

O.A. (St.) No. 1441/2016 (D.B.)

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

Dated : 16th April 2018.

C.A.No.368/2016.

None for the applicant. Shri H.K. Pande, the learned P.O. for the respondent No.1.

Await service to R. 2 to 4.

S.O. **four weeks**

Member(A)

Vice-Chairman(J)

O.A. No. 793/2017 (D.B.)

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

Dated : 16th April 2018.

C.A.No.498/2017.

Heard Miss D.V. Sapkal, the Ld. Counsel for the applicants and Shri M.I. Khan, the learned P.O. for the respondents.

Applicant to sue jointly is allowed subject to payment of requisite court fee.

O.A. No. 793/2017

The Ld. P.O. has filed reply of R. 1 and 3 separately. It is taken on record and a copy thereof is supplied to the other side.

S.O. **one weeks** for hearing on admission.

Member(A)

Vice-Chairman(J)

O.A. No. 90/2016 (D.B.)

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

Dated : 16th April 2018.

C.A.No.541/2017 in R.A.(St.) 2915/2017.

Heard Shri S.A. Sainis, the Ld. P.O. for the applicant (original respondent No.2) and Shri V.A. Kothale, the learned counsel for the respondent (original applicant).

2. This is an application for condonation of delay in filing review application. It seems that the order in O.A.No.90/2016 was passed by this Tribunal on 25.4.2017, whereby respondent No.2 was directed to recommend the name of the applicant for the post of Head of the Department in Electronics from Open General category and such recommendation was to be made within a period of four weeks from the date of the order and respondent No.1 was to take action to

appoint the applicant as Head of the Department in Electronics within a further period of four weeks. Against the said order, the applicant has filed W.P. No. 5729/2017 before the Hon'ble High Court at Nagpur Bench which came to be disposed of vide order dated 11.9.2017. In the said writ petition, the Hon'ble High Court has observed that, appropriate remedy for the petitioner would be to file an application before the Tribunal for reviewing or recalling the impugned order. The learned counsel for the applicant submits that in view of this observation of the Hon'ble High Court, the applicant has filed this review petition. However, there is a delay of 69 days. The learned counsel for the original applicant, however, submits that the delay for filing review petition is of six months and not of 69 days. 69 days' delay is considered from the date of order passed by the Hon'ble High Court.

3. From para 3 of the application, it seems that the applicant is claiming delay for want of administrative difficulties and on technical grounds.

The learned counsel for the original applicant submits that the applicant has been denied the appointment, though the order has been passed on 25.4.2017 and it was to be complied with within a period of four weeks and, therefore, heavy cost shall be saddled on the applicant. The learned P.O. submits that, in fact, the applicant is not entitled to the post of Head of the Department. However, these facts were not brought to the notice of this Tribunal. In any case, the question of loss caused to the applicant will be considered at the time of final hearing of review petition.

4. The learned counsel for the original applicant has placed reliance on the judgment delivered by the Hon'ble High Court of Bombay in **W.P.No. 4096/2002 in case of Union of India V/s V.M. Mangalanandan dated 8.4.2008**. The said judgment has also been referred to in MCA Nos. 300 and 340 of 2017 in R.A. No. 14/2017 in O.A. No. 15/2016 delivered on 16.8.2017 in case of State of Maharashtra and others V/s Mr. A.J.

Thakre. It has been held that this Tribunal is entitled to condone the delay even in review petition. In view thereof, application for condonation of delay in filing review petition is allowed. Review Petition shall be restored to its original file.

5. At the request of both the parties, Review Petition will be heard in next week.

S.O. one week.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 188/2018 (D.B.)

Coram: Shri J.D. Kulkarni,

Vice-Chairman (J) and

Shree Bhagwan, Member(A)

Dated : 16th April 2018.

Heard Shri N.Y. Bhandakkar, the Ld. Counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents.

The Ld. Counsel for the applicant submits that he has already filed service affidavit in respect of R.2.

Ld. P.O. seeks tile to file reply of R. 1 and 2.

S.O. four weeks

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 190/2018 (D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 16th April 2018.

Heard Shri M.R. Khan, the Ld. Counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

At the request of the Ld. Counsel for the applicant, S.O. **four weeks** for filing service affidavit.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 212/2018 (D.B.)

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

Dated : 16th April 2018.

Heard Shri M.R. Rajgure, the Ld. Counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents.

The Ld. Counsel for the applicant submits that he is filing service affidavit today itself.

At the request of the Ld. CPO,
S.O. **four weeks**

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 173/2018 (D.B.)

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

Dated : 16th April 2018.

C.A.No.84/2016.

Heard Shri M.K. Mishra, the Ld. Counsel for the applicant and Shri, the learned P.O. for the respondents.

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

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 780/2017 (D.B.)

Coram: Shri J.D. Kulkarni,

Vice-Chairman (J) and

Shree Bhagwan, Member(A)

Dated : 16th April 2018.

Heard Shri S.S. Dhengale, the Ld. Counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondent No.1. None for R.2.

At the request of the Ld. Counsel for the applicant, S.O. **one week.**

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 861/2017 (D.B.)

Coram: Shri J.D. Kulkarni,

Vice-Chairman (J) and

Shree Bhagwan, Member(A)

Dated : 16th April 2018.

Heard Shri N.R. Saboo, the Ld. Counsel for the applicant and Shri sV.A. Kulkarni, the learned P.O. for the respondent Nos.1 to 3. None for R.4 to 6.

At the request of the Ld. P.O.,
S.O. **two weeks**

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 875/2017 (D.B.)

Coram: Shri J.D. Kulkarni,

Vice-Chairman (J) and

Shree Bhagwan, Member(A)

Dated : 16th April 2018.

Heard Shri A.P. Sadavarte, the Ld. Counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

The Ld. P.O. submits that he will file reply affidavit during the course of the day.

ADMIT.

Shri M.I. Khan, the learned P.O. waives notice for the respondents.

S.O. **24.4.2018.**

At the request of learned counsel for the respective parties, this matter be kept alongwith connected O.A. Nos. 282,283,284,353 and 353 of 2017 for final hearing.

Member(A)

Vice-Chairman(J)

O.A. No. 233/2018 (D.B.)

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

Dated : 16th April 2018.

1. Heard Shri Bharat Kulkarni, the Ld. Counsel for the applicants and Shri S.A. Deo, the learned C.P.O. for respondent No.1.
2. Issue notices to respondents Nos. 2 and 3 returnable within four weeks.
3. Shri S.A. Deo, Ld. CPO waives notice for respondent No.1. Hamdast granted.
4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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.

6. 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.

7. 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.

8. S.O. **four weeks.**

9. Steno copies be provided to both the parties.

Member(A)

Vice-Chairman(J)

O.A. No. 234/2018 (D.B.)

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

Dated : 16th April 2018.

Heard Shri Y.P. Kaslikar, the Ld. Counsel for the applicant and Shri, the learned P.O. for the respondents.

At the request of the Ld. Counsel for the applicant, S.O. weeks

Member(A)

Vice-Chairman(J)

O.A. No. 235/2018 (D.B.)

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

Dated : 16th April 2018.

Heard Shri Y.P. Kaslikar, the Ld. Counsel for the applicant and Shri, the learned P.O. for the respondents.

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

Member(A)

Vice-Chairman(J)

O.A. No. 236/2018 (D.B.)

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

Dated : 16th April 2018.

Heard Shri Y.P. Kaslikar, the Ld. Counsel for the applicant and Shri, the learned P.O. for the respondents.

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

Member(A)

Vice-Chairman(J)

O.A. No. 237/2018 (D.B.)

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

Dated : 16th April 2018.

Heard Shri Y.P. Kaslikar, the Ld. Counsel for the applicant and Shri, the learned P.O. for the respondents.

At the request of the Ld. Counsel for the applicant, S.O. weeks

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 238/2018 (D.B.)

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

Dated : 16th April 2018.

Heard Shri Y.P. Kaslikar, the Ld. Counsel for the applicant and Shri, the learned P.O. for the respondents.

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

Member(A)

Vice-Chairman(J)

O.A. No. 239/2018 (D.B.)

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

Dated : 16th April 2018.

Heard Shri Y.P. Kaslikar, the Ld. Counsel for the applicant and Shri, the learned P.O. for the respondents.

At the request of the Ld. Counsel for the applicant, S.O. weeks

Member(A)

Vice-Chairman(J)

O.A. No. 240/2018 (D.B.)

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

Dated : 16th April 2018.

Heard Shri Y.P. Kaslikar, the Ld. Counsel for the applicant and Shri, the learned P.O. for the respondents.

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

Member(A)

Vice-Chairman(J)

O.A. No. 244/2018 (D.B.)

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

Dated : 16th April 2018.

Heard Shri R.V. Shiralkar, the Ld. Counsel for the applicant and Shri, the learned P.O. for the respondents.

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

Member(A)

Vice-Chairman(J)

O.A. No. 249/2018 (D.B.)

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

Dated : 16th April 2018.

Heard Shri M.R. Rajgure, the Ld. Counsel for the applicant and Shri, the learned P.O. for the respondents.

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

Member(A)

Vice-Chairman(J)

O.A. No. 90/2016 (D.B.)

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

Dated : 16th April 2018.

C.P.No.11/2017.

Heard Shri V.A. Kothale, the Ld. Counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

This matter be tagged with O.A.No.90/2016 alongwith C.A. No. 541/2017 in Rev.A. (St.) No. 2915/2017.

S.O. 23.4.2018.

Member(A)

Vice-Chairman(J)

O.A. No.366/2015 (D.B.)

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

Dated : 16th April 2018.

C.P.No.31/2017.

Heard Shri S.R. Charpe, the Ld. Counsel for the applicant and Shri, the learned P.O. for the respondents.

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

Member(A) Vice-Chairman(J)

pdg.

O.A. No. 97/2011 (D.B.)

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

Dated : 16th April 2018.

Heard Shri D.M. Upadhye, the Ld. Counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents.

In this O.A., the applicant has claimed appointment to the post of Police Constable.

The Ld. P.O. on the last occasion had filed an order of appointment of the applicant. It seems that earlier appointment was rejected, since the applicant was facing criminal trial. Since he was acquitted in the criminal trial, he has been appointed to the post of Police Constable as per order dated 20.2.2018 (Annexure-X).

The Ld. Counsel for the applicant files a pursis which is marked "X" for

identification and admits that the applicant has been appointed as Police Constable and not only that he has also joined his duties on 21.2.2018. The Ld. Counsel for the applicant, therefore, submits that necessary order

may be passed. In view thereof, O.A.No.97/2011 stands disposed of, since the grievance of the applicant has been redressed. No order as to costs.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No.342/2009 (D.B.)

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

Shree Bhagwan, Member(A)

Dated : 16th April 2018.

C.A.No.100/2017.

Heard Shri M.V. Mohokar, the Ld. Counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondent Nos. 1, 2 and 5. None for R. 3 and 4.

Closed for orders.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 754/2015 (D.B.)

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

Shree Bhagwan, Member(A)

Dated : 16th April 2018.

Heard Shri V.A. Kothale, the Ld. Counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

S.O. 23.4.2018.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 220/2017 (D.B.)

Coram: Shri J.D. Kulkarni,

Vice-Chairman (J) and

Shree Bhagwan, Member(A)

Dated : 16th April 2018.

Miss J.P. Junghare, adv. holding for Shri O.Y. Kashid, the Ld. Counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

S.O. after summer vacation.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 282/2017 (D.B.)

Coram: Shri J.D. Kulkarni,

Vice-Chairman (J) and

Shree Bhagwan, Member(A)

Dated : 16th April 2018.

Heard Shri A.P. Sadavarte, the Ld. Counsel for the applicant and Shri, the learned P.O. for the respondents.

At the request of the Ld. P.O.,
S.O. **24.4.2018.**

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 283/2017 (D.B.)

Coram: Shri J.D. Kulkarni,

Vice-Chairman (J) and

Shree Bhagwan, Member(A)

Dated : 16th April 2018.

Heard Shri A.P. Sadavarte, the Ld. Counsel for the applicant and Shri, the learned P.O. for the respondents.

At the request of the Ld. P.O.,
S.O. **24.4.2018.**

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 284/2017 (D.B.)

Coram: Shri J.D. Kulkarni,

Vice-Chairman (J) and

Shree Bhagwan, Member(A)

Dated : 16th April 2018.

Heard Shri A.P. Sadavarte, the Ld. Counsel for the applicant and Shri, the learned P.O. for the respondents.

At the request of the Ld. P.O.,
S.O. **24.4.2018.**

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 352/2017 (D.B.)

Coram: Shri J.D. Kulkarni,

Vice-Chairman (J) and

Shree Bhagwan, Member(A)

Dated : 16th April 2018.

Heard Shri A.P. Sadavarte, the Ld. Counsel for the applicant and Shri, the learned P.O. for the respondents.

At the request of the Ld. P.O.,
S.O. **24.4.2018.**

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 353/2017 (D.B.)

Coram: Shri J.D. Kulkarni,

Vice-Chairman (J) and

Shree Bhagwan, Member(A)

Dated : 16th April 2018.

Heard Shri A.P. Sadavarte, the Ld. Counsel for the applicant and Shri, the learned P.O. for the respondents.

At the request of the Ld. P.O.,
S.O. **24.4.2018.**

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 768/2017 (D.B.)

Coram: Shri J.D. Kulkarni,

Vice-Chairman (J) and

Shree Bhagwan, Member(A)

Dated : 16th April 2018.

Heard Shri N.D. Thombre, the Ld. Counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

Closed for orders.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No.737/2016 (D.B.)

Coram: Shri J.D. Kulkarni,

Vice-Chairman (J) and

Shree Bhagwan, Member(A)

Dated : 16th April 2018.

Heard Shri M.R. Rajgure, the Ld. Counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents.

At the request of the Ld. Counsel
for the applicant, S.O. **17.4.2018.**

Member(A)

Vice-Chairman(J)

pdg.

O.A. No.361/2017 (D.B.)

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

Dated : 16th April 2018.

Heard Shri M.R. Rajgure, the Ld.
Counsel for the applicant and Shri S.A.
Deo, the learned C.P.O. for the
respondents.

At the request of the Ld. Counsel
for the applicant, S.O. **17.4.2018.**

Member(A)

Vice-Chairman(J)

pdg.

**O.A. No. 212/2018, 233, 234, 235, 236, 237, 238,
239, 240, 244, 249 and C.A. No.84/2018 in
O.A.No.173/2018**

(D.B.)

Coram: Shri J.D. Kulkarni,

Vice-Chairman (J) and

Shree Bhagwan, Member(A)

Dated : 16th April 2018.

Heard Shri Bharat Kulkarni, the
Ld. Counsel for the applicant in O.A. No.
233/2018, Shri Y.P. Kaslikar, the Ld.
Counsel for the applicant in O.A. Nos.
234/2018 to 240/2018, Shri R.V.
Shiralkar, the Ld. Counsel for the
applicant in O.A. No. 244/2018, Shri

M.R. Rajgure, the Ld. Counsel for the applicant in O.A. No. 212/2018, 249/2018 and Shri M.K. Mishra, the Ld. Counsel for the applicant in O.A. No. 173/2018 and Shri S.A.Deo, the learned C.P.O. for respondent No.1 in all the O.As.

2. In all these applications, the applicants have challenged the communication whereby they have been denied the chances to appear for the competitive examination viz. "Maharashtra Finance and Accounts Service, Class-III Examination" on the ground that they have crossed the age limit of 40 years.

3. We appreciate the work of Mr. S.A. Deo, the learned CPO who has placed before us a chart giving details about the names of the applicants, their dates of birth, their dates of appointment and other details i.e. passing of qualifying examination, date on which he or she has completed 3/5 years of passing the qualifying examination, date/year of passing MFAS examination, columns regarding

whether the applicant has applied earlier for such examination and remarks. The said chart is marked "X" for identification.

4. Perusal of the record of various O.As shows that all these applications can be taken into consideration under specific categories, such as,

(i) The applicants have not completed the age of 40 years on the date of ensuing examination on 24.4.2016

(ii) They did not get chance to appear for the examination earlier or after becoming eligible for appearing in the examination, since the examination was not conducted as per rules.

(iii) In O.A. Nos. 233/2018, 234/2018 and 237/2018, it is stated by the Ld. CPO that these candidates were not at all eligible on the date of examination, since on earlier occasion, they were either not qualified or not acquired sufficient experience and,

therefore, they are not at all entitled. This point, however, is kept open to be considered at the time of final hearing.

5. The learned counsel for the applicant has referred to the orders passed by this Tribunal at Aurangabad Bench in earlier O.A. such as O. A. No. 274/2018 wherein the the interim stay has been granted to those applicants and the respondents have been directed to allow the applicants for appearing in the examination.

6. We have perused the Rules of Recruitment from which it seems that a candidate can clear the examination in four chances and as per rules, the examination is to be conducted twice in a year i.e. once in the month of April / May and then in the month of October / November of the year. It is seems to be an admitted fact that such examinations are not being conducted as per rules and this has caused great loss to the candidates, since they could not appear in the examination, though they were eligible. In our opinion, validity of the

circular / order and interpretation of the rules can be considered on merits only and it may involve substantive questions of law. Since the examination is to be conducted on 24.4.2018, it will be in the interest of justice and equity to allow the applicants to appear for the said examination. In the circumstances, all the O.A. can be considered on merits, regarding validity of the circulars / orders challenged in the present O.As. The MPSC and the Director of Accounts and Treasuries are directed to permit the applicants to appear for the examination being held on **24.4.2018**.

7. In the meantime issue notices to respondents Nos. 2 and 3 returnable within four weeks.

8. Shri S.A. Deo, Ld. CPO 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. S.O. **four weeks**.

14. Steno copies be provided to both the parties.

Member(A)

Vice-Chairman(J)

pdg.

O.A. 21/2018 **(SB)**

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

Dated : 16.04.2018

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

At the request of learned counsel for the applicant, **S.O.20/04/2018** for filing rejoinder.

Put up along with O.A. 15/2018.

Vice Chairman (J)

dnk.

O.A. 143/2018 with C.A.51/2018 **(SB)**

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

Dated : 16.04.2018

Heard Shri Sunil Pande, Id. counsel holding for Shri M.M. Sudame, Id. counsel for the applicant, Shri S.A. Deo, Id. CPO for R-1 to 3 and Shri P.A. Jibhkate, Id. counsel for R-4.

2. The applicant has challenged in this O.A. the impugned order of his transfer dated 15/02/2018 (Annex-A-1, P-15) from the post of Associate Professor, GMC, Nagpur to GMC, Gondia issued by respondent no.1. The learned P.O. has placed on record the copy of the order dated 10/04/2018 which is marked Exh-X for the purposes of identification from which it seems that applicant's impugned order of transfer has been cancelled. In view thereof nothing survives in the O.A and it has become infructuous. The O.A. stands disposed of as infructuous accordingly.

The C.A. for vacation of I.R. also stands disposed of as infructuous.

Vice Chairman (J)

dnk.

O.A. 779/2017 **(SB)**

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

Dated : 16.04.2018

Shri P.A. Jibhkate, Id .counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1 to 3. Await service of R-4.

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

Vice Chairman (J)

dnk.

O.A. 722/2014 (SB)

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

Dated : 16.04.2018

Shri S.M. Khan, Id. counsel holding for
Shri P.C. Marpakwar, Id. counsel for the
applicant and Shri A.M. Ghogre, Id. P.O. for the
respondents.

The learned P.O. seeks to file short
affidavit along with the documents in view of
the Tribunal's order dated 19/03/2018. At his
request ,**S.O. one week.**

Vice Chairman (J)

dnk.

O.As. 52 & 55 of 2015 (SB)

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

Dated : 16.04.2018

Shri S.M. Khan, Id .counsel for the applicants and Shri M.I. Khan, Id. P.O. for the respondents.

The learned counsel for the applicants placed on record the copy of t he Judgment in O.A. 499/2014. Same is placed on record. The learned P.O. wants to go through the same. At his request, **S.O. 17/04/2018. (P.H.).**

Vice Chairman (J)

dnk.

O.A. 781/2016 (SB)

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

Dated : 16.04.2018

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

The learned P.O. submits that he wants to file minutes of the DPC on record. At his request, **S.O. two weeks.**

Vice Chairman (J)

dnk.

O.A. 382/2017 (SB)

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

Dated : 16.04.2018

Smt. S.R. Khandal, Id. counsel holding for Shri I.G. Meshram, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. After Vacation.**

Vice Chairman (J)

dnk.

O.A. 567/17 with C.A.09/2009 **(SB)**

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

Dated : 16.04.2018

Shri P.A. Jibhkate, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1&2 and Shri A.P. Parihar, Id. counsel for R-3&4. None for R-5.

At the request of learned counsel for the applicant, **S.O. After Vacation.**

Vice Chairman (J)

dnk.

O.A. 05/2018 **(SB)**

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

Dated : 16.04.2018

Shri Santosh R. Bhatkhare, Id. counsel holding for Shri S.D. Chande, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. After Vacation.**

Vice Chairman (J)

dnk.

O.A. 925/2017 **(SB)**

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

Dated : 16.04.2018

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

2. The applicant is serving as Assistant Professor (Physics) in the respondent no.3' College at Chandrapur. It is stated that the applicant is serving since last 15 years and

repeatedly he has made representations for his transfer out of Chandrapur district. He has also given choice posting for Nagpur as the new College has been opened at Nagpur and the post of the applicant is lying vacant in the said College. The respondents in their reply-affidavit have stated that the representation filed by the applicant in 2017 was not considered since no general annual transfers was effected in 2017. It is, however, stated that the applicant's case will be considered in the annual general transfers of 2018.

3. The learned counsel for the applicant has placed reliance on the Judgments delivered by this Tribunal in O.A.607/2016, dated 4/1/2017 in the case of **Dr. Vilas N. Ghate Vs. State of Maharashtra & Ors.** and also in O.A.No.81/2017 delivered on 31/10/2017 in the case of **Shrikant D. Londhe Vs. State of Maharashtra & Ors.** In both these O.As., it has been held that the directions in G.R. dated 6/8/2002 are required to be followed. Since the applicant has served in the naxalite affected area for more than 15 years, he is definitely entitled to be considered for choice posting. There is no reason as to why the applicant's case cannot be considered for posting at Nagpur since his post at Nagpur is available. In view thereof the following order :-

ORDER

The O.A. is allowed. The respondent no.1 is directed to consider the case of the applicant for his choice posting at Nagpur. Such order shall be passed as early as possible and in any case within two months from the date of this order or at the time of annual general transfers of 2018. No order as to costs.

Vice Chairman (J)

dnk.

O.A. 968/2017 **(SB)**

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

Dated : 16.04.2018

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

2. The applicant is serving as Assistant Professor (Electronics) in the respondent no.3' College at Chandrapur. It is stated that the applicant is serving since last 10 years and repeatedly he has made representations for his transfer out of Chandrapur district. He has also given choice posting for Amravati and the post of the applicant is lying vacant at Amravati. The respondents in their reply-affidavit have stated that the representation

filed by the applicant in 2017 was not considered since no general annual transfers was effected in 2017. It is, however, stated that the applicant's case will be considered in the annual general transfers of 2018.

3. The learned counsel for the applicant has placed reliance on the Judgments delivered by this Tribunal in O.A.607/2016, dated 4/1/2017 in the case of **Dr. Vilas N. Ghate Vs. State of Maharashtra & Ors.** and also in O.A.No.81/2017 delivered on 31/10/2017 in the case of **Shrikant D. Londhe Vs. State of Maharashtra & Ors.** In both these O.As., it has been held that the directions in G.R. dated 6/8/2002 are required to be followed. Since the applicant has served in the naxalite affected area for more than 10 years, he is definitely entitled to be considered for choice posting. There is no reason as to why the applicant's case cannot be considered for posting at Amravati since his post at Amravati is available. In view thereof the following order :-

ORDER

The O.A. is allowed. The respondent no.1 is directed to consider the case of the applicant for his choice posting at Amravati. Such order shall be passed as early as possible and in any case within two months from the date of this order or at the time of annual general transfers of 2018. No order as to costs.

Vice Chairman (J)

dnk.

O.A. 717/2017 **(SB)**

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

Dated : 16.04.2018

C.A.64/18 & C.A 65/18

Mrs. M.P. Munshi, Id .counsel for the applicant and shri A.P. Potnis ,ld. P.O. for the respondents.

S.O. three weeks.

Put up along with O.A.718/2017.

Vice Chairman (J)

dnk.

O.A. 718/2017 (SB)

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

Dated : 16.04.2018

Mrs. M.P. Munshi, Id .counsel for the applicant and shri V.A. Kulkarni ,Id. P.O. for R-1&2. Await service of R-3&4.

At the request of Id. counsel for the applicant, **S.O. three weeks** for filing service affidavit.

Put up along with O.A.717/2017.

Vice Chairman (J)

dnk.

O.A. 226/2018 (SB)

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

Dated : 16.04.2018

C.A.247/16 & C.A 85/18

Shri S.U. Bhuyar, Id .counsel for the applicant and shri M.I. Khan ,Id. P.O. for the respondents.

S.O. one week

Vice Chairman (J)

dnk.

O.A. 176/2018 (SB)

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

Dated : 16.04.2018

Shri S.M. Khan, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1. Await service of R-2 to 4.

The learned counsel for the applicant submits that he will file service affidavit during the course of day.

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

Vice Chairman (J)

dnk.

O.A. 193/2017 **(SB)**

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

Dated : 16.04.2018

Shri S.R. Charpe, Id. counsel holding for
Shri G.G. Bade, Id .counsel for the applicant
and Shri S.A. Deo, Id. CPO for the
respondents.

S.O. one week.

Put up along with O.A. 89/2017 (SB) as
well as C.P. No.31/17 in O.A. 366/2017 (DB).

Vice Chairman (J)

dnk.

O.A. 507/2017 (SB)

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

Dated : 16.04.2018

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

At the request of Id. counsel for the applicant, **S.O. four weeks** for filing rejoinder.

Vice Chairman (J)

dnk.

O.A. 978/2017 **(SB)**

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

Dated : 16.04.2018

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

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

Vice Chairman (J)

dnk.

O.A. 189/2018 **(SB)**

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

Dated : **16.04.2018**

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

At the request of Id. counsel for the applicant, **S.O. four weeks** for filing rejoinder.

Vice Chairman (J)

dnk.

O.A. 189/2018 **(SB)**

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

Dated : 16.04.2018

Shri N.H. Samundre, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

S.O. two weeks.

Vice Chairman (J)

dnk.

C.P. 31/17 in O.A. No. 366/15 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 16/04/2018

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

S.O. one week.

Put up along with O.A.193/2017
(SB).

Member(A)

Vice-Chairman(J)

dnk.