

O.A. 829/2016 (D.B.)

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

Dated : 31/08/2018

C.A.13/2017 -

Shri S.S. Bhalerao, Id .counsel holding for Shri A.P. Tathod, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

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

Member(A)

Vice-Chairman(J)

dnk.

O.As. 242 & 272 of 2018 (D.B.)

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

Dated : 31/08/2018

Shri U.D. Mokasdar, Id. counsel for the applicants and Shri P.N. Warjurkar, Id. P.O. for R-1&2. None for R-3.

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

Member(A)

Vice-Chairman(J)

dnk.

O.A. 542/2018 (D.B.)

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

Dated : 31/08/2018

Shri N.R. Saboo, Id. counsel for
the applicant and Shri M.I. Khan, Id.
P.O. for the respondents.

At the request of Id. counsel for
the applicant, **S.O. 04/09/2018.**

Member(A)

Vice-Chairman(J)

dnk.

O.A. 579/2018 (D.B.)

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

Dated : 31/08/2018

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.**
three weeks for filing reply.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 639/2018 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 31/08/2018

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

2. The learned counsel for the applicant submits that he has already filed service affidavit of R-2. He further submits that in spite of specific order passed in O.A.Nos.584 & 585 of 2017 on 04/01/2018 to complete enquiry within six months, no progress has been made in the inquiry except appointing of Inquiry Officer and Presenting Officer. The other colleagues of the applicant have already been promoted as per the order dated 05/04/2017 and they are juniors to the applicant. The applicant is going to retired in December,2018

and it is stated that all these have been done with intention to avoid promotion to the applicant. The learned P.O. is directed to take necessary instructions as to within how many days the order of promotion will be passed in respect of the applicant.

3. At the request of learned P.O., **S.O. 03/09/2018** for taking instructions.

Steno copy is granted.

Member(A)

Vice-Chairman(J)

dnk.

Dated – 31/08/2018

C.P. 29/18 in O.A. 703/2016 (D.B.)

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

Dated : 31/08/2018

Smt. J.J. Alkani, Id. counsel holding for Shri S.V. Sohoni, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondent.

At the request of Id .counsel for the applicant, **S.O. 27/09/2018.**

Member(A)

Vice-Chairman(J)

dnk.

O.A. 123/2010 (D.B.)

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

Dated : 31/08/2018

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

2. On 14/08/2018 the Id. counsel for the applicant took time to get instructions as to whether the applicant was promoted and therefore the matter was kept on 29/08/2018. On 29/08/2018, the matter was adjourned at the request of learned P.O. since he wanted to file on record copy of the promotion order. Today, the learned P.O. has placed on record copy of applicant's promotion order dated 30/08/2018 which is marked Exh-X for the purposes of identification, from which it seems that the applicant has already been

promoted in 2012 itself and therefore the applicant may not be interest in prosecuting the O.A. since his grievances has been redressed.

3. In view thereof, the O.A. stands disposed of as the applicant's grievances has been redressed.

Member(A)

Vice-Chairman(J)

dnk.

Dated – 31/08/2018.

O.A. 453/2010 (D.B.)

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

Dated : 31/08/2018

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

2. The matter was listed on the weekly board which is published before two weeks. But none appeared for the applicant on 29/08/2018 and 30/08/2018. Today also nobody appeared for the applicant.

3. In view thereof, the O.A. stands dismissed in default. No order as to costs.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 518/2010 (D.B.)

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

Dated : 31/08/2018

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

2. The matter was listed on the weekly board which is published before two weeks. But none appeared for the applicant on 29/08/2018 and 30/08/2018. Today also nobody appeared for the applicant.

3. Today the learned P.O. has placed on record copy of the promotion order of the applicant dated 20/12/2011 which is marked Exh-X for the purposes of identification, from which it seems that the applicant has been promoted as Circle Officer and

therefore the applicant may not be interested in prosecuting the O.A.

3. In view thereof, the O.A. stands dismissed with no order as to costs.

Member(A)

Vice-Chairman(J)

dnk.

Dated :- 31/08/2018.

O.A. 555/2010 (D.B.)

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

Dated : 31/08/2018

Heard Mrs. R.V. Kukday, Id. counsel holding for Shri V.S. Kukday, Id. counsel for the applicant and P.N. Warjurkar, Id .P.O. for the respondents.

2. The matter has been heard on merits on the last occasion also i.e. yesterday. The learned P.O. today placed on record the copy of the affidavit along with the order of granting time bound promotion to the applicant dated 12/12/2002 to the C.A.No.314/2014 for amendment of O.A. The said documents are placed on record and marked Exh-X for the purposes of identification.

3. The learned counsel for the applicant submits that she wants to go through the same and hence matter be kept on **10/09/2018 (P.H.)**.

Member(A)

Vice-Chairman(J)

dnk.

Dated – 31/08/2018.

O.A. 666/2010 (D.B.)

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

Dated : 31/08/2018

Heard Shri S.U Nemade, Id. counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for R-1 to 3. None for R-4.

2. The learned counsel for the applicant submits that the applicant has already been promoted during the pendency of the O.A. and therefore he does not want to prosecute the O.A. In view thereof, the O.A. stands disposed of with no order as to costs.

Member(A)

Vice-Chairman(J)

dnk.

O.As. 728/10 & 838/11 (D.B.)

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

Dated : 31/08/2018

None for the applicants. Heard Shri A.P. Potnis, Id. P.O. for R-1&2 and Shri R.V. Shiralkar, Id. counsel for R-3.

2. The matters were listed on the weekly board which is published before two weeks. But none appeared for the applicants on 29/08/2018 and 30/08/2018. Today also nobody appeared for the applicants.

3. In view thereof, the O.As. stand dismissed in default. No order as to costs.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 443/2010 (D.B.)

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

Dated : 31/08/2018

Ms. D. Joshi, Id. counsel holding
for S.V. Sirpurkar, Id. counsel for the
applicant and Shri H.K. Pande, Id.
P.O. for the respondents.

At the request of learned
counsel for the applicant, **S.O.**
03/09/2018.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 590/2017 (D.B.)

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

Dated : 31/08/2018

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

2. Admittedly the applicant has applied under SC (female) category for the post of Assistant Teacher in Maths as well as Science. She got 89 marks in Maths and 85 marks in Science. As per the communication dated 04/03/2017 the applicant was directed to produce certificates for verification as per Annex-A-3. In the said certificates there is no mention of Domicile Certificate and therefore the applicant could not produce said certificate. The applicant's claim has been rejected only on the ground that she could not produce Domicile Certificate. The learned counsel for the applicant has invited our attention the date of birth

certificate from which it seems that the applicant has born at Kahan Pimpri, Tq. Parshioni, District Nagpur. Subsequently she has also obtained the Domicile Certificate showing that she is resident of Maharashtra State. It is however admitted fact that the applicant has not produced the Domicile Certificate at the time of verification of documents and it is also a fact that she was not asked to produce that specific Certificate. The learned P.O. is therefore requested to take instructions as to whether the post in the category of SC (female) in Maths and Science is available, what is the status of the process of recruitment and whether it is completed in all respect and when ? The learned P.O. seeks two weeks time. At his request, **S.O. two weeks (P.H.)**.

Steno copy is granted.

Member(A)

Vice-Chairman(J)

dnk.

Dated :- 31/08/2018.

O.A. No.389/2018 (S.B.)

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

Dated : 31.08.2018.

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

The Id. P.O. desires to admit the matter. However, at the request of Id. counsel for the applicant, **S.O. Tuesday i.e. 04/09/2018 for final disposal.**

In order dated 11/06/2018 in para no. 2 :- *The main contention of the Id. Counsel for the applicant is that out of 10 choices of the applicant, 8 are still vacant, but he has been given posting out of the 10 choices. The Id. P.O. pointed out that the applicant has been transferred to his one of the choices. Therefore, his choice at Sr. No. 9 is out of the 10 choices. However, the Id. Counsel for the applicant submits that choice nos. 1 to 8 are vacant and therefore, he requested that Sr. Nos. 1 to 8 preference should have been considered before choice no. 9. The Id. Counsel for the applicant submits that*

Panchayat Samiti, Ghatanji which is a Tribal area, that is also in the choices of the applicant at Sr. No. 1. Therefore, the transferring authority is directed to consider applicant's choice at pg. no. 68 with preferences to Sr. Nos. 1 to 8 or 9. Therefore, the status quo to the extent of applicant is granted till the next date of hearing.

The above order is continued till next date of hearing.

Member

(A)

aps.

O.A. No.628/2018 (S.B.)

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

Dated : 31.08.2018.

Heard Shri G.K.Bhusari, Id. counsel for the applicant, Shri H.K.Pande, Id. P.O. for the respondent nos. 1 & 3 and Shri S.N.Gaikwad, Id. counsel for respondent no. 2.

The Id. counsel for the applicant pleads that the applicant is of 56 years old and he has already served in Korchi and Bhamragarh of Gadchiroli District. He had further pleaded that, the applicant is of 56 yrs. old and his application should have been considered as per the G.R. at P.B., Pg. No. 59, bearing No. fVvkj, Q&2000@i:dz:3@ckjk dated 06/08/2002 (Annexure-A-12) of para no. 5, it is mentioned that :- o; kph 50 o"R i wAZ >kyY; k vf/Adkjh@depkjh ; kph 'AD; rks ; k Hkxkr fu; Ørh d: u; s

Considering all the above facts, the respondents are directed to consider his representation dated 04/06/2018 and 10/08/2018 at P.B., Pg. No. 57 and 58, **within three weeks** from the date of this order. **S.O. three weeks.**

Member

(A)

aps.

O.A. No.717/2017 (S.B.)

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

Dated : 31.08.2018.

C.A.No.64 & 65/2018:-

Heard Ms.M.P.Munshi, Id. counsel for the applicant and Shri H.K.Pande, Id. P.O. for the respondents.

The matter is related to the recruitment of Police Constable on compassionate ground at Bhandara District. Since, the recruitment is completed. The Id. counsel for the applicant desires for the stay. However, this is a case of compassionate ground and the Id. counsel for the applicant pleads about the Judgment of Maharashtra Administrative Tribunal, Principal Bench, Mumbai.

In view of this, the matter is **admitted** and kept for final hearing by keeping the aspect of condonation of delay open at the time of final hearing.

S.O. two weeks.

*Put up this matter along with the
O.A. 718/2017.*

Member

(A)

aps.

O.A. No.718/2017 (S.B.)

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

Dated : 31.08.2018.

Heard Ms.M.P.Munshi, Id. counsel for the applicant and Shri H.K.Pande, Id. P.O. for the respondent nos. 1 & 2. None for respondent nos. 3 & 4.

The Id. P.O. submits that the affidavit-in-reply of respondent no. 2 has already been filed and it is sufficient.

In view of this, the matter is **admitted** and kept for final hearing.

S.O. two weeks.

*Put up this matter along with the
O.A. 717/2017.*

Member

(A)

aps.

O.A. No.845/2017 (S.B.)

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

Dated : 31.08.2018.

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

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

S.O. two weeks.

Member

(A)

aps.

O.A. No.853/2017 (S.B.)

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

Dated : 31.08.2018.

Shri P.P.Khaparde, Id. counsel for the applicant and Shri H.K.Pande, Id. P.O. for the respondent nos. 1 & 2. Await service of respondent no. 3.

The Id. counsel for the applicant seeks one week time to file Rejoinder.

S.O. one week, for Rejoinder.

Member

(A)

aps.

O.A. No.967/2017 (S.B.)

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

Dated : 31.08.2018.

Ms. H.Sheikh, Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the respondent nos. 1 & 3. Await service of respondent nos. 2, 4 & 5.

The Id. P.O. submits that reply of respondent no. 3 is filed and that is sufficient.

The Id. counsel for the applicant submits that appeal filed before Divisional Commissioner has been decided. However, she seek time to file copy of the order of Divisional Commissioner.

S.O. two weeks.

Member

(A)

aps.

O.A. No.481/2018 (S.B.)

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

Dated : 31.08.2018.

Shri A.C.Dharmadhikari, Id. counsel for the applicant, Shri P.N.Warjurkar, Id. P.O. for the respondent nos. 1 & 2 and Shri S.P.Palshikar, Id. counsel for the respondent nos. 3.

The Id. P.O. has filed the reply of respondent no. 1. The same is taken on record. Copy is served to the other side.

The Id. counsel for the applicant seeks time to go through the same. At the request of Id. counsel for the applicant, **S.O. two weeks for Rejoinder, if any.**

*Put up this matter along with the
O.A. No. 548/2018.*

Member

(A)

aps.

O.A. No.548/2018 (S.B.)

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

Dated : 31.08.2018.

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

The Id. P.O. has filed the reply of respondent no. 2. The same is taken on record. Copy is served to the other side.

The Id. counsel for the applicant seeks time to go through the same. At the request of Id. counsel for the applicant, **S.O. two weeks for Rejoinder, if any.**

*Put up this matter along with the
O.A. No. 481/2018.*

Member

(A)

aps.

O.A. No.541/2018 (S.B.)

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

Dated : 31.08.2018.

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

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

Member

(A)

aps.

O.A. No.541/2018 (S.B.)

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

Dated : 31.08.2018.

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

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

Member

(A)

aps.

O.A. No.589/2018 (S.B.)

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

Dated : 31.08.2018.

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

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

Member

(A)

aps.

O.A. No.675/2017 (S.B.)

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

Dated : 31.08.2018.

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

The Id. P.O. submits that four weeks time should be given to decide the suspension case. Since, the decision to be taken by the State Government. In view of this, S.O. four weeks as a last chance to decide the suspension period and his retirement benefits. **S.O. four weeks.**

Member

(A)

aps.

O.A. No.395/2018 (S.B.)

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

Dated : 31.08.2018.

Shri S.P.Palshikar, Id. counsel for the applicant and Shri P.N.Warjuarkar, Id. P.O. for the respondents.

The Id. counsel for the applicant submits that he has received the reply of respondent no. 3. It is taken on record.

The Id. P.O. submits that he will file the affidavit-in-reply on behalf of the respondent no. 2 within two weeks. At his request, **S.O. two weeks.**

Member

(A)

aps.