

**O.A. 699/2012 (D.B.)**

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

**Dated : 03/10/2018**

**C.A250/2018 -**

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

2. The applicant is claiming for stopping of departmental inquiry or in the alternative for fixing the matter for final hearing. With the consent of both the learned counsel for parties, the O.A. shall be heard on merits on 23/10/2018.

3. In view thereof, the C.A. stands disposed of with no order as to costs.

**O.A.699/2012 –**

**S.O. 23/10/2018 for final hearing.**

**Member(A)**

**Vice-Chairman(J)**

dnk.

**O.A. 111/2018 (D.B.)**

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

**Dated : 03/10/2018**

Shri M.P. Kariya, Id .counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1 to 3 and Shri Joshi, Id. counsel holding for Shri P.S. Wathore, Id. counsel for R-4 (Caveator).

2. The Id. P.O. files reply-affidavit on behalf of R-1 to 3. It is taken on record and copies are given to the other sides.

3. The learned counsel for R-4 (Caveator) seeks time to file reply. Time is granted as a last chance.

**S.O. two weeks** for filing reply of R-4.

**Member(A)**

dnk.

**Vice-Chairman(J)**

**O.A. 214/2018 (D.B.)**

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

**Dated : 03/10/2018**

Shri A.B. Mahajan, Id .counsel for the applicant, Shri A.P. Potnis, Id. P.O. for R-1 to 3 and Ms. M.S. Deshpande, Id. counsel holding for Shri R.G. Kavimandan, Id .counsel for R-4. None for R-5.

At the request of Id. P.O., **S.O. three weeks** by way of last chance for filing reply of R-3.

**Member(A)**  
dnk.

**Vice-Chairman(J)**

**O.A. 154/2018 (D.B.)**

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

**Dated : 03/10/2018**

Shri A. Girdekar, Id .counsel for  
the applicant and Shri V.A. Kulkarni,  
Id. P.O. for the respondents.

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

**Member(A)**  
dnk.

**Vice-Chairman(J)**

**Cont. P. 17/2018 in  
O.A. 673/2013 (D.B.)**

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

**Dated : 03/10/2018**

Heard Shri N.C. Phadnis, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

2. In response to the order dated 30<sup>th</sup> August, 2018 the Contemnor no.2, Shri Deepak Kumar Meena, the then Sub-Divisional Officer, Kelapur, District Yavatmal and the other Contemnor no.3, Shri Sachindra Pratap Singh, the then Collector, Yavatmal are present. Shri Deepak Kumar Meena submitted that he has been transferred within 1½ years prior to filing of this O.A., whereas, Shri Sachindra Pratap Singh is also not working at Yavatmal at present. He is posted as Commissioner, Agriculture Department, Pune. They requested that their names may be

deleted from the proceedings since they have been transferred long back. Their request is accepted. The applicant may join the present Officers who are responsible for the contempt as party to the Contempt Petition.

3. The learned P.O. has placed on record the documents which are marked Exh-X from which it seems that the interest amount of Rs.72,839/- as per shown in below Table :-

v- dz	inkulpk izlj	e# jDde #i ; s	yWk fnY ; kpk fnukd	>kyyk foye	ifjxf.kr dysys 0; kt %# i ; kr½
1-	jtk jkWdj.k %8-8% o 8-7% pdnk< 0; kt½	1]03]575	16-11-15	34 efgus	28]753
2-	Minku %10% I jG 0; kt½	83]860	19-04-17	52 efgus	44]086
				, dqt	72]839

4. As per page at sr.no.8 of Government of Maharashtra file, placed on record by the learned P.O. along with RDC, Yavatmal letter no. d-

fy-@r-vkLFkk@dkfo 997@2018 ftYgkf/kdkjh  
dk; ky; ]; orekG] dated 21/09/2018

5. It has been approved by the Government and it will be sent to the A.G. Office for verification. The learned P.O. submits that there is likelihood of getting orders from the A.G. Office within two days. However, even after getting those orders, certain procedures will be required to be followed before final payment by the concerned authorities. In view thereof, two weeks time is granted for compliance of the order. Hence, the matter be kept on 24/10/2018.

**Member(A)**

**Vice-Chairman(J)**

dnk.

O.A. No.382/2016 (D.B.)

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 03.10.2018.**

**C.A.No. 217/2018:-**

Heard Shri Rakhi Sarkar, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the Respondents.

Issue raised in the amendment application are covered in the O.A. The amendment application i.e. **C.A. No. 217/2018 is not allowed.** As submitted by the Id. counsel for the applicant, the deceased i.e. the applicant had filed an appeal before the department which is not produced on record. So the Id. counsel for the applicant is directed that within one week time that record should be submitted, for which the Id. counsel for the applicant agreed.



At her request, **S.O. two weeks for  
filing some documents on record.**

**Member**

**(A)**

aps.

O.A. No.72/2017 (D.B.)

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 03.10.2018.**

**C.A.No. 283/2018 :-**

Heard Shri S.P.Palshikar, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the Respondents.

**The C.A. No. 283/2018 is allowed.**

**S.O. four weeks.**

**Member**

**(A)**

aps.

O.A. No.191/2017 (D.B.)

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 03.10.2018.**

**C.A.No. 103/2017 :-**

Heard Shri P.P.Khaparde, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the Respondent nos. 1 & 3. Await services of respondent nos. 2 & 4.

The Id. P.O. filed affidavit-in-reply on behalf of the respondent no. 3. It is taken on record. Copy is served to the other side.

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

**Member**

**(A)**

aps.

O.A. No.277/2018 (D.B.)

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 03.10.2018.**

Heard Shri Mehta holding for Shri A.S.Tiwari, the Id. counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the Respondent nos. 1 to 3. None for respondent no. 4.

The Id. P.O. desires three weeks time to file affidavit-in-reply. At his request, **S.O. three weeks.**

**Member**

**(A)**

aps.

O.A. No.245/2018 (D.B.)

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 03.10.2018.**

Heard Shri P.P.Khaparde holding for Shri M.R.Pillai, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the Respondent nos. 1 to 4. None for respondent no. 5.

The Id. P.O. filed affidavit-in-reply on behalf of the respondent no. 4. It is taken on record. Copy is served to the other side.

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

**Member**

**(A)**

aps.

O.A. No.464/2018 (D.B.)

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 03.10.2018.**

Heard Shri T.Parmar, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the Respondent nos. 1 & 2. None for respondent no. 3.

The Id. P.O. filed affidavit-in-reply on behalf of the respondent no. 2. It is taken on record. Copy is served to the other side.

At the request of Id. counsel for the applicant, **S.O. one week.**

**Member**

**(A)**

aps.

O.A. No.680/2018 (D.B.)

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 03.10.2018.**

Heard Ms. A.M.Sudame, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

The Id. counsel for the applicant has filed the pursis dated 29/08/2018, in which it is stated that the applicant's grievances has been redressed. So, nothing survives in this O.A. **Hence, O.A. is disposed of as withdrawn.**

**Member**

**(A)**

aps.

O.A. No.684/2018 (D.B.)

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 03.10.2018.**

**C.A.No. 256/2018:-**

Heard Shri K.S.Malokar, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State..

The Id. C.P.O. pointed out that out of 53 applicants some are from Western Maharashtra and some are from Eastern Maharashtra. The same kind of petitions are pending before the MAT, Aurangabad Bench and MAT, Principal Bench, Mumbai too. The Id. C.P.O. further submits to keep all the identical matters in Principal Bench, Mumbai, so the applicants can get the common Judgment and for this the Id. C.P.O. is moving separate application and taking necessary steps.



At his request, S.O. four weeks.

Member

(A)

aps.

**O.A. No. 198/2018**

**(S.B.)**

**Coram:Shri J.D. Kulkarni,  
Vice-Chairman (J)**

**Dated : 3<sup>rd</sup> October 2018.**

Heard Shri M.I. Dhattrak, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

2. The applicant is claiming that the impugned order dated 19.3.2018 (A-5) whereby she has been transferred from the post of Chief Officer, Municipal Council, Saoner to the said post at Narkhed, be quashed and set aside, since the said order is mid-term and mid-

tenure. It is clear that the applicant has been posted at Saoner vide order dated 31.5.2017 (A-4) and is working at Saoner only from nine months. In the reply affidavit, the respondents have justified the order. Today the learned P.O. has placed on record a copy of the order dated 9.8.2018 from which it seems that one Smt. Madhuri Madavi has been transferred to Narkhed in place of the applicant and the applicant's order of transfer has been cancelled. In view thereof, nothing survives in this O.A., since the grievance of the applicant has been redressed. The learned counsel for the applicant submits that the applicant apprehends that the Government may issue fresh order whereby the applicant may be transferred. I hope that the applicant will be continued at Saoner for her full tenure except for administrative

exigency and in case of such transfer, the applicant will be at liberty to challenge the same by filing fresh O.A. Application accordingly stands disposed of with no order as to costs.

Vice-Chairman(J)

**Dt. 3.10.2018.**

pdg.

**O.A. No. 838/2015**

**(S.B.)**

**Coram:Shri J.D. Kulkarni,**

**Vice-Chairman (J)**

**Dated : 3<sup>rd</sup> October 2018.**

**C.A. 268/2018.**

None for the applicant.

Heard Shri A.M. Ghogre, the learned P.O. for the respondents, though the matter has been filed by the applicant himself.

In this C.A. the applicant has prayed for permission to file documents, which is nothing but a statement given by the bank. In the interest of justice, C.A. for filing documents is allowed and documents be taken on record.

**O.A. No. 838/2015**

Matter is already admitted, it be kept for final hearing in the **last week of October, 2018.**

Vice-  
Chairman(J)

Dt. 3.10.2018.

pdg.

**O.A. No. 768/2015**

**(S.B.)**

**Coram:Shri J.D. Kulkarni,**  
**Vice-Chairman (J)**

**Dated : 3<sup>rd</sup> October 2018.**

Heard Shri I.N. Choudhari, the learned counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents.

2. The applicant is a Forest Guard and has been transferred vide order dated 24.9.2018 issued by respondent No.2 from Lonara Bit under Tiroda Forest Range at Kalimati Navegaon Park under Wildlife Department in Gondia district. It is state that the order of transfer is mid-term, since the same has been issued in the month of September, 2018. Immediately after the order of transfer, the applicant has filed representation on 29.9.2018 as per Annexure A-8 and requested that on account of education of his daughter and son,

he may be accommodated till academic session of May, 2019. He further submits that the applicant has not been accommodated at any of the 10 option places given by him. The applicant has not yet been relieved from his post and nobody has been posted in his place. In view thereof, the Ld. counsel for the applicant submits that the O.A. may be disposed of with directions to the respondent authorities to take a decision on the representation filed by the applicant.

3. The applicant has given reason for extension, from which it seems that his daughter is taking education in 11<sup>th</sup> standard and his son is in 4<sup>th</sup> standard. He submits that his father has died recently, whereas his mother is undergoing medical treatment. Since nobody is appointed in place of the applicant and the applicant has not

yet been relieved from his post, it will be in the interest of justice to direct respondents to take a decision on the representation of the applicant within a stipulated period. Hence, the following order:-

**ORDER**

- (i) The O.A. stands disposed of with directions to the Dy. Conservator of Forests, Gondia (R.2) to take a decision on the representation filed by the applicant dated 29.9.2018 on its own merits.
- (ii) Such a decision shall be taken within four weeks from the date of this order and till that time, the applicant may be continued on his post prior to transfer.



(iii) No order as to costs.

Vice-  
Chairman(J)

Dt. 3.10.2018.

pdg.