

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

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

Dated : 26.09.2019

Mrs. D.I. Charlewar, Id. counsel for the applicant and 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. 421/2016 (SB)

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

Dated : 26.09.2019

Shri R.V. Shiralkar, Id. counsel for the applicant and Shri A.P. Potnis, 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. 180/2019 (SB)

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

Dated : 26.09.2019

None for the applicant. Shri A.P. Potnis, Id. P.O. for R-1 to 3 and Shri Saurabh Dubey, Id. counsel holding for Shri V.S. Mishra, Id. counsel for R-4.

At the request of Id. P.O. as well as Id. counsel for R-4, **S.O. three weeks** for filing reply.

Member (J)

dnk.

O.A. No. 676/2017 (SB)

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

Dated : 26.09.2019

Shri N.L. Jaiswal, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 and none for other respondents.

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

Member (J)

dnk.

O.A. No. 943/2017 (SB)

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

Dated : 26.09.2019

Shri P.D. Meghe, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 to 3 and Shri A.S. Chakotkar, Id. counsel for R-4.

S.O. four weeks.

Member (J)

dnk.

O.A. No. 66/2019 (SB)

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

Dated : 26.09.2019

Smt. K.N. Saboo, 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. one week** for filing service affidavit.

Member (J)

dnk.

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

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

Dated : 26.09.2019

None for the applicant. Heard Shri A.P. Potnis, Id. P.O. for R-1 to 4. None for R-5.

The learned P.O. files reply on behalf of R-1&2. It is taken on record.

It is submitted by the Id. P.O. that it is sufficient to decide the matter, therefore, the matter is admitted for final hearing.

The Id. P.O. waives notice for R-1 to 4.

S.O. 9/10/2019.

Member (J)

dnk.

O.A. No. 417/2019 (SB)

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

Dated : 26.09.2019

Shri Bharat Kulkarni, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

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

Heard. Admit.

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

S.O. 9/10/2019.

Member (J)

dnk.

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

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

Dated : 26.09.2019

Shri A. Pankule, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1 to 4. None for other respondents.

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

Member (J)

dnk.

O.A. No. 523/2019 (SB)

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

Dated : 26.09.2019

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

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

Member (J)

dnk.

O.A. Nos. 648, 652,653,654 & 655 of 2019 (SB)

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

Dated : 26.09.2019

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

At the request of Id. P.O., **S.O.**
30/9/2019 for filing reply.

Member (J)

dnk.

O.A. No. 94/2019 (SB)

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

Dated : 26.09.2019

Heard Shri S.G. Jagtap, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1&7 and Shri A.M. Kukday, Id. counsel for R-2 to 6.

2. It is contended by the learned counsel for R-2 to 6 that due to non co-operation of the applicant, the Department is not able to submit the pension case to the A.G. Office. In this situation, the applicant is directed to visit the office and to give co-operation to the Authorities for preparing the pension case.

3. The applicant is directed to visit the office of respondent no.5 on Monday, i.e., on 30/9/2019 for the purposes of compliance.

S.O. two weeks.

Member (J)

dnk.

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

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

Dated : 26.09.2019

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

2. It is submitted that though the applicant joined his post on 29/6/2019, till today the salary is not paid to him. The learned P.O. is directed to seek the instructions from the respondents nos. 3&4.

S.O. 9/10/2019.

Member (J)

dnk.

O.A. No. 501/19 with C.A. 309/19 **(SB)**

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

Dated : 26.09.2019

Heard Shri Bharat Kulkarni, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 to 3 and Shri R.V. Shiralkar, Id. counsel for R-4&5.

The learned counsel for the applicant is directed to produce copy of applicant's relieving order from Gondia office.

S.O. 9/10/2019.

Member (J)

dnk.

O.A. No. 893/2018(DB)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 26.09.2019

Heard Shri S.G. Jagtap, learned counsel for the applicant, Shri A.M. Khadatkar, learned Presenting Officer for respondent Nos. 1 to 4 and Ms. V.V. Tiwari, learned counsel for respondent Nos. 5 to 8.

2. At the request of learned counsel for respondent Nos. 2 to 5, **S.O. three weeks.**

3. Interim relief granted earlier to continue till further orders.

Member (J)

Vice Chairman

kpb.

C.A. 39/2019 in O.A. No.
576/2018(DB)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 26.09.2019

Heard Shri M.R. Rajgure, learned counsel for the applicant and Shri A.M. Khadatkar, learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer, **S.O. four weeks** for filing affidavit in reply on behalf of all respondents.

Member (J)

Vice Chairman

kpb.

C.A. 40/2019 in O.A. No.
590/2017(DB)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 26.09.2019

None for the applicant. Shri A.M. Khadatkar, learned Presenting Officer for respondents.

2. As none present for the applicant,
S.O. two weeks.
3. Await service of respondent No. 2.

Member (J)

Vice Chairman

kpb.

O.A. No. 270/2019(DB)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 26.09.2019

Heard Ms. Shilpa M. Marskolhe, learned Advocate holding for Shri A.P. Sadavarte, learned counsel for the applicant and Shri A.M. Khadatkar, learned Presenting Officer for respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 2 and 5. Same is taken on record and copy thereof has been served on the other side.

3. At the request of learned Presenting Officer, **S.O. four weeks** for filing affidavit in reply on behalf of other respondents.

Member (J)

Vice Chairman

kpb.

C.A. 349/19 & 350/19 in
O.A. St. 1740/2018(DB)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 26.09.2019

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

2. Learned counsel for the applicant submits that the order delivered in O.A. No. 422/2016 of this Tribunal by the Member (J) is squarely covered also to the present O.A.

3. Learned P.O. is directed to study that order passed in O.A. No. 422/2016 on or before the next date of hearing.

4. Learned Advocate for the applicant has submitted that during the course of the day he will file service affidavit of respondent Nos. 2 and 3.

5. **S.O. two weeks**

Member (J)

Vice Chairman

kpb.

C.A. 364/2019 in O.A. No.
583/2019(DB)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 26.09.2019

Heard Shri Bharat Kulkarni,
learned counsel for the applicant and Shri
H.K. Pande, learned Presenting Officer
for respondents.

2. Learned Presenting Officer for the
respondents is directed to file affidavit in
reply to the Civil Application. He is also
directed to submit submissions before
this Bench on the next date mentioning
amounts on account of GPF, GIS, Leave
Encashment, etc. are paid to the
applicant after his retirement.

3. **S.O. to 14.10.2019.**

Member (J)

Vice Chairman

kpb.

O.A. Nos. 921, 320, 321, 322,
323 & 324 all of 2017(DB)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 26.09.2019

None for the applicants in all these O.As. S/shri M.I. Khan, A.M. Khadatkar, V.A. Kulkarni & A.P. Potnis, learned Presenting Officer for respondents in respective O.As.

2. Learned Presenting Officer has submits that he would file affidavit in reply of respondent No. 2 in O.A. No. 921/2017.

3. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 2 in O.A. Nos. 320, 321, 322, 323 & 324 all of 2017. Same is taken on record and copy thereof has been served on the other side.

3. **S.O. three weeks.**

Member (J)

kpb.

Vice Chairman

O.A. Nos. 919/17, 83/17 &
764/2018 (DB)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 26.09.2019

None for the applicants in all these O.As. Shri A.P. Potnis, learned Presenting Officer for respective respondents in all these O.As.

2. Learned Presenting Officer has submits that he would file affidavit in reply of behalf of respondent No. 2 in O.A. No. 919/17.

3. **S.O. three weeks.**

Member (J)
kpb.

Vice Chairman

O.A. No. 313/2019(DB)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 26.09.2019

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

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 2. Same is taken on record and copy thereof has been served on the other side.

3. **S.O. to 16.10.2019.**

4. The O.A. No. 356/2019 is the same matter. Therefore, the O.A. No. 356/2016 should be taken up on board on 16.10.2019 along with the present O.A.

Member (J)

Vice Chairman

kpb.

C.P. 18/2019 in O.A. No.
123/2017(DB)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 26.09.2019

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

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

Member (J)

Vice Chairman

kpb.

C.P. 30/2019 in O.A. No.
794/2017(DB)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 26.09.2019

Heard Shri K.N. Dadhe, learned counsel for the applicant and Shri M.I. Khan, learned Presenting Officer for respondents.

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

Member (J)

Vice Chairman

kpb.

C.P. 11/2019 in O.A. No.
395/2018(DB)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 26.09.2019

Heard Shri S.P. Palshikar, learned counsel for the applicant and Shri A.P. Potnis, learned Presenting Officer for respondents.

2. At the request of learned counsel for the applicant, **S.O. 03.10.2019.**

Member (J)

Vice Chairman

kpb.

C.P. 30/2019 in O.A. No.
794/2017(DB)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 26.09.2019

Heard Shri K.N. Dadhe, learned counsel for the applicant and Shri M.I. Khan, learned Presenting Officer for respondents.

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

Member (J)

Vice Chairman

kpb.

C.P. 31/2019 in O.A. No.
35/2018(DB)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 26.09.2019

Heard Smt. S.W. Deshpande,
learned counsel for the applicant and Shri
P.N. Warjurkar, learned Presenting
Officer for respondents.

2. Learned counsel for the applicant
has submitted that he will file affidavit of
the applicant.

3. **S.O. to 03.10.2019.**

Member (J)

Vice Chairman

kpb.

O.A. No. 650/2019(DB)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 26.09.2019

Heard Shri S.P. Palshikar, learned counsel for the applicant and Shri P.N. Warjurkar, learned Presenting Officer for respondents.

2. Learned Presenting Officer for the respondents is directed to file affidavit in reply positively after two weeks and to show cause by the D.E. not concluded within time limit as per the directions issued by the Hon'ble Apex Court in the case of **Prem Nath Bali Vs. Registrar, High Court of Delhi and another** reported in **(2015) 16 Supreme Court Cases 415**. On failure of the respondents to file affidavit in reply or clarifying the cogent reasons for not completing the enquiry, the matter would be finally decided on the next date.

3. S.O. to 16.10.2019.

4. Steno copy allowed to the Id. P.O.

Member (J)

Vice Chairman

kpb.

C.P. 17/2017 in O.A. No.
687/2014(DB)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 26.09.2019

None for the applicant. Shri H.K.Pande, learned Presenting Officer for respondents.

2. No one is present for the applicant.
3. Learned Presenting Officer has submitted that the entire dues of the applicant are paid.
4. Learned counsel for the applicant is directed to make submission on this contention on the next date.
5. **S.O. two week.**

Member (J)

Vice Chairman

kpb.

C.P. 21/2019 in O.A. No.
361/2017(DB)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 26.09.2019

Heard Shri M.R. Rajgure, learned counsel for the applicant and Shri V.A. Kulkarni, learned Presenting Officer for respondents.

2. Learned presenting Officer has submitted that the Government is intending to challenge the order passed by this Bench and therefore, two weeks time be granted. Time granted.

3. **S.O. two weeks.**

Member (J)

Vice Chairman

kpb.

O.A. No. 464/2018(DB)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 26.09.2019

Heard Shri T. Parmar, learned counsel for the applicant, Shri V.A. Kulkarni, learned Presenting Officer for respondent Nos. 1 & 2 and Shri Madhure Deo, learned Advocate holding of Shri R. Joshi, learned counsel for respondent No. 3.

2. Learned Counsel for respondent No. 3 has submitted that he has not received copy of the affidavit in reply and the copy of the rejoinder affidavit.

3. Learned P.O. and learned counsel for the applicant is directed to serve the copy of the affidavit in reply and copy of the rejoinder affidavit to the learned counsel for respondent No. 3.

4. At the request of learned counsel for respondent No. 3, **S.O. to 09.10.2019.**

Member (J)

Vice Chairman

kpb.

O.A. 779/2019 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 26.09.2019

Heard Smt. Kirti Kapse (Satpute),
learned Advocate for the applicant and Shri
A.P. Potnis, learned Presenting Officer for
respondents.

2. Learned counsel for the applicant has submitted that in response to the advertisement to fill up the post of Junior Accountant, the applicant was submitted an application. It is contention of the applicant that she was possessing qualification as per the advertisement. The applicant successful in the examination and therefore, her name was recorded in the provisional select list. It is submitted by the learned counsel for the applicant that the applicant was called along with her documents for verification and thereafter, vide letter dated 21.08.2019 she was informed that she was not holding required educational qualification. It is contention of the applicant that she was holding the educational qualification as per the advertisement. Therefore, the decision taken by the respondents is illegal and at this stage, the directions be given to the respondents to keep one post vacant.

3. Learned Presenting Officer has submitted that the matter is new and it is necessary to give an opportunity to the respondents to submit their reply.

4. In view of the facts and circumstances, we think that it is suitable to direct the respondents that if any appointment order is made after this date then it shall be subject to final outcome of the present O.A.

5. Issue notice to the respondent, returnable after **four weeks**. Learned P.O. waives notice for R-1. Steno copy and 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.

11. **S.O. four weeks.**

Member (J)

Vice Chairman

Kpb.

O.A. No. 879/2017(DB)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 26.09.2019

Heard Shri S.P. Palshikar, learned counsel for the applicant and Shri V.A. Kulkarni, learned Presenting Officer for respondents.

2. Learned Presenting Officer has filed additional affidavit in reply. Same is taken on record and copy thereof has been served on the other side.

3. S.O. to 09.10.2019.

Member (J)

Vice Chairman

kpb.

O.A. Nos.716 & 732 both of
2017(DB)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 26.09.2019

Heard S/shri T.S. Deshpande and A.S. Deshpande, learned counsel for the applicants in respective O.As., S/shri A.M. Kulkarni and A.P. Potnis, learned Presenting Officer for respondent Nos. 1 and 2 in respective O.As. and Shri V.B. Gawali, learned counsel for respondent No. 3 in both the O.As.

2. Learned Presenting Officer has filed additional affidavit in reply on behalf of respondent No. 2 in O.A. 716/2017. Same is taken on record and copy thereof has been served on the other side.

3. **S.O. 07.10.2019.**

Member (J)

kpb.

Vice Chairman

O.A. No. 675/2019(DB)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 26.09.2019

Heard Shri R.V. Shiralkar, learned counsel for the applicant and Shri Shrikant Deo, learned Chief Presenting Officer for respondents.

2. Learned counsel for the applicant has invited our attention to the order passed by the appellate authority which is at page No. 1115 (Annexure A-16) of the paper book. By this order, the appeal was partly allowed and the punishment of dismissal from the service was set aside. In the said order, it is mentioned that the salary of the applicant be brought down at par with the salary of the Assistant Executive Engineer, Class-I. Learned counsel for the applicant has submitted that it is nowhere mentioned in the impugned order it was in the mind of the appellate authority to revert the applicant to the post of Assistant Executive Engineer, Class-I. It is contention of the

applicant that the respondents are not ready to allow the applicant to join the post of Executive Engineer and therefore, this Act of the respondents is illegal and it cannot be justified on the basis of the order passed in the appeal.

3. It is contention of the learned C.P.O. that the directions are given in the appeal to pay the salary admissible to the post of Assistant Executive Engineer, Class-I to the applicant and in view of this, the applicant cannot claim that he has right to the post of Executive Engineer. It is submitted that as salary admissible to the post of Assistant Executive Engineer, Class-I is to be paid to the applicant, therefore, he cannot be permitted to work on the post of Executive Engineer.

4. Apparently, it is nowhere mentioned in the order that the applicant is reverted to the post of Executive Engineer. Therefore, it cannot be said that it was intention of the appellate authority to reinstate the applicant in the service as Assistant Executive Engineer. It seems that it was intention to pay salary

admissible to the post of Assistant Executive Engineer Grade-I.

5. In view of this, we direct the respondents to allow the applicant to resume the duty as Executive Engineer. It is made clear that the applicant shall not be entitled to claim salary admissible to the post of Executive Engineer.

6. Steno copy allowed to both the parties.

7. S.O. four weeks.

Member (J)

Vice Chairman

kpb.

O.A. No. 686, 704 and 888
all of 2018(DB)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 26.09.2019

None for the applicant. Shri P.N. Warjurkar, learned Presenting Officer for respondent No. 1 & 3. None for respondent Nos. 2 and 4

2. As none present for the applicant, the matters be kept in due course.

Member (J)

Vice Chairman

Later on

2. Shri A.M. Borkar, learned counsel for the applicants is present and seeks time to argue the matters.

3. At his request, S.O. to 30.09.2019.

Member (J)

Vice Chairman

kpb.

O.A. No. 717/2017(SB)

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

Dated : 26.09.2019

C.A. Nos. 64 & 65/2018 :-

Heard Ms. M.P. Munshi, learned counsel for the applicant and Shri V.A. Kulkarni, learned Presenting Officer for respondents.

2. At the request of learned counsel for the applicant , **S.O. 04.10.2019.**

Vice Chairman

kpb.

O.A. No. 560/2018(SB)

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

Dated : 26.09.2019

Heard Shri G.G. Bade, learned counsel 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. two weeks** for filing affidavit in reply.

Vice Chairman

kpb.

O.A. No. 457/2019(SB)

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

Dated : 26.09.2019

Heard Shri G.G. Bade, learned counsel for the applicant and Shri P.N. Warjurkar, learned Presenting Officer for respondents.

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

Vice Chairman

kpb.

O.A. No. 196/2017(SB)

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

Dated : 26.09.2019

Heard Shri A.C. Dharmadhikar
Shri H.K. Pande, learned Presenting
Officer for respondent Nos. 1 and 2. None
for respondent Nos. 3.

2. Learned Presenting Officer has
filed affidavit of respondent No. 2 i.e. the
Collector, Wardha. Same is taken on
record.

3. At the request of learned counsel
for the applicant, **S.O. 27.09.2019.**

Vice Chairman

kpb.

O.A. No. 924/2018(SB)

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

Dated : 26.09.2019

Heard Shri R.V. Shiralkar, learned counsel for the applicant and Shri P.N. Warjurkar, learned Presenting Officer for respondents.

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

Vice Chairman

kpb.

O.A. No. 187/2019(SB)

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

Dated : 26.09.2019

Heard Smt. K.N. Saboo, learned counsel 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. two weeks** for filing affidavit in reply.

Vice Chairman

kpb.

O.A. No. 27/2017(SB)

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

Dated : 26.09.2019

Heard Shri R.A. Haque, learned counsel for the applicant and Shri H.K. Pande, learned Presenting Officer for respondents.

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

Vice Chairman

kpb.

O.A. No. 763/2018(SB)

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

Dated : 26.09.2019

Heard Shri R.A. Haque, learned counsel 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. one week** for filing affidavit in reply.

Vice Chairman

kpb.

O.A. Nos. 708, 831, 832, 833,
834 & 835 all of 2015(**SB**)

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

Dated : 26.09.2019

None for the applicants. S/shri
P.N. Warjurkar, A.P. Potnis, V.A.
Kulkarni, H.K. Pande & M.I. Khan,
learned Presenting Officers for
respondents in respective O.As.

2. As per the order dated 24.11.2016
the applicant was not carried out the
necessary amendment in all the O.As.

3. Hence, the present matters be
listed after amendment in due course.

Vice Chairman

kpb.

O.A. No. 300/2018(SB)

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

Dated : 26.09.2019

Heard Smt. K.N. Saboo, learned counsel for the applicant and Shri M.I. Khan, learned Presenting Officer for respondents.

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

Vice Chairman

kpb.

O.A. No. 71/2017 with C.A.
41/2014(SB)

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

Dated : 26.09.2019

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

2. At the request of learned Presenting Officer for the respondents,
S.O. to 04.10.2019.

Vice Chairman

kpb.

O.A. No. 649/2018(SB)

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

Dated : 26.09.2019

Heard Shri J.C. Shukla, learned counsel for the applicant and Shri A.M. Khadatkar, learned Presenting Officer for respondents.

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

Vice Chairman

kpb.

C.A. 327/19 in O.A. No.
669/2019(SB)

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

Dated : 26.09.2019

None for the applicant. Shri A.P. Potnis, learned Presenting Officer for respondents.

2. As none present for the applicant,

S.O. three weeks.

3. Await service of respondent Nos. 2 and 3.

Vice Chairman

kpb.

O.A. Nos. 677, 678, 679,
680 & 681 all of 2019(SB)

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

Dated : 26.09.2019

Heard Smt. K.N. Saboo, learned counsel for the applicants in all these O.As. and S/shir A.M. Ghogre, A.P. Potnis, H.K. Pande, M.I. Khan and P.N. Warjurkar, learned Presenting Officers for respondents in respective matters.

2. Learned counsel for the applicants has submitted that he will file service affidavit in all these O.As. within a period of one week.

3. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondents in all these O.As.. Time granted.

4. **S.O. three weeks.**

Vice Chairman

kpb.

O.A. No. 494/2019(SB)

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

Dated : 26.09.2019

Heard Smt. S.R. Fulzele, learned counsel holding for Shri S.D. Malke, learned counsel 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 service affidavit of respondent Nos. 2 & 3.

Vice Chairman

kpb.

O.A. No. 329/2019(SB)

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

Dated : 26.09.2019

Heard Shri N.D. Thombre, learned counsel for the applicant, Shri V.A. Kulkarni, learned Presenting Officer for respondent Nos. 1 to 4 and Shri S.C. Deshmukh, learned counsel for respondent No. 5.

2. As per the order dated 26.09.2019, Shri Paturkar, Civil Surgeon, Nagpur is present personally before this Tribunal.

3. Learned Presenting Officer for the respondents has placed on record a copy of letter dated 25.09.2019 issued by the Deputy Director, Health Services, Nagpur. Proper direction has been given for payment from May 2016 till today to be cleared to Dr. S.S. Solanki i.e. the applicant and it will be cleared within a period of three months from the date of this order. However, he is directed to submit progress report before this Tribunal on or before the next date.

4. S.O. to 24.10.2019.

Vice Chairman

kpb.

O.A. No. 257/2016(DB)
(Asha Tribuvan Dongre Vs. The State of Maharashtra and Ors.)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 26.09.2019

Heard Shri S.A. Marathe, learned counsel for the applicant and Shri A.M. Ghogre, learned Presenting Officer for respondents.

2. The applicant was appointed on the post of Forest Guard in the pay scale of Rs. 2750-70-3800-75-4400 under Special appointment drive for appointing Handicapped persons vide order dated 20.11.2006 (Annexure A-3. Page no. 18).

3. We have perused the record, as per the record, one Mr. Arvind Mansubrao Katkar having similar cause had approached to the Competent Tribunal and Handicapped Welfare Commissionerate, Maharashtra State Pune, against the Chief Conservator of Forest, Aurangabad. In the said judgment

(Annexure A-10, page No. 35 to 40) it has been held that the applicant's application is partly allowed and it was directed to respondents to promote the applicant in the said case on the post of Forester within a period of 30 days. It has also been observed in para (b) of operative order that in case of any difficulties, promotion to the said applicant was to be given to the equivalent post of Forester having same pay scale.

4. The matter has also been challenged before the Hon'ble High Court of Bombay, Bench at Aurangabad in **W.P. No. 2635 of 2013** in case of **The State of Maharashtra Vs. Arvind Mansubrao Katkar**, decided on 10 April, 2013. The High Court has observed in para nos. 5 & 6 at Page No. 42 of paper book as follows:-

"5. The service conditions of the respondent cannot be changed abruptly. The authority has taken into consideration all the facet of the matter and has passed the order stating that if the said post of Vanpal is not available then the respondent should be promoted to the equivalent post.

6. Moreover, the said Government Resolution deals with fresh recruits and not with

the channel of promotion. Respondents is seeking promotion.”

5. The respondents have relied upon the provisions of the G.R. dated 10 February, 2009 (Annexure A-18, page No. 57). In this G.R., G.R. dated 27 September, 2007 has also taken in to consideration at reference No. 8.

6. We have further perused the documents placed on record by both the parties at Annexure A-14 (Page No. 48) and Annexure A-15 (Page No. 49) Chief Conservator of Forest (T.), Pune vide his order dated 28 March, 2012 has promoted similarly placed Forest Guard in Open category and against Handicapped reservation points.

7. Hence, it is clear that the G.R. dated 10 February, 2009 is for fresh recruitment as observed by the Hon'ble High Court also. It has nothing to do with the promotion of such candidates in

promotion channel. It is for fresh appointments.

8. In view of discussions in foregoing paras, we feel that denying promotion to the applicant, against the category and horizontal reservation points fixed for handicapped people cannot be denied in view of G.R. dated 10 February, 2009.

9. Hence, we pass following order :-

ORDER

1. The O.A. is allowed.
2. The impugned orders dated 14 October, 2015 (Annexure A-1, page No. 15) and dated 31 January, 2019 Annexure A-2 (page No. 17) are hereby quashed and set aside.
3. The respondents are directed to prepare seniority list of physically handicapped Forest Guards and promote them as Foresters, subject to availability of vacant posts.
4. There shall be no order as to costs.

Member (J)
kpb.

Vice Chairman