

O.A. No. 460/2019 **(SB)**

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

Dated : 08.07.2019

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

2. The learned counsel for the applicant submitted that order of transfer is now modified and posting is given to the applicant at Nagpur. In view of this submission, the O.A. stands disposed of. No order as to costs.

Member (J)

dnk.

O.A. No. 797/2018 **(SB)**

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

Dated : 08.07.2019

Shri S.P. Palshikar, 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.**
09/07/2019.

Member (J)

dnk.

O.A. No. 818/2018 **(SB)**

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

Dated : **08.07.2019**

C.A.225/2019 -

Heard Smt. K.N. Saboo, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1&2. None for R-3.

For the reasons stated in the application, the C.A. is allowed.

O.A.818/2018 –

The matter be kept **on 12/7/2019** for final hearing.

Member (J)

dnk.

O.A. No. 71/2019 **(SB)**

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

Dated : 08.07.2019

Shri S.P. Chavhan, 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.

Member (J)

dnk.

O.A. No. 236/2019 (SB)

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

Dated : 08.07.2019

Shri R.V. Shiralkar, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1&2 and Shri S.V. Narsapurkar, Id. counsel for R-3.

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

Member (J)

dnk.

O.A. No. 391/2019 **(SB)**

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

Dated : 08.07.2019

Shri K.P. Mahalle, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

The learned P.O. is directed to seek instructions from the respondents whether representation of the applicant is decided or not.

S.O. 18/7/2019.

Member (J)

dnk.

O.A. No. 401/2019 (SB)

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

Dated : 08.07.2019

C.A. 239/2019 -

Heard Shri R.V. Shiralkar, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1 to 3 and Shri S.N. Gaikwad, Id. counsel for Intervener (R/4).

For the reasons stated in the application, the application in terms of prayer clause (ii) is allowed.

C.A.240/2019 in O.A. 401/2019 –

Heard Shri R.V. Shiralkar, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1 to 3 and Shri S.N. Gaikwad, Id. counsel for Intervener (R/4).

The learned counsel for the applicant is directed to submit reply to the C.A.No.240/2019. The learned P.O. is also directed to submit reply to the C.A. and O.A.

S.O. 15/7/2019.

Member (J)

dnk.

O.A. No. 179/2016 (SB)

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

Dated : 08.07.2019

MCA 48/2019 -

Heard Shri P.N. Warjurkar, Id. P.O. for the applicants (Original respondents). None for the respondent (Original applicant).

2. Notice on application to respondent (Original applicant) be issued returnable **after two weeks**. 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. 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 the O.A.

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 an affidavit of compliance in the Registry as far as possible once week before the date fixed by this Tribunal. Applicants are directed to file Affidavit of compliance and notice.

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

Member (J)

dnk.

O.A. No. 180/2016 (SB)

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

Dated : 08.07.2019

MCA 49/2019 -

Heard Shri P.N. Warjurkar, Id. P.O. for the applicants (Original respondents). None for the respondent (Original applicant).

2. Notice on application to respondent (Original applicant) be issued returnable **after two weeks**. 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. 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 the O.A.

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 an affidavit of compliance in the Registry as far as possible once week before the date fixed by this Tribunal. Applicants are directed to file Affidavit of compliance and notice.

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

Member (J)

dnk.

O.A. Nos. 470,477,478 & 479/19 **(SB)**

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

Dated : 08.07.2019

None for the applicants. Shri S.A. Deo, Id .CPO for the State.

It appears that notices are not collected to serve R-2 to 4 as well as office objections are not removed in O.As. 477,478 & 479 of 2019.

**S.O. three weeks for
compliance.**

Member (J)

dnk.

O.A. No. 399/2019 (SB)

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

Dated : 08.07.2019

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

2. The applicant was not due for transfer, but he submitted representation dated 3/4/2019 for his transfer to Morshi on the ground that wife of the applicant is in service as Assistant Teacher in the school of Nagar Parishad, Morshi, District Amravati. It is contention of the applicant that post is vacant at Morshi. It is submission of the applicant that if it is not possible to post him at Morshi, then he is ready to work at Amravati or Bhatkuli.

3. In view of this, the respondents are directed to decide the representation of the applicant within a period of three months and if any post is available at Morshi, Amravati or Bhatkuli he be given posting.

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

Member (J)

dnk.

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

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

Dated : 08.07.2019

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

2. The applicant has worked in Gosikhurd, Upasa Sinchan, Ambadi since 2008. He was due for transfer. As per the Section 3 of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005, there is a mandate that every Government servant who has completed two normal tenures, shall be transferred, therefore, prima facie the impugned order of transfer is not illegal.

3. Under these circumstances, issue notice to R-2 to 4, returnable **after two weeks**. Learned 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 two weeks.

Member (J)

dnk.

O.A. No. 359/2018 **(SB)**

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

Dated : 08.07.2019

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

At the request of Id. counsel for the applicant, **S.O. 15/7/2019** for hearing.

Member (J)

dnk.

O.A. No. 489/2018 **(SB)**

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

Dated : 08.07.2019

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

At the request of Id. counsel for the applicant, **S.O. 15/7/2019** for hearing.

Member (J)

dnk.

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

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

Dated : 08.07.2019

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

S.O. 15/7/2019 (PH).

Member (J)

dnk.

O.A. No. 164/2019 **(SB)**

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

Dated : 08.07.2019

None for the applicant. Shri S.A. Sainis, Id. P.O. for R-1. Noen for R-2&3.

2. It is contended by the respondents' reply that the applicant was already relieved and his successor resumed the duty on the post of the applicant, therefore, nothing remains in the present O.A.

3. The learned P.O. is directed to produce material documents to justify the contention.

S.O. two weeks.

Member (J)

dnk.

O.A. No. 511/2019 **(SB)**

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

Dated : 08.07.2019

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

The Status-quo to continue till filing
of the reply.

S.O. two weeks.

Member (J)

dnk.

O.A. No. 512/2019 **(SB)**

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

Dated : 08.07.2019

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

The Status-quo to continue till filing
of the reply.

S.O. two weeks.

Member (J)

dnk.

O.A. No. 860/2018 **(SB)**

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

Dated : 08.07.2019

Heard Shri R.V. Shiralkar, Id.
counsel for the applicant and Shri A.M.
Khadatkar, Id. P.O. for the respondents.

Closed for orders.

Member (J)

dnk.

O.A. No. 161/2019 (SB)

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

Dated : 08.07.2019

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. I have perused the record and proceeding and heard submissions on behalf of the applicant and the respondents. It appears from the facts that the applicant did not submit the application for correction of his date of birth in the service record, but that application is made at the fag end of the service. As the application submitted by the applicant for correction of his date of birth at the fag end was in violation of the Rule-38 of Maharashtra Civil Services (General conditions of services) Rules,1981, therefore, I do not see any merit in this application.

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

Member (J)

dnk.

O.A. No. 522/2019 (SB)

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

Dated : 08.07.2019

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the State.

2. It is submitted that the applicant was initially transferred vide order dated 31/5/2019 from Hingna, District Nagpur to Panchayat Samiti, Kamptee, District Nagpur on vacant post. Thereafter vide order dated 1/6/2019 the Deputy Secretary, Government of Maharashtra informed that the transfer order dated 31/5/2019 was stayed till further orders. It seems that thereafter the Government issued two transfer orders on 4/7/2019 vide one order, the applicant was transferred as Assistant Project Officer, DRDA, Nagpur and vide second order dated 4/7/2019 the respondent no.4 came to be posted at Panchayat Samiti, Kamptee the post on which the applicant was transferred vide order dated 31/5/2019.

3. My attention is invited to the transfer order dated 31/5/2018 by which the respondent no.4 was transferred to Nandagomukh, District Nagpur. It is

submitted that though this order was passed on 31/5/2018 the respondent no.4 never obeyed this order and joined at Nandagomukh. In addition it is submission of the applicant that there is no post available to accommodate the applicant. My attention is invited to letter dated 4/7/2019 written by the Section Officer, Government of Maharashtra, Gram Vikas Department. In this letter, it is specifically mentioned that no officer or employee shall be posted by deputation.

4. In view of these circumstances, as the applicant is not yet relieved, therefore, it is necessary in the interest of justice to stay the impugned transfer orders of the applicant and the respondent no.4 till filing of the reply by the respondents.

5. Issue notice to R-2 to 5, returnable **after three 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 three weeks.

Member (J)

dnk.

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

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

Dated : 08.07.2019

Heard Shri A. P. Chaware, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the State.

2. It is submitted that the applicant was not due for transfer as he was posted at Yavatmal in the month of August,2016. It is submitted that by the impugned order 5/7/2019 the applicant is transferred from Yavatmal to Government Polytechnic, Mumbai. It is grievance of the applicant that the impugned order is silent, no reason is mentioned why it was necessary to transfer the applicant immediately before completion of the normal tenure.

3. I have perused the order dated 5/7/2019. The reason why it was felt necessity to transfer the applicant before expiry of the normal tenure it is not mentioned in the order. Similarly, the transfer order is issued in the name of Hon'ble Governor of Maharashtra by the

Desk Officer, Government of Maharashtra. It is submitted that till today the applicant is not relieved from his post from Government Polytechnic, Yavatmal.

4. In view of these circumstances, the parties are directed to maintain status-quo so far as the transfer of the applicant is concerned till filing of the reply by the respondents.

5. Issue notice to R-2 &3, returnable **after three 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 three weeks.

Steno copy is granted.

Member (J)

dnk.

O.A.No.84/2019 (S.B.)

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

Dated: 08th July 2019.

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. The Id. P.O. seeks three weeks time to file reply. At his request, **S.O. three weeks.**

Chairman
Date:-08/07/2019.
aps.

Vice

O.A.No.266/2019 (S.B.)

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

Dated: 08th July 2019.

Heard Shri M.K.Mishra, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. The Id. P.O. seeks four weeks time to file reply. At his request, **S.O. four weeks.**

Vice

Chairman

Date:-08/07/2019.

aps.

O.A.No.407/2019 (S.B.)

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

Dated: 08th July 2019.

Heard Shri M.K.Mishra, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the State. Await service of respondent nos. 2 to 4.

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

3. The Id. P.O. seeks four weeks time to file reply. At his request, **S.O. four weeks.**

Vice

Chairman

Date:-08/07/2019.

aps.

O.A.No.250/2019 (S.B.)

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

Dated: 08th July 2019.

C.A.No.188/2018:-

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

2. The Id. counsel for the applicant has pointed out the suspension order dated 03.11.2017 (Annexure-A-1, P.B., Pg.No.15), the suspension order has been issued in view of Anti Corruption Bureau case. The applicant has preferred a representation dated 30.03.2018 (Annexure-A-2, P.B., Pg. No. 16). Subsequently, applicant has again preferred representation dated 17.03.2018, which has been received by Deputy Superintendent of Police, Rural, Amravati on 26.04.

3. Since, as pleaded by Id. counsel for the applicant, six months expires on 26.10.2018. The Id. P.O. has pointed out Section 21, 1 (a) of "The Administrative Tribunals Act, 1985" about limitation.

However, as per para 1 (a), it reads as follows:-

21. Limitation

(1) A Tribunal shall not admit an application:-

(a) in a case where a final order such as is mentioned in clause (a) of sub-section (2) of section 20 has been made in connection with the grievance unless the application is made, within one year from the date on which such final order has been made;

4. By record it seems that respondents have not passed any order till date on the representations of the applicant; whether, rejecting it or accepting it fully or partly, whatever it may be.

5. In view of this, condonation of delay issue does not arise. However, **C.A. No. 188/2019 is allowed and disposed of.**

6. As per the request of Id. counsel for the applicant matter is **admitted** and kept for final hearing.

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

8. S.O. tomorrow i.e. 09.07.2019.

Vice

Chairman

Date:-08/07/2019.

aps.

O.A.No.249/2019 (S.B.)

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

Dated: 08th July 2019.

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

2. The Id. counsel for the applicant pointed out that in order dated 07/04/2018 (Annexure-A-1, P.B., Pg. No. 13) regarding suspension of the applicant. The case is registered against the applicant in A.C.B.. The applicant has preferred an appeal on dated 15.03.2019 (Annexure-A-2, P.B., Pg. No. 14), there is no decision on that appeal. The respondents have not taken any decision at the appeal till date.

3. However, as requested by the Id. counsel for the applicant, matter is **admitted** and kept for final hearing.

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

5. **S.O. tomorrow i.e. 09.07.2019.**

Vice

Chairman

Date:-08/07/2019.

aps.

O.A.No.689/2018 (S.B.)

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

Dated: 08th July 2019.

As submitted by the Junior of Shri G.G.Bade, the Id. counsel for the applicant that the Id. counsel for the applicant is busy before another Bench.

2. As requested by the Id. P.O., Shri V.A.Kulkarni, S.O. tomorrow i.e. 09.07.2019, high on board.

**Chairman
Date:-08/07/2019.
aps.**

Vice

O.A.No.760/2018 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated : 08th July 2019.

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

2. The Id. P.O. filed the affidavit-in-reply on behalf of the respondent no. 3. It is taken on record. He submits that he will serve the copy to the other side. He further submits that the reply of respondent no. 3 will serve the purpose of another respondent.

3. As requested by Id. P.O., matter is **admitted** and kept for final hearing.

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

5. **S.O. in due course.**

Chairman
Date:-08/07/2019.
aps.

Vice

O.A.No.760/2017 (S.B.)

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

Dated: 08th July 2019.

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

2. As requested by Id. P.O., **S.O. three
weeks.**

Chairman
Date:-08/07/2019.
aps.

Vice

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

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated : 08th July 2019.

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

2. As per the order dated 17.06.2019, applicant was at liberty to file Rejoinder. However, the Id. counsel for the applicant today submits that he does not want to file any Rejoinder.

3. In view of the request made by the Id. P.O., **S.O. 17.07.2019.**

Chairman
Date:-08/07/2019.
aps.

Vice

O.A.No.651/2018 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated : 08th July 2019.

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

2. As per the order dated 19.06.2019 para no. 3, the Id. counsel for the applicant has produced the document dated 28/03/2018, which is marked exh. X for the purpose of identification and taken on record; it is only acknowledgment copy. The Id. counsel for the applicant is directed to supply all the documents to the office along with the Id. P.O. **within two weeks time.**

3. However, in view of the appeal to respondent no. 2 dated 28/03/2018, the respondent no. 2 is directed to **decide the appeal within six weeks** from the date of this order.

4. **With this direction, O.A. is disposed of with no order as to costs.**

Chairman
Date:-08/07/2019.
aps.

Vice

O.A.No.150/2018 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated : 08th July 2019.

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

2. The applicant's father was temporarily promoted vide order dated 17/01/2014 (Annexure-A-2, P.B., Pg. No. 14) and expired due to "Cancer" on 09/02/2017, as per the record placed by Orange City Hospital and Research Institute.

3. The applicant has requested to the respondents for appointment on compassionate ground on P.B., Pg. No. 99 (Annexure-A-19). The applicant has submitted application to the Commandant, S.R.P., Nagpur vide Annexure-A-5, P.B., Pg. No. 20 for appointment on compassionate ground and again he has submitted his application for the appointment on compassionate ground at Annexure-A-7, P.B., Pg. No. 22.

4. However, Commandant S.R.P. Batallian-2 has communicated by his letter dated 20.03.2017 (Annexure-A-6, P.B., Pg. No. 21-A) that since the father of the applicant was in Group-B and as per G.R. of the G.A.D. dated 28/03/2001 provisions of appointment on compassionate ground in case of Group-C and D employees only. On record subsequent G.R. related to compassionate ground has been also filed on record at Annexure-A-15, P.B., Pg. No. 39. Now, the question involved is whether the father of the applicant is treated as Group-B or Group-C employees.

5. At P.B., Pg. No. 22 (Annexure-A-7), the applicant submits that his mother is also expired on 02.12.2002. The respondents in their reply on P.B., Pg. No. 69 para no. 6 has mentioned that father of the applicant was serving in Police Department as Sub-Inspector which is categorically coming under the Group-B and as per the G.R. of the G.A.D. dated 28.03.2001 the compassionate ground is only given to the family of Group-C and D employees.

6. The Id. P.O. and Id. counsel for the applicant are requested to find out specific

documents which can show that whether applicant's father was coming under Group-B or Group-C employees.

7. **S.O. two weeks.**

8. *Matter is treated as P.H.*

Chairman
Date:-08/07/2019.
aps.

Vice

O.A. No.450/2017.

(D.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar, Member (J)
Dated : 8th July 2019.

C.A. No. 308/2017.

Heard Miss M. Hiwse, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

2. As per order dated 19.12.2018 for condonation of delay, the Ld. counsel for the applicant is filing documents about the delay. It is taken on record and copy is supplied to the Ld. P.O. As pointed out by Ld. P.O., the applicant had resigned from service on 31.12.2014 (A-6, P.24). However, the Ld. counsel for the applicant submits that the applicant retired vide G.R. dated 13.3.2015 (A-7) in which applicant's name is at Sr. No.49. But in the subsequent G.R. dated 30.5.2015, the applicant's name is not included. *Prima facie*, it does not appear any substance in the application for condonation of delay. The Ld. counsel for the applicant requires one week's time to consult his client.

S..O. **one week.**

Member (J)

Vice-Chairman

Dt. 8.7.2019.

Pdg

O.A. No.188/2019.

(D.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar, Member (J)
Dated : 8th July 2019.

Heard Mrs. S. Bhure, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents 1 and 2. None for R.3.

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

Member (J)
Chairman

Vice-

Dt. 8.7.2019.

Pdg

O.A. No.270/2019.

(D.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar, Member (J)
Dated : 8th July 2019.

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

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

Member (J)
Chairman

Vice-

Dt. 8.7.2019.

Pdg

O.A. No.487/2015.

(D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar, Member (J)
Dated : 8th July 2019.**

C.P. 36/2017.

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

At the request of both parties, S.O. **two weeks.**

Member (J)
Chairman

Vice-

Dt. 8.7.2019.

Pdg

O.A. No.842/2017.

(D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar, Member (J)
Dated : 8th July 2019.**

Heard Shri J.C. Shukla, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

ADMIT.

Shri S.A. Sainis, the learned P.O. waives notice for the respondents.

The Ld. counsel for the applicant seeks time to file rejoinder, if necessary.

S.O. **two weeks** for final hearing.

Member (J)
Chairman

Vice-

Dt. 8.7.2019.

Pdg

O.A. No.538/2018.

(D.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar, Member (J)
Dated : 8th July 2019.

Heard Mrs. K.N. Saboo, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

Ld. P.O. has filed reply on behalf of R. 3 and 4, it is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant.

ADMIT.

Shri M.I. Khan, the learned P.O. waives notice for the respondents.

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

Member (J)
Chairman

Vice-

Dt. 8.7.2019.

Pdg

O.A. No.539/2018.

(D.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar, Member (J)
Dated : 8th July 2019.

Heard Mrs. K.N. Saboo, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

Ld. P.O. has filed reply on behalf of R. 3 and 4, it is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant.

ADMIT.

Shri M.I. Khan, the learned P.O. waives notice for the respondents.

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

Member (J)
Chairman

Vice-

Dt. 8.7.2019.

Pdg

**O.A. Nos.514. 515, 516, 517, 518 & 519 of 2019.
(D.B.)**

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar, Member (J)
Dated : 8th July 2019.**

Heard Shri S.N. Nandeshwar, the
Ld. counsel for the applicants and Shri
H.K. Pande, the learned P.O. for the
respondent No.1.

2. Issue notice to respondent Nos. 2
and 3 returnable in four weeks.

3. Shri H.K. Pande, the learned P.O. waives notice for the respondent No.1. Hamdast granted.

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.

9. S.O. **four weeks.**

Member (J)
Chairman

Vice-

Dt. 8.7.2019.

Pdg

O.A. No.236/2014.

(D.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar, Member (J)
Dated : 8th July 2019.

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

At the request of the Ld. counsel for the applicant, S.O. **17.7.2019.**

Member (J)
Chairman

Vice-

Dt. 8.7.2019.

Pdg

O.A. No.159/2013.

(D.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar, Member (J)
Dated : 8th July 2019.

Heard Shri S.P. Palshikar, the Ld. counsel for the applicants and Shri S.A. Sainis, the learned P.O. for the respondents.

At the request of the Ld. counsel for the applicants, S.O. **17.7.2019.**

Member (J)
Chairman

Vice-

Dt. 8.7.2019.

Pdg

O.A. No.593/2013.

(D.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar, Member (J)
Dated : 8th July 2019.

Heard Shri P.V. Thakre, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents 1 to 3. Shri C.S. Dhore, Adv. for R.4, Shri G.K. Bhusari, Adv. for R.5 and Shri G.M. Shitut, Adv. for R.6,

At the requests of Adv. for R.4,
S.O. **one week.**

Member (J)
Chairman

Vice-

Dt. 8.7.2019.

Pdg

O.A. No.706/2015.

(D.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar, Member (J)
Dated : 8th July 2019.

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

The Ld. counsel for the applicant submits that he will file certain documents tomorrow.

At the request of the Ld. counsel for the applicant, S.O. **17.7.2019.**

Member (J)
Chairman

Vice-

Dt. 8.7.2019.

Pdg

O.A. No.114/2018.

(D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar, Member (J)
Dated : 8th July 2019.**

None for the applicant. Shri H.K. Pande, the learned P.O. for the respondents.

S.O. **three weeks.**

Member (J)
Chairman

Vice-

Dt. 8.7.2019.

Pdg

O.A. No.313/2018.

(D.B.)

Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar, Member (J)
Dated : 8th July 2019.

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

The Ld. counsel for the applicant has relied upon the notification of Finance Department dated 10.12.1998 (A-3) and submits that the applicants are entitled for pay scale as per 5th Pay Commission from 1.1.1996. However subsequently, one G.R. dated 12.9.2003 (A-2, P.35) has been issued by which the provision of notification of Finance Department has been changed.

The Ld. P.O. is directed to clarify only this point on the next date of hearing, whether this G.R. can over-right the notification of Finance Department of 1998.

S.O. 11th July 2019.

To be treated as part heard.

Member (J)

Vice-Chairman

Dt. 8.7.2019.

Pdg

O.A. No.791/2018.

(D.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar, Member (J)
Dated : 8th July 2019.

Heard Shri C.A. Joshi, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents 1 to 3. None for R. 4 and 5.

As per order dated 21.6.2019, the Ld. counsel for the applicant has removed objection on page Nos. 15,27, 29 & 32. He requires some time to file rejoinder.

S.O. 22nd July 2019.

Member (J)
Chairman

Vice-

Dt. 8.7.2019.

Pdg

O.A. No.193/2018.

(D.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar, Member (J)
Dated : 8th July 2019.

Heard Shri A.P. Sadavarte, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents 1 to 5. Shri S.N. Gaikwad, Adv. for R. 6 to 9.

Ld. P.O. submits that officer from Buldana is on the way and he will file rejoinder during the course of the day.

Ld. counsel for R. 6 to 8 submits that his name is appeared in the O.A. But he would file pursis and that he should be discharged from the O.A. from the next date of hearing.

At the request of the Ld. counsel for the applicant, S.O. **22nd July 2019.**

Member (J)
Chairman

Vice-

Dt. 8.7.2019.

Pdg

O.A. No.194/2018.

(D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar, Member (J)
Dated : 8th July 2019.**

Heard Shri A.P. Sadavarte, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents 1 to 5. Shri S.N. Gaikwad, Adv. for R. 6 to 9.

Ld. P.O. submits that officer from Buldana is on the way and he will file rejoinder during the course of the day.

Ld. counsel for R. 6 to 8 submits that his name is appeared in the O.A. But he would file pursis and that he should be discharged from the O.A. from the next date of hearing.

At the request of the Ld. counsel for the applicant, S.O. **22nd July 2019.**

Member (J)
Chairman

Vice-

Dt. 8.7.2019.

Pdg