

O.A. No. 12/2015

**Coram : Hon. Shri Rajiv Agarwal,
Vice-Chairman and
Hon. Shri J.D.Kulkarni,
Member (J).**

Dated : 08.03.2017.

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

The learned counsel for the applicant seeks adjournment as his senior Counsel Shri S.W. Sambre is not feeling well. Time is granted as prayed for.

Put up the matter before regular D.B. as and when available.

Member (J)

Vice-Chairman

dnk.

O.A. No. 573/2007

**Coram : Hon. Shri Rajiv Agarwal,
Vice-Chairman and
Hon. Shri J.D.Kulkarni,
Member (J).**

Dated : 08.03.2017.

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

The learned counsel for the applicant states that the applicant in this O.A. has expired during the pendency of this O.A. and his legal heirs wants to be impleaded as party. The learned counsel for the applicant may file pursis in this regard to bring legal heirs of the applicant.

The O.A. thereafter may be placed before regular Division Bench as and when available.

Member (J)

Vice-Chairman

dnk.

O.A. No. 609/2000

**Coram : Hon. Shri Rajiv Agarwal,
Vice-Chairman and
Hon. Shri J.D.Kulkarni,
Member (J).**

Dated : 08.03.2017.

Heard Shri Thote, Id. counsel holding for Shri A.S. Mardikar, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

Closed for orders.

Member (J)

Vice-Chairman

dnk.

O.A. No. 95/2005

**Coram : Hon. Shri Rajiv Agarwal,
Vice-Chairman and
Hon. Shri J.D.Kulkarni,
Member (J).**

Dated : 08.03.2017.

Ms. Pathan, Id. counsel holding
for Shri S. Bhandarkar, Id. counsel for the
applicant and Shri A.M. Ghogre, Id. P.O.
for the respondent nos. 1 to 3. None for
R-4.

At the request of learned counsel
for the applicant, **S.O. 9-3-2017.**

Member (J)

Vice-Chairman

dnk.

O.A. Nos. 584/2005 & 122/2012

**Coram : Hon. Shri Rajiv Agarwal,
Vice-Chairman and
Hon. Shri J.D.Kulkarni,
Member (J).**

Dated : 08.03.2017.

Shri M.R. Khan, Id. counsel for the applicants and Shri P.N. Warjurkar, Id. P.O. for the respondents.

At the request of learned counsel for the applicants, **S.O. 9-3-2017.**

Member (J)

Vice-Chairman

dnk.

O.A. No. 376/2007

**Coram : Hon. Shri Rajiv Agarwal,
Vice-Chairman and
Hon. Shri J.D.Kulkarni,
Member (J).**

Dated : 08.03.2017.

Shri N.R. Saboo, Id. counsel for the applicants and Shri M.K. Pande, Id. P.O. for the respondents.

The learned counsel for the applicants submits that as per latest order the matter can be heard before Single Bench. It may be placed before Single Bench.

S.O. 15-3-2017.

Member (J)

Vice-Chairman

dnk.

O.A. No. 394/2007

**Coram : Hon. Shri Rajiv Agarwal,
Vice-Chairman and
Hon. Shri J.D.Kulkarni,
Member (J).**

Dated : 08.03.2017.

None for the applicant.

Shri P.N. Warjurkar, Id. P.O. for
the respondents.

S.O. 14-3-2017.

Member (J)

Vice-Chairman

dnk.

O.A. No. 434/2007

**Coram : Hon. Shri Rajiv Agarwal,
Vice-Chairman and
Hon. Shri J.D.Kulkarni,
Member (J).**

Dated : 08.03.2017.

None for the applicant.

Shri A.M. Ghogre, Id. P.O. for the
respondent nos. 1 to 3. None for R-4.

S.O. 10-3-2017 for dismissal.

Member (J)

Vice-Chairman

dnk.

O.A. No. 457/2007

**Coram : Hon. Shri Rajiv Agarwal,
Vice-Chairman and
Hon. Shri J.D.Kulkarni,
Member (J).**

Dated : 08.03.2017.

None for the applicant.

Shri A.M. Ghogre, Id. P.O. for the
respondents.

S.O. 10-3-2017 for dismissal.

Member (J)

Vice-Chairman

dnk.

O.A. No. 499/2007

**Coram : Hon. Shri Rajiv Agarwal,
Vice-Chairman and
Hon. Shri J.D.Kulkarni,
Member (J).**

Dated : 08.03.2017.

None for the applicant.

Shri S.A. Sainis, Id. P.O. for the
respondents.

S.O. 10-3-2017 for dismissal.

Member (J)

Vice-Chairman

dnk.

O.A. Nos. 616, 622 & 623 of 2007

**Coram : Hon. Shri Rajiv Agarwal,
Vice-Chairman and
Hon. Shri J.D.Kulkarni,
Member (J).**

Dated : 08.03.2017.

None for the applicants.

Smt. M.A. Barabde, Id. P.O. for the
respondent nos. 1 to 3. None for R-4.

S.O. 10-03-2017 for dismissal.

Member (J)

Vice-Chairman

dnk.

O.A. No. 204/2015

**Coram : Hon. Shri Rajiv Agarwal,
Vice-Chairman and
Hon. Shri J.D.Kulkarni,
Member (J).**

Dated : 08.03.2017.

Heard Smt. S.K. Paunekar, Id. counsel for the applicants, Shri P.N. Warjurkar, Id. P.O. for R-1 to 3 and Shri A.P. Kalmegh, Id. counsel for R-4.

Closed for orders.

Put up along with O.A. No. 400/2015.

Member (J)

Vice-Chairman

dnk.

O.A. No. 400/2015

**Coram : Hon. Shri Rajiv Agarwal,
Vice-Chairman and
Hon. Shri J.D.Kulkarni,
Member (J).**

Dated : 08.03.2017.

Heard Smt. S.K. Paunikar, Id.
counsel for the applicants and Shri P.N.
Warjurkar, Id. P.O. for the respondents.

Closed for orders.

Put up along with O.A. No.
204/2015.

Member (J)

Vice-Chairman

dnk.

O.A. Nos. 190 & 191 of 2015

**Coram : Hon. Shri Rajiv Agarwal,
Vice-Chairman and
Hon. Shri J.D.Kulkarni,
Member (J).**

Dated : 08.03.2017.

Heard Shri S.N. Gaikwad, Id. counsel for the applicants and Smt. M.A. Barabde, Id. P.O. for the respondents.

2. The applicants in these O.As. are recruited to the post of Superintendent (Group-B) in Education Department and have been posted in various Zilla Parishads. The applicants are claiming that the duties which were assigned to these posts as mentioned in the advertisement issued by MPSC on 16-01-2013 are not entrusted to them after the applicants were actually appointed. These duties have not been assigned to them by various Zilla Parishads though instructions have been issued by respondent no. 1 in this regard to assign them these duties. The work, which should have rightly been assigned to the Superintendents, has actually been entrusted to B.D.O.S. The applicants have made two representations in this

regard to the respondent no.1 on 29-12-2007 and 09-05-2013. However, no decision has been taken by respondent no.1 on these representations.

3. The learned P.O. stated that the applicants are getting salary including Grade Pay as per the advertisement issued by MPSC pursuant to which they were appointed as Superintendents. In this regard they really have no cause for any grievance. The learned P.O. further stated that it is within the power of the respondents to allot the work to the applicants and applicants cannot seek the work of their choice. Work allotment is wholly within the province of the executive.

4. Considering all the facts and circumstances of these O.As. we feel that it will be necessary that the respondent no.1 should apply his mind on the issue raised by the applicants in the two representations made by them and take appropriate decision thereon on merits. These O.As. therefore disposed of with a direction to respondent no.1 to consider the aforesaid representations of the applicants and take a decision within a period of three months from the date of receipt of this order on merits as per law.

Member (J)

Vice-Chairman

dnk.

O.A. No. 356/2015

**Coram : Hon. Shri Rajiv Agarwal,
Vice-Chairman and
Hon. Shri J.D.Kulkarni,
Member (J).**

Dated : 08.03.2017.

Heard Shri M.A. Sable, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondent nos. 1 to 4. None for R-5.

Closed for orders.

Member (J)

Vice-Chairman

dnk.

O.A. No. 645/2015

**Coram : Hon. Shri Rajiv Agarwal,
Vice-Chairman and
Hon. Shri J.D.Kulkarni,
Member (J).**

Dated : 08.03.2017.

Heard Shri S.P. Kshirsagar, Id.
counsel for the applicant and Smt. M.A.
Barabde, Id. P.O. for the respondents.

Closed for orders.

Member (J)

Vice-Chairman

dnk.

O.A. No. 749/2015

**Coram : Hon. Shri Rajiv Agarwal,
Vice-Chairman and
Hon. Shri J.D.Kulkarni,
Member (J).**

Dated : 08.03.2017.

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

Closed for orders.

Member (J)

Vice-Chairman

dnk.

O.A. No. 123/2006

**Coram : Hon. Shri Rajiv Agarwal,
Vice-Chairman and
Hon. Shri J.D.Kulkarni,
Member (J).**

Dated : 08.03.2017.

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

S.O. 09-03-2017.

Member (J)

Vice-Chairman

dnk.

O.A. St.No. 1908/2016

**Coram : Hon. Shri Rajiv Agarwal,
Vice-Chairman and
Hon. Shri J.D.Kulkarni,
Member (J).**

Dated : 08.03.2017.

C.A.474/2016

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

At the request of Id. CPO, S.O. 29-
03-2017 for filing affidavit-in-reply.

Member (J)

Vice-Chairman

dnk.

O.A. No. 837/2015

**Coram : Hon. Shri Rajiv Agarwal,
Vice-Chairman and
Hon. Shri J.D.Kulkarni,
Member (J).**

Dated : 08.03.2017.

Shri Deshpande, Id. counsel holding for Shri M.M. Sudame, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1. Await service of R-3 to 7.

The learned counsel for the applicant seeks time to collect the hamdast for service of notice to R- 3 to 7. At his request, **S.O. 15-03-2017.**

Member (J)

Vice-Chairman

dnk.

O.A. No. 244/2013

**Coram : Hon. Shri Rajiv Agarwal,
Vice-Chairman and
Hon. Shri J.D.Kulkarni,
Member (J).**

Dated : 08.03.2017.

Ms. N.S. Pathan, Id. counsel for
the applicant and Smt. S.V. Kolhe, Id.
P.O. for R-1 to 3. None for R-4.

At the request of learned counsel
for the applicant, **S.O. 22-03-2017.**

Member (J)

Vice-Chairman

dnk.

O.A. No. 556/1995

**Coram : Hon. Shri Rajiv Agarwal,
Vice-Chairman and
Hon. Shri J.D.Kulkarni,
Member (J).**

Dated : 08.03.2017.

C.A.Nos. 43,52,53 & 428 of 2016

None for the applicant. Shri A.M. Ghogre, Id. P.O. for R-1 to 3. None for R-4. None for Intervener.

2. On last occasion this O.A. was heard by the present Bench on 4-1-2017. Detailed instructions were given to serve notices on the parties who are likely to be affected by the decision in this O.A. The respondent nos. 1 to 3 who are directed to make available addresses of all such persons to the applicant. The learned P.O. states that though the addresses of all the persons who are likely to be affected are presently working with the department excluding those who have already retired, have been ready with him, but the applicant has not made any efforts to collect the same.

3. None is present for the applicant today. This matter may be kept for dismissal on **10-3-2017**.

Member (J)

Vice-Chairman

dnk.

O.A. No. 600/2016

**Coram : Hon. Shri Rajiv Agarwal,
Vice-Chairman and
Hon. Shri J.D.Kulkarni,
Member (J).**

Dated : 08.03.2017.

C.A.No. 16/2017 -

Heard Shri R.D. Karode, Id. Counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondent nos. 1 & 2.

2. This C.A. is for amendment to the O.A. The applicant wants to add Superintendent of Police, Washim as party respondent no.3. Considering the facts that the applicant is challenging non selection to the post of Police Constable by the proposed respondent no.3, there should be no objection to allow this amendment. The C.A. is accordingly allowed.

3. The learned counsel for the applicant states that he will amend the title of the O.A. forthwith and serve the copy of the O.A. on the added respondent within a period of one week.

4. The learned counsel for the applicant is also advised to place a copy

of the Judgment delivered by the competent court acquitting the applicant in a criminal case which was filed against him.

S.O. 15-3-2017.

Member (J)

Vice-Chairman

dnk.

O.A. No. 485/2014

**Coram : Hon. Shri Rajiv Agarwal,
Vice-Chairman and
Hon. Shri J.D.Kulkarni,
Member (J).**

Dated : 08.03.2017.

Heard Mrs. P.D. Sood, the applicant in person and Shri P.N. Warjurkar, Id. P.O. for the respondents.

The applicant in person verbally argued her case and we compliment her. It is however very disappointing that the issues raised by the applicant in the O.A. have not been dealt with squarely in the reply filed on behalf of the respondents. The main issue is what happens when a Government department is bifurcated or a new department is created and the employees working under the parent department are transferred to a new department. This issue assumes importance because the applicant is claiming relief on the ground that the post of Director of Medical Education and Research is no longer either under the Urban Development Department or under

the Public Health Department. A new department namely Medical Education and Drugs Department has been created under which this post probably exist. The respondents are required to meet this averment of the applicant squarely and they should bring out the correct legal position in such circumstances. When a person who was working in a directorate under a department and the directorate is transferred to some other department, whether a new notification is required to be issued under the Maharashtra Civil Services (General Conditions of Services) Rules, 1981, is the moot question.

The learned P.O. states that he will file affidavit on behalf R-1,2 and may be R-3 covering this issue and all the other issues raised by the applicant in this O.A. within a period of four weeks.

S.O. 05-04-2017.

Member (J)

Vice-Chairman

dnk...

O.A. No. 590/2016

**Coram : Hon. Shri Rajiv Agarwal,
Vice-Chairman and
Hon. Shri J.D.Kulkarni,
Member (J).**

Dated : 08.03.2017.

ORDER

Heard Shri M.P. Kariya, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1&2 and Shri V.T. Bhoskar, Id. counsel for R-4. None for R-3.

2. The grievance of the applicant in this O.A. appears to be that he was selected through MPSC to the post of Associate Professor in Political Science in Vidarbha Institute of Science and Humanities, Amravati, he has not been made Head of the political science department of that Institute, though he is the seniormost teacher working in that Institute. A person who is not appointed through MPSC, as Assistant Professor has been given the charge of the Head of the Department by the Director of the Institute. The learned counsel for the

applicant stated that the most important function of the Head of the Department is that he is represented on the Board of Studies of the University. Though the applicant is highly qualified and hold the degree of Ph.D. he has not got this opportunity which by right should have been given to him.

3. We are not making any comments about the merits of the case at this stage. However to decide this case the following documents will be required, viz :

- i) Who is the authority to appoint a person as Head of the Department in a Government College / Institute ?
- ii) Whether separate seniority lists for the posts of Assistant Professor and Associate Professor are prepared, if so whether they are prepared college wise or University wise or State wise ?
- iii) The seniority list of Assistant Professors and Associate Professors in this particular

Institute may be placed on record. The Recruitment Rules for the post of Assistant Professor, Associate Professor and Head of the department etc. as approved by the University Grants Commission may also be placed on record.

4. As the applicant is making grouse against the Director of Institute the affidavit in this case should be filed on these issues by a responsible officers working in Higher Education Department in Mantralaya, at least at the level of Deputy Secretary.

5. The learned P.O. should filed affidavit-in-reply within a period of four weeks.

S.O. 05-04-2017.

Member(J)

Vice-Chairman

dnk.

O.A. No. 707/2014.

Coram: R. Agarwal, Vice-Chairman

&

J.D. Kulkarni, Member(J)

Dated : 8th March, 2017.

Shri Maldhure, Id. counsel for the applicant. Shri A.M. Ghogare, Id. P.O. for the respondents.

Put up the matter whenever the Bench is available.

Member (J)

V.C.

Skt.

O.A. No. 16/2015.

Coram: R. Agarwal, Vice-Chairman

&

J.D. Kulkarni, Member(J)

Dated : 8th March, 2017.

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

Closed for order.

Member (J)

V.C.

Skt.

O.A. No. 182/2015.

Coram: R. Agarwal, Vice-Chairman

&

J.D. Kulkarni, Member(J)

Dated : 8th March, 2017.

Heard Shri G.G. Bade, Id. counsel for the Applicant, Shri S. Sanis, Id. P.O. for the Respondent no.1 and Shri K.D. Deshpande, Id. counsel for R/2 to 5.

Closed for order.

Member (J)

Vice-Chairman.

Skt.

O.A. No. 219/2016.

Coram: R. Agarwal, Vice-Chairman

&

J.D. Kulkarni, Member(J)

Dated : 8th March, 2017.

Heard Mrs. M. Chandurkar, Id. counsel for the applicant, Shri H.D. Dangre, Id. counsel for R/4 and Shri M.I. Khan, Id. P.O. for the respondents No. 1 to 3.

Closed for order.

Member (J)

Vice-Chairman.

Skt.