the O.A. and serve the amended copies to the respondents.

**O.A. No. 714/2018 –**

**S.O. two weeks** along with other connected matter.

**Member (J)**

dnk.

O.A. No. 118/2019 **(SB)**

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

**Dated : 26.06.2019**

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

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

**Heard. Admit.**

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

**S.O. 15/7/2019.**

**Member (J)**

dnk.

O.A. No. 420/2019 (SB)

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

**Dated : 26.06.2019**

Shri P.K. Bezalwar, Id .counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1. Await service R-2&3.

2. The Id. counsel for the applicant submits that the respondents are served and he will file service affidavit to that effect.

3. The learned P.O. requested three weeks time to file reply. At his request, **S.O. three weeks.**

**Member (J)**

dnk.

O.A. No. 900/2018 **(SB)**

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

**Dated : 26.06.2019**

Shri I.N. Choudhari, Id .counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1 and Shri T.M. Zaheer, Id. counsel for R-2&3.

At the request of Id. counsel for R-2&3, **S.O. two weeks** for filing reply.

**Member (J)**

dnk.



O.A. St.No. 12/2019 **(SB)**

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

**Dated : 26.06.2019**

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

Shri N.W. Almelkar, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

2. The Id. P.O. files reply on behalf of R-5&7 on C.A. It is taken on record. Copy is served on the applicant. It is submitted that reply of other respondents is not necessary.

**S.O. 16/07/2019.**

**Member (J)**

dnk.

O.A. No. 110/2019 **(SB)**

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

**Dated : 26.06.2019**

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

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

**Member (J)**

dnk.

O.A. No. 477/2019 **(SB)**

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

**Dated : 26.06.2019**

**C.A. 229/2019 -**

Heard Shri R.D. Dharmadhikari, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the State.

2. The learned counsel for the applicants submitted that in C.A.222/2019 in O.A. 470/2019 similar situation was examined by this Bench and the order is passed on 25/06/2019. The learned counsel for the applicant requested that similar view be taken in this matter also.

3. In view of the submissions as the facts are identical, therefore, same order is passed as in C.A.No.222/2019 and O.A.No. 470/2019.

**O.A. 477/2019 –**

Heard Shri R.D. Dharmadhikari, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the State.

2. Issue notice to R-2 to 4, returnable **after three 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. Applicants are 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. Applicants are 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.

**S.O. after three weeks.**

Put up along with other connected matters.

**Member (J)**

dnk.

O.A. No. 478/2019 (SB)

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

**Dated : 26.06.2019**

**C.A. 230/2019 -**

Heard Shri R.D. Dharmadhikari, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the State.

2. The learned counsel for the applicants submitted that in C.A.222/2019 in O.A. 470/2019 similar situation was examined by this Bench and the order is passed on 25/06/2019. The learned counsel for the applicant requested that similar view be taken in this matter also.

3. In view of the submissions as the facts are identical, therefore, same order is passed as in C.A.No.222/2019 and O.A.No. 470/2019.

**O.A. 478/2019 –**

Heard Shri R.D. Dharmadhikari, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the State.

2. Issue notice to R-2 to 4, returnable **after three 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. Applicants are 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. Applicants are 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.

**S.O. after three weeks.**

Put up along with other connected matters.

**Member (J)**

dnk.



O.A. No. 479/2019 (SB)

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

**Dated : 26.06.2019**

**C.A. 231/2019 -**

Heard Shri R.D. Dharmadhikari, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the State.

2. The learned counsel for the applicants submitted that in C.A.222/2019 in O.A. 470/2019 similar situation was examined by this Bench and the order is passed on 25/06/2019. The learned counsel for the applicant requested that similar view be taken in this matter also.

3. In view of the submissions as the facts are identical, therefore, same order is passed as in C.A.No.222/2019 and O.A.No. 470/2019.

**O.A. 479/2019 –**

Heard Shri R.D. Dharmadhikari, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the State.

2. Issue notice to R-2 to 4, returnable **after three 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. Applicants are 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. Applicants are 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.

**S.O. after three weeks.**

Put up along with other connected matters.

**Member (J)**

dnk.

O.A. No. 473/2019 (SB)

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

**Dated : 26.06.2019**

Heard Shri I.N. Choudhari, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the State.

2. Issue notice to R-2 to 4, returnable **after two 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 **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.**

**Member (J)**

dnk.

O.A. No. 474/2019 (SB)

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

**Dated : 26.06.2019**

Heard Shri I.N. Choudhari, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the State.

2. Issue notice to R-2 to 4, returnable **after two 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 **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.**

**Member (J)**

dnk.

O.A. No. 201/2018 **(SB)**

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

**Dated : 26.06.2019**

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

2. The matter is partly heard. The learned P.O. is directed to produce the order dated 6/2/2003 by which the applicant was promoted as a Clerk and the copy of representation made by the applicant dated 20/03/2005.

3. **S.O. two weeks. (PH)**

**Member (J)**

dnk.



O.A. No. 452/2018 **(SB)**

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

**Dated : 26.06.2019**

Shri S.S. Bajwa, Id. counsel for the  
applicant and Shri P.N. Warjurkar, Id.  
P.O. for the respondents.

**S.O. 17/07/2019.**

**Member (J)**

dnk.

O.A. No. 476/2019 (SB)

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

**Dated : 26.06.2019**

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the State.

2. There is no dispute that the applicant was due for transfer. Vide order dated 31/5/2019 (A-1,P-9) the applicant was transferred from Bhosa, Range Amgaon to Itkheda, Range Arjuni Morgaon. This order was modified on the same day and instead of Itkheda, Range Arjuni Morgaon, the applicant is now transferred to Umarzari, Wild Life Division, Gondia.

3. So far as the G.R. on which reliance is placed is concerned, the G.R. is directory, it is not mandatory. The Transferring Authority has to run the Department.

4. I have perused page no.43 of the record. Initially it was necessary for the applicant to give at least 10 options as

per his choice for his posting on transfer, but the applicant submitted only three options. It is common experience that there are difficulties before the Transferring Authority while giving postings to so many persons, because, several persons put before the Authority their family difficulties. In view of this material, as the transfer order is not in violation of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (in short "Transfers Act,2005"), I do not see any reason to pass any interim order. The applicant to comply the directions of the Hon'ble Apex Court, he shall obey the transfer order and in due course he may make representation for the desire posting putting before the Authority his grievance.

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

**Member (J)**

dnk.

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O.A. No. 481/2019 (SB)

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

**Dated : 26.06.2019**

Heard Shri A.C. Dharmadhikari, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the State.

2. It is submitted that vide order dated 27/12/2016 the applicant was transferred and posted at Bhandara as Forest Ranger and in pursuance of that order the applicant resumed duty in the month of January, 2017. It grievance of the applicant that in the General Transfers effected in May,2019 he was not considered and now abruptly order came to be passed on 25/06/2019 by which the applicant is transferred from Bhandara to Forest Depot, Navegaon Bandh, District Gondia.

3. The impugned order is mainly attacked on the ground that it is a mid-term transfer and though it is mentioned in the order that the Transferring Authority obtained sanction of his Higher Authorities, but in the transfer order no reasons are disclosed, therefore, it is suitable case to safe guard the interest of the applicant.

4. The learned P.O. has placed before the Bench the letter dated 26/06/2019. In this letter direction was given by the Deputy Conservator of Forests, Bhandara Division, Bhandara to Ku. Sonam G. Dhole, Forest Ranger to take one sided charge of the post. On the basis of this, it is submitted that the applicant is relieved from the duty.

5. In view of above circumstances, it is suitable to issue direction to the respondents not to force the applicant to join his duty at Navegaon Bandh till further orders.

6. In the meantime, issue notice to R-2 to 5, returnable on **02/07/2019**. Learned P.O. waives notice for R-1. Hamdast allowed.

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.

**S.O. 02/07/2019.**

Steno copy is granted.

**Member (J)**

dnk.



O.A. No. 461/2019 (SB)

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

**Dated : 26.06.2019**

**C.A. No. 223/2019 -**

Heard Shri A.P. Chaware, Id. counsel for the applicants and Shri S.A. Deo, Id. for the State.

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. 461/2019 -**

Heard Shri A.P. Chaware, Id. counsel for the applicants and Shri S.A. Deo, Id. for the State.

2. It is submitted that both the applicants are retired pensioners and orders are passed on 28/09/2015 and 26/06/2015 directing to recover amount Rs. 3,37,117/- from applicant no.1 and Rs. 1,73,000/- from applicant no.2. It is

contention of the applicants that in view of the Judgment in case of **State of Punjab Vs. Rafiq Masih, 2015 (4) SCC,334**, both the orders are apparently illegal. The learned counsel for the applicants has placed reliance on the Judgment in Writ Petition No.225/2016 in case of **Dharampal Pandhari & Ano. Vs. State of Maharashtra & Ors.**, decided on 06/04/2016 and on the Judgment in Writ Petition No.695/2016 in case of **Prabhakar S/o More & Ors. Vs. State of Maharashtra & Ors. (2018) 1 AIR Bom R 573.**

3. Whereas, in Writ Petition No.5198/2013 in case of **Vijay Sambrao Bharati Vs. State of Maharashtra & Ors., decided on 17/04/2018** after examining the provisions under Rule 134-A of the Maharashtra Civil Services (Pension) Rules, 1982 the Hon'ble Division Bench has laid down that the State has right to recover the excess amount paid to the Government servant ever after his retirement. After reading Rule 134 (A) of the Pension Rules, it seems that the Government is bound to give reasonable opportunity of hearing to the Pensioners as to why the amount

should not be recovered from him and give him facility to re-pay the amount in installments so that the amount of pension not go below the minimum fixed by the Government.

4. In view of these peculiar circumstances, I direct that future recovery be stayed.

5. In the meantime, issue notice to R-2 and 3, returnable **in two weeks**. Learned P.O. waives notice for R-1. 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. Applicants are 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. Applicants are directed to file Affidavit of compliance and notice.

10. 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. two weeks.**

**Member (J)**

dnk.

O.A. No.932/2017. (D.B.)

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

**Dated : 26<sup>th</sup> June 2019.**

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

At the request of the Ld. counsel for the applicant, S.O. **28<sup>th</sup> June 2019.**

Member (J)

Vice-Chairman

Dt. 26.6.2019.

pdg.

**O.A. (St.) No. 3154/2017.(D.B.)**

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

**Dated : 26<sup>th</sup> June 2019.**

**C.A. 583/2017**

Heard Shri P.V. Thakre, the Ld. counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondent No.1.

2. Issue involved in the O.A. is the applicant was bound to submit MSCIT certificate within a period of two years and as default is committed, his service is terminated vide order dated 13.8.2014. It is submitted that thereafter the applicant made representation to review the order as he had obtained necessary qualification. Representation is rejected. It is submitted that mother of the applicant was ill and he was only earning member in the family. Therefore, delay is caused. Application is opposed by the respondents, mainly on the ground that delay is more than two years and no just explanation is given to condone the delay.

3. It is submitted that necessary certificate was presented by the applicant in the office on 23.2.2012 (P.13) before his termination order dated 13.8.2014 (A-3), but the office raised objection that it was not submitted within a period of two years from the date of appointment. In view of this issue, it is necessary in the interest of justice to hear the O.A. alongwith prayer for condoning the delay. Therefore, we keep that point open. Accordingly C.A. is disposed of.

**O.A. (St.)3154/2017**

It is necessary to issue notice to remaining respondents on the O.A. returnable after **four weeks.**

2. Shri H.K. Pande, the learned 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.**

Member (J)

Vice-Chairman

Dt. 26.6.2019.

pdg.



**O.A. No.1007/2018.**

**(D.B.)**

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

**Dated : 26<sup>th</sup> June 2019.**

Heard Shri S.C. Deshmukh, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents 1 to 3. None for R. 4 and 5.

Ld. P.O. has copy of G.R. dated 13<sup>th</sup> June 2019 of G.A.D. , it is taken on record.

The Ld. counsel for the applicant desires to file certain citations regarding adding other affected parties who are not joined.

**S.O. 5<sup>th</sup> July 2019.**

Member (J)

Vice-Chairman

Dt. 26.6.2019.

pdg.

**O.A. No.652/2015. (D.B.)**

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

**Dated : 26<sup>th</sup> June 2019.**

**C.A. 138/2019.**

Heard Shri C.V. Khadse, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

.Our attention is invited to Annexure A-8 wherein it is specifically held that the sports certificates which were produced by the applicant in the recruitment process were invalidated. The applicant was bound to challenge this decision of respondent No.3 within a period of 15 days by preferring an appeal before the Director of Sports and Youth Services, Pune as per the provisions made in the G.R. dated 6.5.2008. It seems that the applicant did not challenge the decision, invalidating sports

certificate passed by respondent No.3. The situation is so long as certificates are declared invalid by respondent No. 3 and that order is not set aside, the applicant is not entitled for any relief. The Ld. counsel for the applicant has submitted that he would seek necessary instructions from his client. C.A. is allowed and disposed of.

Matter be placed before the Bench for further hearing on **5<sup>th</sup> July 2019.**

Member (J)

Vice-Chairman

Dt. 26.6.2019.

pdg.

O.A. No.961/2018. (D.B.)

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

**Dated : 26<sup>th</sup> June 2019.**

Heard Shri S.G. Karmarkar, the Ld. counsel for the applicant and Shri A.P. Potnis, the learned P.O. for the respondent Nos. 1 to 5. None for R. 6 to 17.

It is brought to our notice that the respondent No.6, though served neglected to submit reply to the O.A.

Matter is admitted for final hearing in due course.

Shri A.P. Potnis, the learned P.O. waives notice for the respondent Nos. 1 to 5.

S.O. **in due course for final hearing.**

Member (J)

Vice-Chairman

Dt. 26.6.2019.

pdg.

**O.A. No.125/2019. (D.B.)**

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

**Dated : 26<sup>th</sup> June 2019.**

**C.A. 71/2019.**

None for the applicants. Shri V.A. Kulkarni, the learned P.O. for the respondent No.1.

Await service to R. 2 and 3.

As per prayer clause, for which the applicants are prosecuting this application, is common. Issues on facts and law are same, therefore, C.A. No.71/2019 is allowed and disposed of.

**O.A. No.125/2019.**

Respondents to file reply to the O.A. in four weeks.

**S.O. four weeks**

Member (J)

Vice-Chairman

Dt. 26.6.2019.

pdg.

O.A. No.147/2018. (D.B.)

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

**Dated : 26<sup>th</sup> June 2019.**

Heard Shri S.K. Hatwar, Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

At the request of Ld. counsel for the applicant, matter be kept for final hearing on **4<sup>th</sup> July 2019.**

Member (J)

Vice-Chairman

Dt. 26.6.2019.

pdg.

**O.A. No.536/2018. (D.B.)**

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

**Dated : 26<sup>th</sup> June 2019.**

**R.A. NO. 21/2019.**

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

2. Our attention is invited to the order dated 13.2.2019 by which direction was given to the Principal Secretary, Public Works Department, Mantralaya, Mumbai to decide the representation dated 7.5.2018 within a period of three months. Now fact is that the Govt. of Maharashtra decided the representation of the applicant vide G.R. dated 13.2.2019. It is contention of the applicant that while passing this order, various grounds raised by the applicant were not considered, so

also law laid down by the High Court was not considered and , therefore, review is necessary.

3. After reading the order dated 13.2.2019, it seems that liberty was given to the applicant to challenge the order which will be passed by the Principal Secretary, Public Works Department on his representation and in view of this specific direction, remedy was available to the applicant to file the O.A. for challenging that decision. Instead of availing that remedy, it is attempt of the applicant to ask this Bench to review the order dated 13.2.2019.

4. In view of the above discussion, as specific liberty was given to the applicant to file O.A. to challenge the decision of Principal Secretary, Public Works Department on his representation, we do not see any merit in the application for review. Hence, the application for review stands dismissed.

Member (J)

Vice-Chairman



Dt. 26.6.2019.

pdg.

**O.A. No.799/2011. (D.B.)**

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

**Dated : 26<sup>th</sup> June 2019.**

Heard Shri Sandeep Tatke, Adv. holding for Shri R.V. Shiralkar, the Ld. counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents 1 to 3. None for R.4.

Shri Sandeep Tatke, Adv. appearing for Shri R.V. Shiralkar, the Ld. counsel for the applicant requests for two weeks' time.

S.O. **two weeks.**

Member (J)

Vice-Chairman

Dt. 26.6.2019.

pdg.

O.A. No.278/2012. (D.B.)

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

**Dated : 26<sup>th</sup> June 2019.**

Heard Shri P.P. Khaparde, Adv. holding for Shri G.G. Bade, the Ld. counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents.

At the request of the Ld. counsel for the applicant, S.O. **9<sup>th</sup> July 2019** for final hearing.

Member (J)

Vice-Chairman

Dt. 26.6.2019.

pdg.

O.A. No.653/2017. (D.B.)

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

**Dated : 26<sup>th</sup> June 2019.**

Heard Shri R.R. Pimpalkhute, the Ld. counsel for the applicants and Shri H.K. Pande, the learned P.O. for the respondents.

At the request of the Ld. counsel for the applicants, case is adjourned to **10<sup>th</sup> July 2019.**

Member (J)

Vice-Chairman

Dt. 26.6.2019.

pdg.

