

**O.A. 110/2018 (D.B.)**

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

**Dated : 28/08/2018**

Shri A.N. Nikose, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1 to 4. Await service of R-5. None for R-6.

2. The learned counsel for the applicant submits that the respondent no.5 is not served since the address is not proper. He submits that he will correct the address of respondent no.5 within two weeks and request that fresh notice may be issued to serve respondent no.5.

3. In view of this, issue fresh notice to R-5, returnable in **four weeks**. 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.

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

**Member(A)**

**Vice-Chairman(J)**

dnk.

Dated – 28/08/2018.

O.A. 114/2018 (D.B.)

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

**Dated : 28/08/2018**

Shri S.S. Shingade, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for the respondents. None for Caveator (R/2).

2. The learned P.O. files reply-affidavit on behalf of R-1 to 3. It is taken on record. Copy is served on the applicant.

3. At the request of learned counsel for the applicant, **S.O. two weeks** for filing rejoinder, if necessary.

**Member(A)**

**Vice-Chairman(J)**

dnk.

O.A. 614/2017 (D.B.)

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

**Dated : 28/08/2018**

**C.A.Nos.533/2016 & 68/2018 –**

Shri S.S. Shingade, Id. counsel holding for Shri R.V.Shiralkar, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1&2 and Shri N.T. Gwalawanshi, Id. counsel holding for Shri N.B.Rathod, Id. counsel for R-3.

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

**Member(A)**

**Vice-Chairman(J)**

dnk.

O.A. 270/2018 (D.B.)

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

**Dated : 28/08/2018**

Shri A.S. Deshpande, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

2. The learned CPO files reply on behalf of R-2, i.e., MPSC. It is taken on record. Copy is served on the applicant. The learned CPO submits that reply of R-1 is not necessary.

3. Since the pleadings are complete, with the consent of Id. counsel for both the parties, the matter is admitted and be kept for final hearing.

4. The learned CPO waives notice for the respondents.

**S.O. after four weeks.**

**Member(A)**  
dnk.

**Vice-Chairman(J)**

O.A. 520/2018 (D.B.)

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

**Dated : 28/08/2018**

Shri S.C. Deshmukh, Id. counsel  
for the applicant and Shri S.A. Deo, Id.  
CPO for the respondents.

At the request of Id. CPO, **S.O.**  
**30/08/2018** for filing reply.

**Member(A)**

**Vice-Chairman(J)**

dnk.

O.A. 618/2018 (D.B.)

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

**Dated : 28/08/2018**

Shri N.D. Thombre, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

2. The learned counsel for the applicant submits that the respondent no.2 has been served and he will service affidavit to that effect.

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

**Member(A)**

**Vice-Chairman(J)**

dnk.



O.A. 603/2016 (D.B.)

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

**Dated : 28/08/2018**

Shri S.C. Deshmukh, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1&2. None for R-3.

2. With the consent of Id. counsel for both the sides, the matter be kept **on 31/08/2018** for final hearing at the admission stage.

**Member(A)**

**Vice-Chairman(J)**

dnk.

O.A. 357/2018 (D.B.)

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

**Dated : 28/08/2018**

Shri A.P. Sadavarte, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1 to 3. None for R-4&5.

2. At the request of Id. CPO, **S.O. one week** for taking instructions as per order dated 14/08/2018.

**Member(A)**

**Vice-Chairman(J)**

dnk.

O.A. 427/2016 (D.B.)

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

**Dated : 28/08/2018**

Shri P.S. Chawhan, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

2. In view of order dated 09/07/2018 the learned P.O. has filed short affidavit on behalf of respondent no.2. Same is taken on record. Copy is served on the applicant. The learned counsel for the applicant wants to go through the same and for that purpose he seeks time. At his request, **S.O. Next week.**

**Member(A)**

**Vice-Chairman(J)**

dnk.

O.As. 221/10 & 114/12 (D.B.)

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

**Dated : 28/08/2018**

Shri Bharat Kulkarni, Id. counsel  
for the applicants and Shri H.K.  
Pande, Id. P.O. for R-1. None for R-2.

At the request of learned P.O.,  
**S.O. Next week.**

**Member(A)**

**Vice-Chairman(J)**

dnk.

O.A. 157/2015 (D.B.)

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

**Dated : 28/08/2018**

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

**Closed for orders.**

**Member(A)**

**Vice-Chairman(J)**

dnk.

(D.B.)

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

**Dated : 28/08/2018**

**O.A.545/15 with C.A.479/17 in C.A. 577/17, O.A.761/15, 802/15, 805/15 & 97/16.**

Heard Shri Bharat Kulkarni, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 to 4 and Shri N.R. Saboo, Id. counsel for R-5 to 15 (in O.A.No.545/15), Shri G.G. Bade, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1 to 4 and Shri N.R. Saboo, Id. counsel for R-5 to 12&14. None for rest of the respondents (in O.A.761/15), Shri G.G. Bade, Id. counsel for the applicant, Shri A.P. Potnis, Id. P.O. for R-1 to 4 and Shri N.R. Saboo, Id. counsel for R-5,7 to 10 & 14. None for rest of the respondents (in O.A.802/15), Shri G.G. Bade, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1 to 4 and none for R-5 to 15 (in

O.A.805/15), Shri Bharat Kulkarni, Id. P.O. for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1 to 4 and Shri N.R. Saboo, Id. P.O. for R-5,7 to 11&14. None for rest of the respondents (in O.A.97/2016).

**Closed for orders.**

**Member(A)**

**Vice-Chairman(J)**

dnk.

Dated – 28/08/2018.

**O.A. No. 369/2018  
(S.B.)**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J)  
Dated : 28<sup>th</sup> August 2018.**

Heard Shri S.P. Palshikar, the  
Ld. counsel for the applicant and  
Shri M.I. Khan, the learned P.O. for  
the respondents.

S.O. **31.8.2018** for filing reply  
affidavit by Ld. P.O.

Interim relief to continue till  
then.

Vice-  
Chairman(J)

pdg.



**O.A. No. 838/2015  
(S.B.)**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J)  
Dated : 28<sup>th</sup> August 2018.**

Heard Mrs. B.M. Kasare, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

At the request of Ld. counsel for the applicant, S.O. **second week of Sept. 2018** for submitting documents.

Vice-  
Chairman(J)

pdg.

**O.A. No. 507/2017  
(S.B.)**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J)**  
**Dated : 28<sup>th</sup> August 2018.**

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

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

Vice-  
Chairman(J)

pdg.

**O.A. No. 444/2015  
(S.B.)**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J)  
Dated : 28<sup>th</sup> August 2018.**

Shri N.B. Bargat, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

The Ld. P.O.has filed reply on behalf of R.1, it is taken on record

and its copy is given to the other side.

S.O. two weeks.

Vice-  
Chairman(J)

pdg.

O.A. No. 439/2018  
(S.B.)

Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J)  
Dated : 28<sup>th</sup> August 2018.

Heard Shri A.P. Tathod, the  
Ld. counsel for the applicant and

Shri V.A. Kulkarni, the learned  
P.O. for the respondents.

At the request of Ld. counsel  
for the applicant, S.O. **30.8.2018.**

Vice-  
Chairman(J)

pdg.

**O.A. No. 567/2017  
(S.B.)**

**(Dr. D.Y. Bramhankar V/s State &  
4)**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J)**  
**Dated : 28<sup>th</sup> August 2018.**

**C.A. No. 09/2018.**

None appeared for the applicant. Heard Shri P.N. Warjekar, the learned P.O. for respondent Nos. 1 and 2, Shri A. Parihar, learned counsel for respondent Nos. 3 and 4 and Shri G.K. Bhusari, Adv. holding for Shri D.M. Kakani, the learned counsel for respondent No.5.

2. In this O.A., the applicant, a Medical Officer, Group-B has challenged the order of transfer of respondent No.5 from Patansawangi to Sadak Arjuni i.e. in place of the applicant. It seems that as per order dated 31.5.2017 (Annexure A-1, Page 17), the respondent No.5 was transferred from Patansawangi to Sadak Arjuni where the applicant was serving. In fact, the applicant was transferred

from Sadak Arjuni to Soni (A-6) on 1.7.2015 and it was expected that he shall be relieved immediately. The Chief Executive Officer, Zilla Parishad, Gondia, however, instead of relieving the applicant immediately, allowed the applicant to continue at Sadak Arjuni. In the meantime, the Govt. issued an order whereby some other person i.e. Dr. Bansod was posted at Soni. But no order was passed regarding the applicant. In the meantime, the Chief Executive Officer, Zilla Parishad, Gondia issued an order dated 3.8.2017 relieving the applicant and directing him to join at Pandhri. The said order, however, is not challenged. Though in the O.A., it was stated that the Chief Executive Officer, Zilla Parishad, Gondia was having no authority to transfer the applicant at Pandhri. Considering this fact, the Chief Executive Officer, Zilla Parishad, Gondia was

directed not to insist the applicant to join at Pandhri. From the circumstances on record, however, it seems that the applicant was already relieved so as to join at Pandhri on 3.8.2017. Since the applicant did not challenge his transfer to Pandhri, in fact, he should have joined at Pandhri immediately. But it seems that he did not join, because it was directed to the Chief Executive Officer, Zilla Parishad, Gondia not to insist the applicant to join there.

3. The learned counsel for the applicant submits that respondent No.5 has been transferred to Sadak Arjuni as per order passed by the competent authority i.e. the Govt. on 31.5.2017, since the respondent No.5 is Group-A officer. He has also joined there on 1.8.2017. However, though the respondent No.5 is doing his duty at Sadak Arjuni, till today; he has not been paid.



4. The learned counsel for the Zilla Parishad submits that the bill has already been submitted to the Treasury Office for passing. But the Treasury Officer took objection that the salary for two persons at one place of one post cannot be granted. From all the circumstances, it therefore, seems that, fact remains that the applicant was already relieved from Sadak Arjuni. Therefore, there is no question of there being two persons working at Sadak Arjuni at present and the respondent No.5 should have been paid salary, since he joined at Sadak Arjuni on 1.8.2017. So far as the legality of applicant's transfer to Pandhri is concerned, that can be considered on merits. Similarly, whether the absence the applicant shall be treated as compulsory waiting period or not will have to be considered on merits. But there is absolutely no reason as to why

salary of respondent No.5 shall be withheld, since he has already joined at Sadak Arjuni on 1.8.2017 and is working there. This order shall be shown to the Treasury Officer for all purposes. It shall be presumed that the applicant has already been relieved from Sadak Arjuni on 3.8.2017. The Treasury Officer shall take necessary steps to release the salary of respondent No.5 immediately. No order as to costs.

S.O. **four weeks.**

Vice-  
Chairman(J)

pdg.

O.A. No.726/2017 (S.B.)

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

**Dated : 28.08.2018.**

**C.A.No.549/2017:-**

None for the applicant. Shri A.M.Khadatkar, Id. P.O. for the Respondent nos. 1 to 3. None for respondent no. 4.

In the last hearing, Shri Bhagde submitted that he is going to file Vakalatnama on behalf of the applicant, still he has not filed on record. The ground given for condonation of delay is not justified.

In view of this, C.A. alongwith the O.A. both stands disposed off as dismissed with no order as to costs.

**Member (A)**

aps.

O.A. No.158/2018 (S.B.)

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

**Dated : 28.08.2018.**

Shri K.Nalamwar, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the Respondents.

The Id. counsel for the applicant submits that the Hon'ble High Court has decided the matter and the same operative part is on P.B., Pg. No. 133 and 134. The order of Tribunal is at P.B., Pg. No. 112.

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.267/2018 (S.B.)

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

**Dated : 28.08.2018.**

None for the applicant. Shri S.A.Sainis, Id. P.O. for the Respondents.

The Id. counsel for the applicant has preferred an appeal before respondent no. 4 i.e. Commissioner, Tribal Development Department. Hence, the respondent no. 4 is directed to decide the appeal within **six weeks** from the date of this order. After the decision of the appeal, the applicant is at liberty to approach this Tribunal.

In this background, the O.A. is disposed off with no order as to costs.

**Member (A)**

aps.

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

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

**Dated : 28.08.2018.**

None for the applicant. Shri  
S.A.Sainis, Id. P.O. for the Respondents.

As suggested by Id. P.O., **S.O.**  
**31/08/2018 for final disposal.**

**Member (A)**

aps.

O.A. No.342/2018 (S.B.)

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

**Dated : 28.08.2018.**

Smt. K.N.Saboo, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the Respondents.

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

In order dated 05/06/2018 in para no. 2 i.e. *Prima facie impugned order of transfer dated 31/05/2018 (Annexure-A-6) in respect of applicant appears in violation of the G.R. No. TRF-2000/pra.kra 3/12, Mantralaya, Mumbai dated 06/08/2002 (Annexure-A-5, P-23). The impugned order in respect of applicant is stayed and the matter is adjourned on 21/06/2018. The Id. P.O. may request to the Transferring Authority to re-consider the applicant's representation and decide the matter as per the guidelines of G.R. dated 06/08/2002.*

**The above stay is continued till  
next date of hearing.**

**Member (A)**

aps.



O.A. No.344/2018 (S.B.)

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

**Dated : 28.08.2018.**

Shri P.V.Thakre, Id. counsel for the applicant and Shri S.A.Deo, Id. P.O. for the Respondents.

The Id. C.P.O. seeks one week time to file affidavit-in-reply. At his request, **S.O. one week.**

*In order dated 05/06/2018 in para no. 2 – “The impugned order of transfer dated 31/05/2018 (Annexure-A-8) in respect of applicant and respondent no. 5 only is stayed till the next date of hearing. In the meanwhile, the transferring authority may file in reply vacancies in Gadchiroli District”.*

The above order dated 05/06/2018 is continued till next date of hearing.

**Member (A)**

aps.

O.A. No.424/2018 (S.B.)

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

**Dated : 28.08.2018.**

**C.A.No.156/2018:-**

Shri P.S.Wathore, Id. counsel for the applicant, Shri M.I.Khan, Id. P.O. for the Respondents and Shri N.D.Thombre, Id. counsel for the intervention.

The Id. P.O. submits that he will file affidavit-in-reply during the course of the day. However, the Id. counsel for the applicant requested for deciding the issue of intervention. Heard Id. counsel for applicant, who opposed intervention. However, Intervention is allowed and after reply submitted by Id. P.O., the matter will be listed.

**S.O. one week.**

**Member (A)**

aps.

O.A. No.442/2018 (S.B.)

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

**Dated : 28.08.2018.**

Smt. Saboo, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the Respondents.

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

The matter is **admitted** and kept for final hearing. **S.O. two weeks.**

*Put up this matter alongwith the O.A. 443/2018.*

**Member (A)**

aps.

O.A. No.443/2018 (S.B.)

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

**Dated : 28.08.2018.**

Smt. Saboo, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the Respondents.

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

The matter is **admitted** and kept for final hearing. **S.O. two weeks.**

*Put up this matter alongwith the O.A. 442/2018.*

**Member (A)**

aps.

O.A. No.450/2018 (S.B.)

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

**Dated : 28.08.2018.**

Shri A.S.Tiwari, Id. counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the Respondents.

In order dated 26/06/2018, the Id. C.P.O. has pointed out facts which has been reproduced in order dated 23/07/2018 and 06/08/2018. However, the Id. counsel for the applicant submits that he has filed vakalatnama yesterday and he seeks time. At his request, **S.O. one week.**

**Member (A)**

aps.

O.A. No.784/2017 (S.B.)

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

**Dated : 28.08.2018.**

Shri S.U.Bhuyar, Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the Respondents.

The Id. counsel for the applicant submits that he received the copy of the reply yesterday only. He needs some time to go through it. At his request, **S.O. one week for Rejoinder, if any.**

**Member (A)**

aps.

O.A. No.984/2017 (S.B.)

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

**Dated : 28.08.2018.**

Shri S.S.Mohod, Id. counsel for the applicant and Shri H.K.Pande, Id. P.O. for the Respondents.

The Id. counsel for the applicant has filed Rejoinder. It is taken on record. Copy is served to the other side.

The matter is **admitted** and kept for final hearing.

**S.O. three weeks.**

**Member (A)**

aps.



O.A. No.447/2018 (S.B.)

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

**Dated : 28.08.2018.**

Ms. A.K.Shah, Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the State. Await service of respondent no. 1.

The Id. P.O. has submitted the letter No. ~~dek~~ & U; k; ki z & 1618@i:dz106@5 vs dated 27/08/2018 in which fifteen days time has been requested by Government of Maharashtra.

In view of Government letter, the matter is listed after two weeks. **S.O. two weeks.**

**Member (A)**

aps.

