

O.A. No. 185/2016

Coram : S.S. Hingne, M (J).

Dated : 23rd September 2016.

Shri A.B. Badar, Id. counsel for the applicant and Shri Katke, Adv. holding for Shri Bhise, Id. counsel for the R/4 and Smt. S.V. Kolhe, Id. P.O. for the respondents 1 to 3.

At the request of Id. P.O. and Adv. for R/4, **S.O. 4 weeks to file reply.**

Member (J)

Skt.

O.A. No. 515/2016

Coram : S.S. Hingne, M (J).

Dated : 23rd September 2016.

Shri S.S. Dhengale, Id. counsel
for the applicant and Shri
A.M. Ghogare, Id. P.O. for the
respondents.

At the request of Id. P.O., **S.O. 2**
weeks to file reply.

Member (J)

Skt.

O.A. No.475/2016

Coram : S.S. Hingne, M (J).

Dated : 23rd September 2016.

Shri S.S. Dhengale, Id. counsel
for the applicant and Shri
A.M. Ghogare, Id. P.O. for the
respondents.

At the request of Id. P.O., **S.O. 2
weeks to file reply by way of last
chance.**

Member (J)

Skt.

O.A. No. 498/2016

Coram : S.S. Hingne, M (J).

Dated : 23rd September 2016.

Shri P.S. Kadam , Id. counsel for
the applicant and Shri S.
Deo, Id. C.P.O. for the respondents.

At the request of Id. C.P.O., **S.O.**
3 weeks to consider the
representation by way of last
chance.

Member (J)

Skt.

O.A. No. 200/2015

Coram : S.S. Hingne, M (J).

Dated : 23rd Sept., 2016.

Heard Shri N.D. Thombre, Id. Counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

The facts by enlarge are undisputed.

The applicant, Medical Officer has claimed Non-Practice Allowance for the period from 1/7/1997 to 30/6/1999.

During the above period, the applicant worked as a Medical Officer, Govt. Medical College, Nagpur. The other Medical Officers are paid the NPA during the said period. As mentioned in the reply (page -26), the applicant's case was also recommended. However instead of the applicant the said NPA was paid to one Dr. Smt. S.S. Manekar by mistake as mentioned in the reply of R/2 and 3 (Page-31).

The Id. P.O. opposed the application on the ground that the applicant has not made any representation and the claim is time barred. However, the order has already been passed on 31/1/2015 (Page-18) by the Joint Director that the NPA ought to have been paid to the applicant and necessary action be taken. It is natural for the applicant to await the execution of the said communication and therefore he has not made any representation. When the claim is admitted and the payment was wrongly made to another Medical Officer on 1/10/2001, it was most natural for the applicant that to wait in hope. In such circumstances, it cannot be said that the claim is time barred by limitation .

In view of the above admitted factual matrix, the O.A. is allowed. The applicant be paid NPA for the period from 1/7/1997 to 30/6/1999. The applicant has also claimed interest. The applicant is not responsible for this delay. Hence the

applicant is entitled for the interest at least @ 6% p.a. from 1/7/1999 till the payment. The order be complied with within a period of 3 months. No order as to costs.

Member (J)

skt

O.A. No. 629/2016

Coram : S.S. Hingne, M (J).

Dated : 23rd Sept., 2016.

Heard Shri S.P. Kshirsagar, Id. Counsel for the applicant and Shri S. Deo, Id, C.P.O. for the respondent No.1.

Consequent to the advertisement dtd. 9/9/2016 (Annex.A-1, page-12) applicants to apply. However it is submitted that they could not apply since the age for the post of Lecturers in Drawing and Painting was 35 years and their age is more . The Id. Counsel for the applicant relying on the G.R. dtd.25/4/2016 (Anne.A-3,page-20) submits that the Govt. has increased the age limit up to 38 years for General and 43 years for the Reserve candidates for any post.

Though the advertisement is issued subsequent to the G.R., the age limit is not increased.

The Id. C.P.O. submits that as per the Recruitment Rules of 1983, the

age limit is 35 years. However, when the G.R. is issued and the age limit is increased the aspirants cannot be deprived of the extension of age benefit.

It is also submitted by the Id. Counsel for the applicant that the applicants have filed the O.A. on 17/9/2016 and the last date for submitting the applications appearing for walk-in interview was 19/9/2016. However, due to holidays he cannot move for interim relief. Anyhow, fact remains that the applicants have already filed the applications on 17/9/2016 before the due date, i.e. 19/9/2016.

The Id. C.P.O. submits that the provisions of the G.R. are applicable to the posts of competitive examinations and in the case in hand

the posts are to be filled up by way of walk-in interview and that too on contract basis. However when the relevant provisions are made, the particular set of applicants cannot be deprived of it on such technical pleas.

Moreover the clause 4 of the G.R. dtd. 25/4/2016 (Anne.A-3, page-21) is explicit. He further submits that the interviews are up to 27/9/2016. The process of interview is started from 19/9/2016 and it will last up to 27/9/2016.

In the above state of affairs the applicants be allowed to participate in the interview by accepting their applications, if necessary. If the applicants find place in select list, the appointments will be subject to outcome of the O.A.

S.O. 3 weeks

Await service.

Member (J)

skt

O.A. No. 240/2016

Coram : S.S. Hingne, M (J).

Dated : 23rd Sept., 2016.

Shri V.N. Patre, Id. Counsel
for the applicant. Shri A.M. Ghogare,
Id, P.O. for the respondents.

S.O.

Member (J)

skt

O.A. No. 473 /2009

Coram : S.S. Hingne, M (J).

Dated : 23rd Sept., 2016.

Shri R.V. Shiralkar , Id. Counsel for the applicant. Smt. S.V. Kolhe, Id, P.O. for the respondents.

The merit list dtd.30/6/2009 is under challenge. There is no interim relief operating in the matter. As such the Id. P.O. as well as the Id. Counsel for the applicant to throw light on the progress in the process so as to ascertain as to whether the matter has become infructuous.

S.O. 2 weeks for disposal .

Member (J)

skt

O.A. No. 317and 318/2009

Coram : S.S. Hingne, M (J).

Dated : 23rd Sept., 2016.

Shri R.V. Shiralkar, Adv. holding for Ku. K.K. Pathak, Id. Counsel for the applicant. Shri A. Khadatkar, Id, P.O. for the respondents 1, 3 and 4. Adv. P.V. Shendre, holding for Shri V.G. Palshikar, Id. Counsel for R/2.

S.O. when D.B. available.

Member (J)

skt

O.A. No.707/2015

Coram : S.S. Hingne, M (J).

Dated : 23rd Sept., 2016.

Shri Bharat Kulkarni, Id. Counsel for the applicant. Shri M.I. Khan, Id. P.O. for the respondents.

Ld. P.O. submitted that identical matters i.e., O.A. Nos.802,805,761,545/15 and 97/2016 are admitted. This matter is also identical.

Hence, **Admit.**

Ld. P.O. waives notice for the respondents.

S.O.

Member (J)

skt

O.A. No. 629/2015

Coram : S.S. Hingne, M (J).

Dated : 23rd Sept., 2016.

Shri K.S. Malokar, Id. Counsel for the applicant. Smt. T.D. Khade, Id. Counsel for R/3. Shri A.M. Ghogare, Id. P.O. for the respondents 1 and 2.

At the request of Id. P.O. and R/3, **S.O. 3 weeks by way of peremptory chance .**

Member (J)

skt

O.A. No. 843/2015

Coram : S.S. Hingne, M (J).

Dated : 23rd Sept., 2016.

Shri M.V. Joshi, Adv. holding for Shri Wathore, Id. Counsel for the applicant. Smt. S.V. Kolhe, Id, P.O. for the respondents.

At the request of Id. P.O., **S.O. 6 weeks .**

Member (J)

skt

O.A. No. 537/2016

Coram : S.S. Hingne, M (J).

Dated : 23rd Sept., 2016.

Shri R.S. Khobragade, Id.
Counsel for the applicant. Shri A.M.
Ghogare, Id, P.O. for the
respondents.

At the request of Id. P.O., **S.O. 3
weeks to file reply.**

Put up with O.A. Nos. 546 and
547/2016

Member (J)

skt

O.A. No. 546 and 547/2016

Coram : S.S. Hingne, M (J).

Dated : 23rd Sept., 2016.

Shri R.S. Khobragade, Id. Counsel for the applicants. Shri A.M. Ghogare, Id, P.O. for the respondents. He files reply of 4,i.e.,Joint Director of Vocational Education and Training, Regional Office, Nagpur. The same is taken on record and a copy thereof is given to the Id. Counsel for the applicant.

In the similar matters, by order dtd. 5/7/2016, this Tribunal has granted interim relief. On the same lines, in these matters also the following interim relief is granted :-

“ The respondents are directed to appoint the applicants on the same

basis as they were appointed earlier on contract till further orders.”

S.O. Put up before D.B.

Member (J)

skt

O.A. No. 526/2016

Coram : S.S. Hingne, M (J).

Dated : 23rd Sept., 2016.

Shri A.P. Tathod, Id. Counsel
for the applicant. Shri P.N. Warjurkar,
Id, P.O. for the respondents.

At the request of Id. P.O., **S.O. 3**
weeks to file reply.

Member (J)

skt

O.A. No. 351/2016

Coram : S.S. Hingne, M (J).

Dated : 23rd Sept., 2016.

None for the applicant. Shri P.N. Warjurkar, Id. P.O. for the respondents 1 to 5. None for R/6.

Ld. P.O. files reply of R/5, i.e. the Dy. Commissioner. The same is taken on record.

At the request of Id. P.O., **S.O. 3 weeks to file reply of R/1 to 4.**

Member (J)

skt

O.A. No. 808/2015

Coram : S.S. Hingne, M (J).

Dated : 23rd Sept., 2016.

Shri N.K. Patel, Id. Counsel for the applicant. Smt. S.V. Kolhe, Id. P.O. for the respondents 1 and 5. None for R/2 to 4.

Reply is already filed. Copy of the reply is now served to the Id. Counsel for the applicant.

S.O. 3 weeks .

Member (J)

skt

O.A. No. 809/2015

Coram : S.S. Hingne, M (J).

Dated : 23rd Sept., 2016.

Shri N.K. Patel, Id. Counsel
for the applicant. Smt. S.V. Kolhe, Id.
P.O. for the respondents 1 and 4.
None for R/2 and 3.

At the request of Id. P.O., **S.O. 3**
weeks to file reply .

Put up with O.A. No.808/2015

Member (J)

skt

O.A. No. 638/2015

Coram : S.S. Hingne, M (J).

Dated : 23rd Sept., 2016.

Heard Shri R.V. Shiralkar, Adv. holding for Shri R.A. Haque, Id. Counsel for the applicant. Shri M.I. Khan, Id. P.O. for the respondent 1. Shri V.P. Maldhure, Id. Counsel for R/2.

Ld. P.O. files affidavit of R/2. The same is taken on record and a copy thereof is given to the other side.

Ld. Counsel for R/2 submits that the services of the applicant are terminated on 29/3/2016 hence the O.A. has become infructuous.

In this O.A., the relief is sought to revoke the suspension order dtd.29/9/2015. When the services are taken of, the relief seeking revocation of suspension has become infructuous. Hence the O.A. is disposed of as infructuous.

It is also submitted by the Id. Counsel for R/2 that the suspension of

the applicant is on the ground of dereliction of the duty and the termination is on the basis of that he is convicted for the charge under the Prevention of Corruption Act.

Member (J)

skt

O.A.No. 402,404,405,406,407, 408,

Coram : S.S. Hingne, M (J).

Dated : 23rd Sept., 2016.

Heard Shri M.V. Mohokar, Id. Counsel for the applicant. Shri S. Deo, Id. C.P.O. for the respondent No.1.

Ld. Counsel for the applicant submits that the applicants had applied for the post of Asstt. Public Prosecutor but their applications were not accepted being over aged. The interim relief was sought but could not succeed. Even the W.P. filed before the Hon. High Court and the SLP before the Hon. Apex Court of the Land are also dismissed. As such the present O.As. have become infructuous. Hence the O.As. are disposed of accordingly being infructuous.

Member (J)

Skt.

Later on :

Shri M .V. Mohokar, Id. Counsel for the applicants appears and prays for recalling of the order. He submits that he has some ray of hope and therefore other matters are not withdrawn by the another counsel Shri A.C. Dharmadhikari and therefore the order be recalled and he should be given an opportunity so that everything can be clarified.

Heard.

In the state of above affairs and in the interest of justice and to have complete and effect adjudication in the matter, the order is recalled.

S.O. 2 weeks .

Member (J)

skt

O.A. No. 391/2015

Coram : S.S. Hingne, M (J).

Dated : 23rd Sept., 2016.

Shri A.C. Dharmadhikari, Id. Counsel for the applicant. Smt. M.A. Barabde, Id. P.O. for the respondents. She files reply of R/2 and 3. The same is taken on record and a copy thereof is given to the other side.

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

Put up with other connected matters.

Member (J)

skt

O.A. No. 392,393,395,396,398 and

Coram : S.S. Hingne, M (J).

Dated : 23rd Sept., 2016.

Shri A.C. Dharmadhikari, Id. Counsel for the applicant. Shri A.M. Ghogare, Id. P.O. for the respondents. He files reply of R/2 and 3 separately. The same is taken on record and a copy thereof is given to the other side.

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

Put up with other connected matters.

Member (J)

skt

O.A.No. 406/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 23.09.2016.

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

At the request of learned counsel for the applicant, **S.O. two weeks** along with other connected matter.

Member (J)

dnk.

O.A.No. 407/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 23.09.2016.

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

At the request of learned counsel for the applicant, **S.O. two weeks** along with other connected matter.

Member (J)

dnk.

O.A.No. 533/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 23.09.2016.

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

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

Member (J)

dnk.

O.A.Nos. 802, 803, 877 & 922 of 2012

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 23.09.2016.

S/Shri G.K. Bhusari, S.A. Marathe, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the Respts.

At the request of learned counsel for the applicants, **S.O. four weeks by way of last chance.**

Member (J)

dnk.

O.A.No. 88/2012

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 23.09.2016.

Shri J.L. Bhoot, Id. counsel for the applicant and Smt. M.A. Barabde, Id. p.O. for the Respts.

At the request of learned P.O., S.O. 30-09-2016 by way of last chance.

Member (J)

dnk.

O.A.No. 504/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 23.09.2016.

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

At the request of learned P.O., S.O.
four weeks for reply.

Member (J)

dnk.

O.A.No. 157/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 23.09.2016.

Shri P.V. Thakre, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1. None for R-2.

At the request of learned P.O., S.O. four weeks for reply.

Member (J)

dnk.

O.A.No. 435/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 23.09.2016.

Shri P.V. Thakre, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the Respts.

At the request of learned P.O., S.O. four weeks for reply.

Member (J)

dnk.

O.A.No. 833/2012

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 23.09.2016.

Shri A.L. Kawalkar, Id. counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for R-1&2. Shri P.N. Warjurkar, Id. counsel for R-3. None for R-4.

At the request of learned P.O., **S.O. three weeks for filing reply on behalf of newly added respondent.**

Member (J)

dnk.

O.A.No. 73/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 23.09.2016.

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

At the request of learned P.O., S.O. four weeks for reply by way of last chance.

Member (J)

dnk.

O.A.No. 94/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 23.09.2016.

Shri A.K. Rangari, Id. counsel holding for Shri A.S. Chakotkar, Id. counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for R-1.

2. Issue fresh notice to R-2&3, returnable **in four weeks**. 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. **S.O. four weeks for return of notice.**

Member (J)

dnk.

O.A.No. 267/2015

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 23.09.2016.

Smt. Saboo, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the Respts.

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

Member (J)

dnk.

O.A.No. 09/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 23.09.2016.

None for the applicant. Shri P.N. Warjurkar, Id. P.O. for R-1 to 3. None for R-4.

None appeared for the applicant on the earlier dates except on the first date i.e. 6-1-2016. It appears that from last 6-7 months none appeared for the applicant. On the last date the matter was adjourned for dismissal. Accordingly, it is reflected for dismissal on today's board. Despite of this, none appeared for the applicant.

Hence, dismissed in default.

Member (J)

O.A.No. 28/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 23.09.2016.

Shri M.R. Patil, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the Respts.

Heard. Admit.

Learned P.O. waives notice for the respondents.

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

Member (J)

dnk.

O.A.No. 148/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 23.09.2016.

Shri G.N.Khanzode, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the Respts.

At the request of learned P.O., the matter is adjourned for two weeks by way of last chance.

S.O. two weeks for disposal.

Member (J)

dnk.

O.A.No. 187/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 23.09.2016.

None for the applicant.

At the request of Smt. Barabde, Id.
P.O. for the Restps., S.O. two weeks for reply
by way of last chance.

Member (J)

dnk.

O.A.No. 265/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 23.09.2016.

Shri H.D. Futane, Id. counsel for the applicant.

At the request of Shri Khadatkar, Id. P.O. for the Restps., S.O. three weeks for reply by way of last chance.

Member (J)

dnk.

O.A.No. 287/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 23.09.2016.

Smt. P.T. Joshi, Id. counsel for the applicant.

At the request of Shri A.M. Ghogre, Id.
P.O. for the Restps., S.O. three weeks for
reply by way of last chance.

Member (J)

dnk.

O.A.No. 333/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 23.09.2016.

Heard Shri R.B. Meshram, Id. counsel
for the applicant and Smt. S.V. Kolhe, Id. P.O.
for the Respts.

Closed for orders.

Member (J)

O.A.No. 627/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 23.09.2016.

Shri D.M. Kahandait, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

The matter was taken on circulation which is filed on 7-9-2016. The matter be placed before the Registrar for taking procedural steps.

Member (J)

O.A.No. 628/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 23.09.2016.

Shri D.M. Kahandait, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

The matter was taken on circulation which is filed on 7-9-2016. The matter be placed before the Registrar for taking procedural steps.

Member (J)

dnk.

O.A.No. 305/2015

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 23.09.2016.

Shri M.R. Patil, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the Respts.

The learned counsel files Rejoinder on behalf of the applicant. It is taken on record. Copy is served to the learned P.O.

S.O. two weeks.

Member (J)

dnk.

O.A.No. 325/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 23.09.2016.

None for the applicant. Smt. S.V. Kolhe, Id. P.O. for R-1 to 3. None for R-4.

On the earlier date also none appeared for the applicant. With a view to afford one more opportunity, the matter is adjourned for two weeks.

S.O. two weeks.

Member (J)

dnk.

O.A.No. 366/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 23.09.2016.

Heard S.R. Charpe, Id. counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for the Respts.

The limited question is about the ACRs. of the applicant for the relevant years from 2005 to 2010. The learned counsel for the applicant wants to produce the Chart. It is also submitted that same were not communicated. The learned P.O. wants to take instructions whether the ACRs. were communicated or not.

S.O. two weeks for disposal.

Matter be treated as P.H.

Member (J)

dnk.

O.A.No. 173/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 23.09.2016.

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

Heard. Admit.

Learned P.O. waives notice for the respondents.

The applicant has challenged the order dated 3-3-2016 (A-1,P-15). According to the learned P.O., the applicant vide order dated 13-5-2016 (A-4,P-26) was sent on deputation on his request and that deputation is now cancelled vide the impugned order. Thus the O.A. can be disposed of. However, the learned counsel for the applicant is absent.

S.O. three weeks for disposal.

Member (J)

dnk.

O.A.No. 348/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 23.09.2016.

Heard Shri A.P. Tathod, Id. counsel holding for Shri A.D. Girdekar, Id. counsel for the applicant, Smt .M.A. Barabde, Id. P.O. for R-1 to 3 and Shri S.S. Dhengale, Id. counsel for R-4 (Caveator).

S.O. 27-09-2016 along with other connected matter.

Matter be treated as **P.H.**

Member (J)

dnk.

O.A.No. 398/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 23.09.2016.

Heard Shri N.D. Thombre, Id. counsel for the applicant, Smt .M.A. Barabde, Id. P.O. for R-1 to 3, 6 & 7, none for R-4 and Shri S.S. Dhengale, Id. counsel for R-5.

S.O. 27-09-2016 along with other connected matter.

Matter be treated as **P.H.**

Member (J)

O.A.No. 357/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 23.09.2016.

C.A.434/2016

Shri R.V. Shiralkar, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 to 4, Shri M. Bajpai, Id. counsel for R-5 and Shri P. Zoting, Id. counsel for R-6.

The application is moved to vacate the stay. The counsel from all the sides are anxious to take up the matter and attributing other to procrastinate. As such, the matter can be expedited for final disposal. Hence, the C.A. is filed.

The matter is expedited and will be heard on the next date. The learned P.O. to make the record available.

S.O. 03-10-2016 along with other connected matter.

Member (J)

dnk.

O.A.No. 401/2016

Coram : Hon. Shri S.S. Hingne, M (J).

Dated : 23.09.2016.

C.As.435 & 436 of 2016

Shri N.D. Thombre, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 to 4, Shri M. Bajpai, Id. counsel for R-5 and Shri P. Zoting, Id. counsel for R-6.

The application is moved to vacate the stay. The counsel from all the sides are anxious to take up the matter and attributing other to procrastinate. As such, the matter can be expedited for final disposal. Hence, the C.As. are filed.

The matter is expedited and will be heard on the next date. The learned P.O. to make the record available.

S.O. 03-10-2016 along with other connected matter.

Member (J)

O.A. No.630/2016. (G.S. Nipane V/s State & 4 others).

Coram : S.S. Hingne, M (J).

Dated : 23-09-2016

Oral order

Heard Shri A. Deshpande, learned counsel for the applicant and Shri S.A. Deo, learned C.P.O. for the respondent No.1.

2. The applicant, a Deputy Collector, is transferred from Murtizapur to Buldhana vide order dated 14-09-2016 (A-6,P-34). The order says that it is issued in compliance with the provisions of Rule 4 (4) and (5) of the Maharashtra Government Servants Regulation of Transfer and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as, "Transfer Act"). The learned counsel for the applicant submits that the transfer order is issued consequent to the recommendations of the Election Commission. On the basis of Election Commission's report, the State Government can issue the transfer

order exercising the power complying with the provisions of Section 4 (4) & (5) of the Transfer Act. Therefore, only because the order is issued consequent to the requisition of the Election Commission, cannot be decided at this stage. Usually, if order is issued on the compliance of legal provisions, an opportunity is given to the other side to hear.

3. However, the learned counsel for the applicant relied on various orders passed by the Hon'ble High Court in W.P. Nos. (1) 7035/2016 on 4.7.2016 (Nagesh P. Patil Vs. Principal Secretary) and (2) 8804/2016 on 12.8.2016 (Pradeep K. Bhoje Vs. Principal Secretary) by Mumbai Bench and order dated 18.8.2016 in W.P. No. 8919/2016 (D.S. Kachve Vs. State of Mah.) by Aurangabad Bench in the identical matters and the transfer orders are stayed. The learned counsel for the applicant also submits that in O.A. No. 609/2016, the Tribunal has also stayed the order.

4. In the above state of affairs on parity, the impugned transfer order dated 14-09-2016 in respect of the

applicant is stayed till filing of the reply.

5. Steno copy be supplied to the learned P.O.

6. Heard both sides

7. Issue notice to R. 2 to 5 returnable **after two weeks.**

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

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

10. 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.

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

12. The service may be done by hand delivery, speed post or courier and acknowledgement be obtained and

produced along with affidavit of compliance in the Registry within three weeks. Applicant is directed to file Affidavit of compliance and notice.

13. Put up along with O.A. No.581/2016 and O.A.609/2016.

dnk.