

**O.A. No.474/2017.**

**(D.B.)**

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

**Dated : 25<sup>th</sup> June 2018.**

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

Earlier, the O.A. was kept for final hearing after Diwali vacation. Thereafter on 23.4.2018, since the circulation was granted, again on request, matter is kept today. Today also, none appeared for the applicant.

Hence, the matter be kept on Friday for dismissal.

**S.O. 29<sup>th</sup> June 2018.**

Member (A)

Vice-Chairman (J)

O.A. No.258/2018.

(D.B.)

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

**Dated : 25<sup>th</sup> June 2018.**

Miss Joshi, Adv. holding for Shri G.N. Khanzode, the learned counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents.

**ADMIT**

Shri H.K. Pande, the learned P.O. waives notice for all the respondents

This matter be kept alongwith O.A. No. 737/2013 on **27<sup>th</sup> June 2018.**

Member (A)

Vice-Chairman (J)

pdg.

O.A. No.448/2018.

(D.B.)

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

**Dated : 25<sup>th</sup> June 2018.**

Shri S.K. Thengre, the learned counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents.

The learned counsel for the applicant submits that he wants to amend the O.A. and for that purpose, he seeks time for filing an application tomorrow.

Hence the matter be kept after amendment application is filed.

Member (A)

Vice-Chairman (J)

pdg.

O.A. No.285/2017.

(D.B.)

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

**Dated : 25<sup>th</sup> June 2018.**

**C.A. Nos. 405 & 580 of 2017.**

Miss Joshi, Adv. holding for Shri G.N. Khanzode, the learned counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents 1 to 3. Shri N.S. Badhe, Ld. counsel for R.4.

**S.O. 27<sup>th</sup> June 2018.**

Member (A)

Vice-Chairman (J)

pdg.

O.A. No.274/2018.

(D.B.)

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

**Dated : 25<sup>th</sup> June 2018.**

Shri N.R. Saboo, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

At the request of Ld. P.O., S.O. **four weeks** for filing reply affidavit.

Member (A)

Vice-Chairman (J)

pdg.

O.A. No.172/2018.

(D.B.)

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

**Dated : 25<sup>th</sup> June 2018.**

Heard Shri S.A. Marathe, the learned counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents.

**ADMIT.**

Shri H.K. Pande, the learned P.O. waives notice for all the respondents.

S.O. 28<sup>th</sup> June 2018 for final hearing.

Member (A)

Vice-Chairman (J)

pdg.

O.A. No.212/2018.

(D.B.)

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

**Dated : 25<sup>th</sup> June 2018.**

Heard Shri M..R. Rajgure, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

Ld. P.O. seeks time to file reply affidavit.

S.O. **four weeks.**

Member (A)

Vice-Chairman (J)

pdg.

O.A. No.244/2018.

(D.B.)

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

**Dated : 25<sup>th</sup> June 2018.**

Heard Shri R.V. Shiralkar, the learned counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents.

Ld. P.O. seeks time to file reply affidavit.

S.O. **four weeks.**

Member (A)

Vice-Chairman (J)

pdg.



O.A. No.233/2018.

(D.B.)

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

**Dated : 25<sup>th</sup> June 2018.**

Heard Shri S. Pande, Adv. holding for Shri Bharat Kulkarni, the learned counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents.

Ld. C.P.O. seeks time to file reply affidavit.

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  
Shri Shree Bhagwan,  
Member (A)**

**Dated : 25<sup>th</sup> June 2018.**

**C.A. 84/2018.**

Heard Shri M.K. Mishra, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondent No.1.

2. Issue fresh notice to the remaining respondent returnable after **four weeks.**

3. Shri P.N. Warjekar, the learned P.O. waives notice for the respondent No.1. Hamdast granted.

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. In case notice is not collected within **seven days**, and if service report on affidavit is not filed within **three days** before returnable date, O.A. shall stand dismissed without reference to the Tribunal and papers be consigned to record.

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

Member (A)

Vice-Chairman (J)

pdg.

O.A. No.234/2018.

(D.B.)

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

**Dated : 25<sup>th</sup> June 2018.**

Heard Shri Y.P. Kaslikar, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondent No.1.

2. The learned counsel for the applicant seeks apology for not collecting notice. In the interest of justice, last chance is granted and apology is accepted.

3. The learned counsel for the applicant undertakes to collect the notice today itself returnable within four weeks.

4. Issue fresh notice to the remaining respondent returnable after **four weeks.**

5. Shri P.N. Warjekar, the learned P.O. waives notice for the respondent No.1. Hamdast granted.

6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

7. 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.

8. 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.

9. In case notice is not collected within **seven days**, and if service report on affidavit is not filed within **three days** before returnable date, O.A. shall stand dismissed without reference to the Tribunal and papers be consigned to record.

10. S.O. **four weeks.**

Member (A)

Vice-Chairman (J)

pdg.

O.A. No.235/2018.

(D.B.)

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

**Dated : 25<sup>th</sup> June 2018.**

Heard Shri Y.P. Kaslikar, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondent No.1.

2. The learned counsel for the applicant seeks apology for not collecting notice. In the interest of justice, last chance is granted and apology is accepted.

3. The learned counsel for the applicant undertakes to collect the notice today itself returnable within four weeks.

4. Issue fresh notice to the remaining respondent returnable after **four weeks.**

5. Shri P.N. Warjekar, the learned P.O. waives notice for the respondent No.1. Hamdast granted.

6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

7. 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.

8. 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.

9. In case notice is not collected within **seven days**, and if service report on affidavit is not filed within **three days** before returnable date, O.A. shall stand dismissed without reference to the Tribunal and papers be consigned to record.

10. S.O. **four weeks.**

Member (A)

Vice-Chairman (J)

pdg.

O.A. No.236/2018.

(D.B.)

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

**Dated : 25<sup>th</sup> June 2018.**

Heard Shri Y.P. Kaslikar, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondent No.1.

2. The learned counsel for the applicant seeks apology for not collecting notice. In the interest of justice, last chance is granted and apology is accepted.

3. The learned counsel for the applicant undertakes to collect the notice today itself returnable within four weeks.

4. Issue fresh notice to the remaining respondent returnable after **four weeks.**

5. Shri P.N. Warjekar, the learned P.O. waives notice for the respondent No.1. Hamdast granted.

6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.



7. 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.

8. 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.

9. In case notice is not collected within **seven days**, and if service report on affidavit is not filed within **three days** before returnable date, O.A. shall stand dismissed without reference to the Tribunal and papers be consigned to record.

10. S.O. **four weeks.**

Member (A)

Vice-Chairman (J)

pdg.

O.A. No.237/2018.

(D.B.)

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

**Dated : 25<sup>th</sup> June 2018.**

Heard Shri Y.P. Kaslikar, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondent No.1.

2. The learned counsel for the applicant seeks apology for not collecting notice. In the interest of justice, last chance is granted and apology is accepted.

3. The learned counsel for the applicant undertakes to collect the notice today itself returnable within four weeks.

4. Issue fresh notice to the remaining respondent returnable after **four weeks.**

5. Shri P.N. Warjekar, the learned P.O. waives notice for the respondent No.1. Hamdast granted.

6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

7. 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.

8. 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.

9. In case notice is not collected within **seven days**, and if service report on affidavit is not filed within **three days** before returnable date, O.A. shall stand dismissed without reference to the Tribunal and papers be consigned to record.

10. S.O. **four weeks.**

Member (A)

Vice-Chairman (J)

pdg.

O.A. No.238/2018.

(D.B.)

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

**Dated : 25<sup>th</sup> June 2018.**

Heard Shri Y.P. Kaslikar, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondent No.1.

2. The learned counsel for the applicant seeks apology for not collecting notice. In the interest of justice, last chance is granted and apology is accepted.

3. The learned counsel for the applicant undertakes to collect the notice today itself returnable within four weeks.

4. Issue fresh notice to the remaining respondent returnable after **four weeks.**

5. Shri P.N. Warjekar, the learned P.O. waives notice for the respondent No.1. Hamdast granted.

6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

7. 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.

8. 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.

9. In case notice is not collected within **seven days**, and if service report on affidavit is not filed within **three days** before returnable date, O.A. shall stand dismissed without reference to the Tribunal and papers be consigned to record.

10. S.O. **four weeks.**

Member (A)

Vice-Chairman (J)

pdg.

O.A. No.239/2018.

(D.B.)

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

**Dated : 25<sup>th</sup> June 2018.**

Heard Shri Y.P. Kaslikar, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondent No.1.

2. The learned counsel for the applicant seeks apology for not collecting notice. In the interest of justice, last chance is granted and apology is accepted.

3. The learned counsel for the applicant undertakes to collect the notice today itself returnable within four weeks.

4. Issue fresh notice to the remaining respondent returnable after **four weeks.**

5. Shri P.N. Warjekar, the learned P.O. waives notice for the respondent No.1. Hamdast granted.

6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

7. 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.

8. 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.

9. In case notice is not collected within **seven days**, and if service report on affidavit is not filed within **three days** before returnable date, O.A. shall stand dismissed without reference to the Tribunal and papers be consigned to record.

10. S.O. **four weeks.**

Member (A)

Vice-Chairman (J)

pdg.

O.A. No.240/2018.

(D.B.)

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

**Dated : 25<sup>th</sup> June 2018.**

Heard Shri Y.P. Kaslikar, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondent No.1.

2. The learned counsel for the applicant seeks apology for not collecting notices. In the interest of justice, last chance is granted and apology is accepted.

3. The learned counsel for the applicant undertakes to collect the notice today itself returnable within four weeks.

4. Issue fresh notice to the remaining respondent returnable after **four weeks.**

5. Shri P.N. Warjekar, the learned P.O. waives notice for the respondent No.1. Hamdast granted.



6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

7. 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.

8. 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.

9. In case notice is not collected within **seven days**, and if service report on affidavit is not filed within **three days** before returnable date, O.A. shall stand dismissed without reference to the Tribunal and papers be consigned to record.

10. S.O. **four weeks.**

Member (A)

Vice-Chairman (J)

O.A. No.249/2018.

(D.B.)

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

**Dated : 25<sup>th</sup> June 2018.**

Heard Shri M.R. Rajgure, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondent No.1.

2. The learned counsel for the applicant seeks apology for not collecting notices. In the interest of justice, last chance is granted and apology is accepted.

3. The learned counsel for the applicant undertakes to collect the notice today itself returnable within four weeks.

4. Issue fresh notice to the remaining respondent returnable after **four weeks.**

5. Shri P.N. Warjekar, the learned P.O. waives notice for the respondent No.1. Hamdast granted.

6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

7. 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.

8. 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.

9. In case notice is not collected within **seven days**, and if service report on affidavit is not filed within **three days** before returnable date, O.A. shall stand dismissed without reference to the Tribunal and papers be consigned to record.

10. S.O. **four weeks.**

Member (A)

Vice-Chairman (J)

pdg.

**O.A. No.737/2013.**

**(D.B.)**

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

**Dated : 25<sup>th</sup> June 2018.**

Heard Shri N.S. Badhe, the learned counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents.

Return on behalf of R. 1 to 3 is filed on record, its copy is supplied to the Ld. counsel for the applicant.

**S.O. 27<sup>th</sup> June 2018.**

Member (A)

Vice-Chairman (J)

pdg.

O.A.No.295/2018 (S.B.)

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

**Dated : 25.06.2018.**

Shri D.P.Dapurkar, Id. counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the State. Await service of respondent nos. 2 and 3.

The Id. counsel for the applicant seeks two weeks time to file service affidavit. At his request, **S.O. 09/07/2018.**

**Member (A)**

aps.

O.A.No.255/2018 (S.B.)

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

**Dated : 25.06.2018.**

Shri Y.P.Kaslikar holding for Shri  
G.R.Sadar, Id. counsel for the applicant and  
Shri A.P.Potnis, Id. P.O. for the Respondents.

As per the request of Id. counsel for the  
applicant, **S.O. 16/07/2018.**

**Member (A)**

aps.

O.A.No.370/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,**

**Member (A)**

**Dated : 25.06.2018.**

Shri R.A.Gupte, Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the State. Await service of respondent nos. 2 to 5.

The Id. counsel for the applicant seeks time to file service affidavit as well as Id. P.O. seeks three weeks time to file affidavit-in-reply.

As per para no. three of the order dated 11/06/2018, "*Stay granted will continue till the next date of hearing*".

**S.O. three weeks.**

**Member (A)**

aps.

O.A.No.229/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,**

**Member (A)**

**Dated : 25.06.2018.**

Shri A.P.Sadavarte, Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the respondents.

The Id. P.O. seeks two weeks time to file affidavit-in-reply, **S.O. 10/07/2018.**

**Member (A)**

aps.

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

**Coram : Hon. Shri Shree Bhagwan,**



**Member (A)**

**Dated : 25.06.2018.**

Shri A.P.Tathod holding for Shri S.N.Gaikwad, Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the State. Await service of respondent no. 2.

The Id. counsel for the applicant submits that today itself he will file the service affidavit. The Id. P.O. seeks two weeks time to file affidavit in reply, **S.O.**  
**10/07/2018.**

*The Interim order dated 11/06/2018 is continued till next date of hearing.*

**Member (A)**

aps.

O.A.No.385/2018 (S.B.)

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

**Dated : 25.06.2018.**

Shri A.P.Tathod, Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the State. Await service of respondent no. 2. Shri S.P.Palshikar, Id. counsel for the respondent no. 3.

The Id. counsel for the respondent no. 3 has already filed affidavit-in-reply. The Id. P.O. seeks two weeks time to file affidavit-in-reply for the respondent nos. 1 and 2.

The Id. counsel for the applicant is at liberty to file Rejoinder on or before 09/07/2018, if any.

**S.O.09/07/2018.**

*The Interim order dated 11/06/2018 is continued till next date of hearing.*

**Member (A)**

aps.

O.A.No.384/2018 (S.B.)

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

**Dated : 25.06.2018.**

Shri G.G.Bade, Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the State. Await service of respondent no. 2 to 5.

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

*The Interim order dated 11/06/2018 is continued till next date of hearing.*

**Member (A)**

aps.

O.A.No.347/2018 (S.B.)

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

**Dated : 25.06.2018.**

None for the applicant. Shri P.N.Warjurkar, Id. P.O. for the State. Await service of respondent nos. 2 to 4.

As per the Tribunal order dated 11/06/2018, it was decided that the Id.

counsel for the applicant has to file the copy of revised prayer, the same has been filed and it has been received by the Id. P.O.

*The matter will be listed after services.*

**Member (A)**

aps.

O.A.No.301/2018 (S.B.)

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

**Dated : 25.06.2018.**

None for the applicant. Shri S.A.Deo, Id. C.P.O. for the State. Await service of respondent nos. 2 to 5.

*The matter will be listed after services.*

**Member (A)**

aps.

O.A. 449/2018 **(SB)**

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

**Dated : 25.06.2018**

**C.A.142/2018 -**

Heard Shri P.S. Patil, learned counsel for the applicants and Shri S.A. Sainis, Id. P.O. for the respondents.

2. By this C.A., the applicants are seeking leave to sue jointly. For the reasons stated in the C.A., leave to sue jointly as prayed for is granted, subject to the applicants paying requisite court fees, if not already paid. C.A. stands disposed of accordingly.

**O.A.449/2018 -**

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

2. Vide impugned order dated 31/05/2018 (P-48 to 56) the applicants along with other employees have been transferred to various places such as applicant Mr. S.N.

Akhare has been transferred from Dhamangaon Railway, Dist. Amravati to Gadchiroli, applicant Mr.R.R. Wankhade has been transferred from Nimbhora, Dist. Amravati to Sironcha, Dist. Gadchiroli, applicant Mr. U.P. Rajwade has been transferred from Nandgaon Khandeshwar, Dist. Amravati to Chandrapur and applicant Mr. J.W. Warghat has been transferred from Amravati to Pandharkawada, Dist. Yavatmal as mentioned in the said order. All these applicants are Class-III employees being Junior Clerks and have been transferred out of Region, except the applicant Mr. J.W. Warghat.

3. The learned counsel for the applicants submits that the applicants have not yet been relieved from their respective posts. The order has been passed by the person having no authority. It is stated that the applicants have preferred representations against the order of transfer. The copies which are placed on record at P.B. Page nos. 57 onwards. It is stated that the respondents be directed to take decision on their representations and till that time they may not be relieved. The learned P.O. has strongly opposed for the same.

4. The O.A. can be disposed of with a direction to the respondents to decide the applicants' respective representations

within a stipulated period. In view thereof, the following order :-

**ORDER**

The O.A. stands disposed of with direction to respondent no.2 to take decision on the respective representations filed by the applicants within four weeks' from the date of receipt of this order and in the meantime the applicants not to be relieve from their respective posts. No order as to costs.

**Vice Chairman (J)**

dnk.



O.A. 829/2017 (SB)

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

**Dated : 25.06.2018**

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

Since the pleadings are complete, the matter is admitted and kept for final hearing.

The learned P.O. waives notice for the respondents.

**S.O. 06/07/2018.**

**Vice Chairman (J)**

dnk.

O.A. 198/2018 **(SB)**

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

**Dated : 25.06.2018**

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

2. Shri Dhatrak, the learned counsel files additional affidavit on behalf of the

applicant. It is taken on record. Copy is given to the Id. P.O.

3. Since the pleadings are complete, the matter is admitted and kept for final hearing.

4. The learned P.O. waives notice for the respondents.

**S.O. Next week.**

**Vice Chairman (J)**

dnk.

O.A. 359/2018 **(SB)**

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

**Dated : 25.06.2018**

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

2. The learned P.O. seeks time to file reply. Time is granted as prayed for.

3. The learned counsel for the applicant submits that the applicant has yet not been relieved and status-quo was granted earlier and therefore the same may be continued till filing of the reply.

4. Status-quo to continue till filing of the reply.

5. **S.O. three weeks.**

**Vice Chairman (J)**

dnk.

O.A. 360/2018 (SB)

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

**Dated : 25.06.2018**

Shri G.G. Bade, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1 to 4. None for R-5.

The learned P.O. seeks time to file reply.

The P.O. also submits that he has yet not received any instructions from the department as per the earlier order.

At the request of Id. P.O., **S.O. 29/06/2018** for filing reply as well as taking instructions.

Till then I.R. to continue.

**Vice Chairman (J)**

dnk.

O.A. 363/2018 **(SB)**

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

**Dated : 25.06.2018**

Shri G.K. Bhusari, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

The learned P.O. files reply-affidavit on behalf of R-2&3. It is taken on record. Copy is served on the applicant. The learned counsel for the applicant wants to go through the same. At his request, **S.O.**  
**26/06/2018.**

**Vice Chairman (J)**

dnk.

O.A. 364/2018 (SB)

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

**Dated : 25.06.2018**

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

The learned P.O. seeks time to take instructions as per the earlier order. At his request, **S.O. Next week.**

**Vice Chairman (J)**

dnk.

O.A. 386/2018 (SB)

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

**Dated : 25.06.2018**

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

The learned P.O. seeks time to take instructions as per the earlier order.

The learned P.O. also wants to file reply. At his request, **S.O. Next week** for filing reply as well as for taking instructions.

Till then I.R. to continue.

**Vice Chairman (J)**

dnk.

O.A. 387/2018 (SB)

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

**Dated : 25.06.2018**

Shri G.K. Bhusari, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

The learned P.O. submits that he has received parawise comments and seeks further time to file reply.



At the request of learned P.O., **S.O.**  
**one week** for filing reply.

**Vice Chairman (J)**

dnk.

O.A. 388/2018 **(SB)**

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

**Dated** : **25.06.2018**

Shri G.K. Bhusari, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

The learned P.O. submits that he has received parawise comments and seeks further time to file reply.

At the request of learned P.O., **S.O.**  
**one week** for filing reply.

**Vice Chairman (J)**

dnk.

O.A. 436/2018 **(SB)**

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

**Dated : 25.06.2018**

Heard Shri S.N. Gaikwad, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. The applicant has been transferred from the post of Assistant Professor in Cardiocascular and Thorasic Department, Super Speciality Hospital, Nagpur to Govt. Medical College and Hospital, Aurangabad as per order dated 14/06/2018. The learned counsel for the applicant submits that the order is punitive since it is alleged that the applicant has been transferred on the ground that he is doing private practice illegal. The learned counsel for the applicant also invited my attention to the order passed in Writ Petition no.2196/2017 on 11/04/2017 by the Hon'ble High Court Bench at Nagpur and also the order in Writ

Petition No.6857/2014 on 11/12/2014 whereby the Hon'ble High Court has stayed the operation of G.R. dated 18/08/2010 debarring the Medical Officers from doing private practice. In view of this, the order is punitive. The learned counsel for the applicant further submits that had the applicant been simply transferred at Aurangabad, the applicant would have joined there. The learned P.O. submits that the departmental enquiry is being initiated against the applicant also on another ground which is serious. He however submits that he will take instructions as to whether the Transferring Authority is ready to issue fresh simple order of transfer of the applicant by withdrawing the impugned order in respect of applicant. In view thereof, the learned P.O. seeks one week time to take instructions. In the meantime, the respondents are directed not to insist the applicant to join at Aurangabad.

3. Issue notice to R-2 and 3, returnable in **one week**. Learned P.O. waives notice for R-1. 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. one week.**

Steno copy is granted.

**Vice Chairman (J)**

dnk.

O.A. 437/2018 (SB)

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

**Dated : 25.06.2018**

Heard Shri J.S. Wankhede, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the State.

2. The applicant an Assistant Professor has been transferred from Vasantrya Naik Govt. Medical College, Yavatmal to B.H. Medical College, Dhule as per order dated 14/06/2018/18/06/2018. The learned counsel for the applicant submits that the order is punitive since it is alleged that the applicant was being transferred on the ground that he is doing private practice illegal. The learned counsel for the applicant also invited my attention to the order passed in Writ Petition No.6857/2014 on 11/12/2014 by the Hon'ble High Court Bench at Nagpur whereby the Hon'ble High Court has stayed the operation of G.R. dated 18/08/2010 debarring the Medical Officers from doing private practice. In view of this, the order is punitive. The learned counsel for the applicant further submits that had the applicant been simply transferred at Dhule, the applicant would have joined there. The learned P.O. submits that the departmental enquiry is being initiated against the applicant also on another ground which is serious. He however submits that he will take instructions as to whether the Transferring Authority is ready to issue fresh simple order of transfer of the applicant by withdrawing the impugned order in respect of applicant. In view thereof, the learned P.O. seeks one week time to take instructions. In the

meantime, the respondents are directed not to insist the applicant to join at Dhule.

3. Issue notice to R-2 and 3, returnable in **one week**. Learned P.O. waives notice for R-1. 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. one week.**

Steno copy is granted.

**Vice Chairman (J)**

dnk.



O.A. 438/2018 (SB)

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

**Dated : 25.06.2018**

Shri S.A. Marathe, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the State.

2. The learned counsel for the applicant submits that the applicant is claiming transfer in place of one Smt. A. V. Sarkate, i.e., on the ground that even though she is due for transfer, she is not considered. He is also claiming transfer in her place. The learned counsel for the applicant therefore wants to add Smt. A. V. Sarkate as party / respondent. He also wants to add Shri N.S. Khawale as party / respondent. In view thereof, the applicant is allowed to add them as necessary party. Amendment be carried out within two days. **S.O. Next week.**

**Vice Chairman (J)**

dnk.

O.A. 441/2018 **(SB)**

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

**Dated : 25.06.2018**

Heard Shri P.K. Mohta, Id. counsel  
for the applicant and Shri M.I. Khan, Id. P.O.  
for the State.

2. Vide impugned order dated 30/05/2018 the applicant a Junior Engineer has been transferred from Chikhali to Malkapur which is a distance of 78 Kms. The learned counsel for the applicant submits that the applicant is having 50% disability and as per the G.R. dated 15/04/2004 the person with disability has to be adjusted at his choice posting. The learned counsel for the applicant also invited my attention to the Certificate issued by the Medical Disability Board of District Hospital, Jalgaon which states that the applicant is resident of Jalgaon. The learned P.O. therefore submits that the applicant has been transferred near his native place. The applicant however in the application has mentioned that he is resident of Chikhli, Dist. Buldhana. The disputed question therefore will have to be considered on merits. Admittedly the applicant is due for transfer since he has joined at Chikhali on 09/06/2015 and the transfer order has been passed on 30/05/2018.

3. In view thereof, issue notice to R-2 and 3, returnable **in two weeks**. Learned P.O. waives notice for R-1. 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. two weeks.**

**Vice Chairman (J)**

dnk.

O.A. 447/2018 **(SB)**

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

**Dated : 25.06.2018**

Heard Neeta Goutam, Id. counsel for the applicant and Shri S.A. Deo, Id. P.O. for the State.

2. The applicant has been kept under suspension vide impugned order dated 27/10/2016 and till today no action has been taken. No charge sheet is filed and the suspension continues. In fact, the action should have been taken within 90 days or the suspension should have been revoked. It

seems that number of representations are filed by the applicant. Such as on 10/04/2017, 11/04/2017, 16/10/2017 and 01/06/2018 and even the suspension allowance has not been paid. The learned P.O. submits that he will take instructions in this regard and will make statement on the next date.

3. In the meantime, issue notice to respondent no.1 returnable on **05/07/2018**. Learned C.P.O. waives notice for R-1. 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. 05/07/2018.**

**Vice Chairman (J)**

dnk.

O.A. 450/2018 **(SB)**

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

**Dated : 25.06.2018**

Heard A.R. Ingole, Id. counsel for the applicant and Shri S.A. Deo, Id. P.O. for the State.

2. The learned CPO wants to take instructions as to whether the applicant has been relieved since the applicant submits that she has not yet been relieved. At the request of learned CPO, the matter be kept **on 26/06/2018.**

**Vice Chairman (J)**

dnk.

O.A. 451/2018 (SB)

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

**Dated : 25.06.2018**



Heard A.R. Ingole, Id. counsel for the applicant and Shri S.A. Deo, Id. P.O. for the State.

2. Vide impugned order dated 31/05/2018 (Annex-A-1) the applicant has been transferred from the post of Staff Nurse (Male), Government Medical College and Hosital, Akola to the post of Staff Nurse (Male), Government Medical College and Hosital, Aurangabad. Admittedly, vide order dated 20/06/2018 the applicant has been relieved.

3. In view thereof, issue notice to R-2 and 3, returnable in **three weeks**. Learned C.P.O. waives notice for R-1. 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. three weeks**

**Vice Chairman (J)**

dnk.

O.A. 120/2016 (SB)

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

**Dated : 25.06.2018**

Heard Shri T.U. Tathod, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1&2 and Shri Anand Deshpande, Id. counsel for R-3.

2. The applicant has claimed appointment to the post of Police Patil for village Hatola, Tq. Darwaha, District Yavatmal in this O.A. In response to the advertisement dated 10/09/2015 the applicant and respondent no.3 participated in the process of recruitment for the post of Police Patil for village Hatola, Tq. Darwaha, District Yavatmal. It is also admitted fact that the applicant got 58 marks out of 80 in written test, whereas, the respondent no.3 obtained 53 marks. In the oral interview the applicant got 7 marks, whereas, the respondent no.3

got 14 marks out of 20. Thus, admittedly the applicant got total marks, i.e., 65, whereas, the respondent no.3 got total marks, i.e., 67 and the respondent no.3 has been appointed. The only ground taken by the applicant is that

the respondent no.3 is 40% disabled on account of low vision and therefore he should not have been selected. The respondent no.3 has filed reply-affidavit and the State has also filed reply-affidavit and justified the order. The learned counsel for respondent no.3 submits that he has already filed Certificate of fitness issued by Civil Surgeon, Yavatmal. The copy of the said certificate is also placed on record. Thus, it is clear that the respondent no.3 is fit for the post and has been meritorious than the applicant. Considering this aspect, I do not find any merits in the O.A. Hence, the following order :-

**ORDER**

The O.A. stands dismissed with no order as to costs.

**Vice Chairman (J)**

dnk.

O.A. 259/2017 with C.A. 23/2018 **(SB)**

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

**Dated : 25.06.2018**

Heard Shri Vishal Anand, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 to 4 and Shri M.L. Vairagade, Id. counsel for R-5.

**Closed for orders.**

**Vice Chairman (J)**

dnk.

O.A. Nos. 568/2017 & 569/2017 **(SB)**

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

**Dated : 25.06.2018**

Heard Shri O.Y. Kashid, Id. counsel for the applicants and Shri M.I. Khan Id. P.O. (in O.A.568/17) and Shri V.A. Kulkarni, Id. P.O. (in O.A.569/17) for the respondents.

**Closed for orders.**

**Vice Chairman (J)**

dnk.

O.A. 782/2017 (SB)

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

**Dated : 25.06.2018**

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

**Closed for orders.**

**Vice Chairman (J)**

dnk.

O.A. 455/2018 (SB)

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

**Dated : 25.06.2018**

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

2. Vide impugned order dated 22/06/2018 (P-21) the applicant has been transferred from Anti Corruption Bureau, Bhandara to Nagpur City. The applicant is due for retirement on 31/12/2018 and has not yet been relieved. It is stated that the applicant joined at Bhandara on 06/07/2015 and on the date of impugned order of transfer, he was not due for transfer. From the history of litigation, it seems that on earlier three occasions also the applicant was transferred from Bhandara to various places and the said orders were challenged before the Tribunal and subsequently one of the order was quashed and set aside and the others were cancelled.

3. The learned P.O. submits that the transfer order is in respect of the employees who are due for transfer as well as who were not due for transfer and necessary sanction has been obtained from the Competent Authority for transferring the



applicant. Since the applicant has not yet been relieved from the post, the respondent nos. 2 and 3 are directed not to relieve the applicant till further orders. The respondents shall place on record the Minutes of the Meeting vide which the applicant has been transferred for perusal of the Tribunal.

4. In the meantime, Issue notice to R-2 and 3, returnable **in three weeks**. Learned P.O. waives notice for R-1. Hamdast allowed.

5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

6. 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.

7. 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.

8. 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.

9. 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.

10. **S.O. three weeks.**

**Vice Chairman (J)**

dnk.

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