

O.A. No. 694/2015

(S.B.)

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

Dated : 13th July 2018.

Heard Miss A.S. Kaple, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondent Nos. 1 and 2. Shri H.D. Futane, Adv. for R.3.

The Ld. counsel for R.3 submits that the respondent No.3 has been appointed as Police Patil on 3.11.2015 i.e. even prior to filing of the O.A. The respondent No.3 is working as Police Patil since then. The Ld. counsel for the applicant submits that she seeks permission to amend the O.A. within a week.

S.O. one week.

Vice-Chairman(J)

O.A. No. 637/2017

(S.B.)

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

Dated : 13th July 2018.

Heard Shri H.N. Potbhare, the
Ld. counsel for the applicant and Shri
A.M. Khadatkar, the learned P.O. for
the respondent Nos. 1 to 4. None
for R.5.

Closed for orders.

Vice-Chairman(J)

pdg.

O.A. No. 525/2018

(S.B.)

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

Dated : 13th July 2018.

Heard Shri S.N. Gaikwad, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents 1 and 2. None for respondent No.3.

2. The applicant was selected for the post of Police Patil of village Borgaon. Vide impugned order dated 21.4.2018, he has been declared unfit on the ground that he is not a resident of that village. It seems that the objection as regards eligibility of the applicant for the post was taken by respondent No.3 after result was declared and not before the declared date for taking objection. Ld. CPO submits that the appointment order of R.3 has been issued on 25.6.2018 as per Annexure A-X. However, it is not known as to whether respondent No.3

had joined the post of Police Patil of the village. The Ld. CPO is, therefore, requested to take instructions as to whether R.3 has joined the post and if yes, on what date ?

3. At the request of both the parties, S.O. **16.7.2018.**

Vice-Chairman(J)

pdg.

O.A. No. 65/2015

(S.B.)

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

Dated : 13th July 2018.

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

Matter was taken up on 29.6.2018. But on that day, nobody had appeared for the applicant and by way of an opportunity it was posted today. Since nobody appeared for the applicant today also, it seems that the applicant may not be interested in prosecuting the O.A. Hence, the O.A. stands dismissed in default.

Vice-Chairman(J)

O.A. No. 507/2017

(S.B.)

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

Dated : 13th July 2018.

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

Nobody had appeared for the applicant on 4.6.2018 and, therefore, as a matter of last chance, it was adjourned today. Today also, none appeared for the applicant. The applicant may not be interested in prosecuting the O.A. Hence, the O.A. stands dismissed in default.

Vice-Chairman(J)

O.A. No. 803/2017

(S.B.)

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

Dated : 13th July 2018.

Shri S.P. Kshirsagar, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents.

S.O. **one week.**

Vice-Chairman(J)

pdg.

O.A. 407/2018 (D.B.)

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

Dated : 13/07/2018

Shri Krushna D. Manwatkar, Id.
counsel for the applicant and Shri S.A.
Deo, Id. CPO for R-1. Await service of
R-2 to 4.

At the request of learned counsel
for the applicant, **S.O. one week** for filing
service affidavit of R-2 to 4.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 269/2018 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 13/07/2018

None for the applicant.

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

On the last date a Pursis (P-41)
was filed on record seeking permission
to withdraw the O.A. with liberty to file
fresh O.A. In view thereof, the O.A.
stands disposed of as withdrawn with
liberty to file fresh application.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 604/2010 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 13/07/2018

C.A.117/2018

Heard Shri A.P. Sadavarte, Id. counsel holding for Shri M.Y. Wadodkar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. The learned counsel for the applicant submits that notice may be issued on C.A. In view thereof, issue notice on C.A. to R-2 and 3, returnable in **four weeks**. Learned P.O. waives notice for R-1. Hamdast allowed.

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

4. 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.

5. 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.

6. 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.

7. 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.

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

Member(A) Vice-Chairman(J)

dnk.

O.A. 766/2014 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 13/07/2018

MCA 18/2018

Heard Shri M.I. Khan, Id. counsel for the applicants (Org. Respondents nos.1&3) and Shri A.P. Sadavarte, Id.

counsel for the respondent (Org. Applicant). None for applicant no.4 (Org. Respondent no.4).

2. The applicants (Org. Respondents nos.1&3) are claiming three months time to comply the order dated 16/01/2018 passed by this Tribunal in O.A.766/2014. The period has already been lapsed. The departmental inquiry is not completed even in the extended period in spite of four months' time was granted on 16/01/2018. It is stated that the final show cause notice has been issued and the applicant has also submitted his explanation to the said notice. The only formality remains to be passed necessary final order. In the interest of justice as a last chance one month time is extended from today.

In view thereof, the MCA stands disposed of.

Member(A)

Vice-Chairman(J)

dnk.

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

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

Dated : 13/07/2018

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

Closed for orders.

Member(A)

Vice-Chairman(J)

dnk.

C.P. 23/18 in O.A. 480/2016 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 13/07/2018

There is a leave note from Shri S.P. Palshikar, Id. counsel for the applicant. Shri M.I. Khan, Id. P.O. for the respondents.

S.O. four weeks.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 39/2018 (D.B.)

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

Dated : 13/07/2018

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

Heard. Admit.

Learned P.O. waives notice for the
respondents.

In the meantime, the applicant is
at liberty to file rejoinder, if any.

S.O. in due course.

Member(A)

Vice-Chairman(J)

dnk.

O.A.411/2018 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 13/07/2018

There is a leave note from Shri S.P. Palshikar, Id. counsel for the applicant. Shri S.A. Sainis, Id. P.O. for the respondents.

S.O. four weeks.

Member(A)

Vice-Chairman(J)

dnk.

O.A.685/2017 (D.B.)

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

Dated : 13/07/2018

Heard Shri A. Raghute, Id. counsel
for the applicant and Shri P.N. Warjurkar,
Id. P.O. for R-1 to 3. None for R-4.

S.O. after six weeks.

Put up along with O.A.51/2017.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 51/2017 (D.B.)

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

Dated : 13/07/2018

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

2. As per the order dated 29th June,2018 the learned P.O. was requested to take instructions as to what steps the competent authority desires to take against the applicant and in view of the changed circumstances that the enquiry against Shri Charjan has been dropped. Today the learned P.O. has placed on record one communication dated 10th July,2018 which is marked Exh-X for the purposes of identification. From which it seems that the final decision is to be taken in the matter,

considering the statement of defence and the opinion of the Director of Town Planning and for that three months' time may be granted. However, we find that one month time will be sufficient to take decision in the matter and therefore the respondents are directed to take necessary decision within one month.

S.O. after six week.

Put up along with
O.A.No.685/2017.

Member(A)

Vice-Chairman(J)

dnk.

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

Dated : 13/07/2018

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

2. The learned P.O. submits that he has filed today the communication along with the documents on record which are marked Exh-X for the purposes of identification regarding conscious decision taken by the Government not to promote the applicant. The P.O. is directed to supply the copy of the said communication to the applicant itself. The Id. counsel for the applicant wants to go through the same. At his request, **S.O. 19/07/2018.**

Member(A) Vice-Chairman(J)

dnk.

O.A. 710/2016 (D.B.)

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

Dated : 13/07/2018

Heard Shri R.S. Kothari, Id. counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1 to 5 and Shri N.S. Autkar, Id. counsel for R-6.

Closed for orders.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 414/2016 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 13/07/2018

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

At the request of learned P.O., the matter be kept along with O.As.803/15, 728/11, 61/18, O.As.48 to 76/18, O.As. 125 to 132/18 and O.A.731/16.

S.O. four weeks.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 731/2016 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 13/07/2018

Shri N.S. Autkar, learned counsel holding for Shri A.M. Tirukh, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of learned P.O., the matter be kept along with O.As.803/15, 728/11, 61/18, O.As.48 to 76/18, O.As. 125 to 132/18 and O.A.414/17.

S.O. four weeks.

Member(A)

Vice-Chairman(J)

dnk.

C.P. 11/2017 in O.A. 90/2016 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 13/07/2018

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

2. The Review Petition No. 07/2018 in O.A. 90/2016 is already dismissed.

3. As per the order dated 25/04/2017 in O.A.No.90/2016 the respondent no.2 was directed to recommend the applicant's name for the post of H.O.D. in Electronics from Open General category within a period of four weeks from the date of the order and the respondent no.1 shall take action to appoint the applicant as H.O.D. within a further period of four weeks. This order has not been complied admittedly within limitation and under the garb that the Writ Petition was filed and thereafter the Review Petition has been filed. Since the Writ Petition as well as the Review Petition have been disposed of, there is no reason as to why the respondents shall not comply the order. The learned P.O. submits that three weeks' time may be given to comply the order. However considering the fact that the matter of 2016 and still the applicant is waiting for his due nomination. The respondent no.2 is therefore directed to recommend the applicant's name within one week and thereafter the respondent no.1 shall

take further action within further two weeks from the date of this order.

4. With these directions, the Contempt Petition stands disposed of with no order as to costs.

Steno copy is granted.

Member(A) Vice-Chairman(J)

dnk.

O.A.No.420/2017 (S.B.)

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

Dated : 13.07.2018.

C.A.No.482/2017:-

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

The Id. counsel for the applicant has submitted two-three Judgments which are marked Exh. X, X-1 & X-2. The same is taken on record. Copies are served to the other side.

The Id. P.O. has opposed the condonation of delay application on the ground that no specific reasons are mentioned. However, the Id. counsel for the applicant submits that, he will submit the O.A. alongwith the representation of 2014 and specific reasons will be annexed. He is therefore, allowed to amend the O.A.

S.O. two weeks.

Member (A)

aps.

O.A.No.375/2018 (S.B.)

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

Dated : 13.07.2018.

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

The Id. P.O. submits that parawise commend are already received in this matter. He seeks further two weeks to file the affidavit-in-reply.

According to the order dated 08/06/2018 in para no. 2 - *"The transferring*

authority i.e., S.D.O. Karanja (R-2) has transferred the applicant as per the order of Pg. No. 38. The Id. Counsel for the applicant pointed out that, out of choices given by the applicant, the choice at Sr. No. 2 is vacant for last two years. The transferring authority should have considered the choice given by the applicant i.e. at Sr. No. 2 as the said post is vacant since last two years. In view of this, the impugned order dated 31/05/2018 (Annex-A-5) is stayed till the next date of hearing”.

The above same order is continued till next date of hearing.

S.O. two weeks.

Member (A)

aps.

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

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

Dated : 13.07.2018.

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

The Id. P.O. is directed to file affidavit-in-reply as per the order dated 22/06/2018 para no. 2 of the order. At his request, S.O. two weeks time to file affidavit-in-reply.

S.O. two weeks.

*Put up this matter alongwith the O.A.
No. 443/2018.*

Member (A)

aps.

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

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

Dated : 13.07.2018.

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

The Id. P.O. is directed to file affidavit-in-reply as per the order dated 22/06/2018 para no. 2 of the order. At his request, S.O. two weeks time to file affidavit-in-reply.

S.O. two weeks.

*Put up this matter alongwith the O.A.
No. 442/2018.*

Member (A)

aps.

O.A.No.410/2018 (S.B.)

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

Dated : 13.07.2018.

Shri Sunil Pande holding for Shri S.A.Marathe, Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the respondents.

The Id. P.O. submits that he further seeks two weeks time to file affidavit-in-reply.

S.O. two weeks.

Member (A)

aps.

O.A.No.267/2018 (S.B.)

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

Dated : 13.07.2018.

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

2. The Id. Counsel for the applicant has already amended the O.A. and included the Commissioner, Tribal Development, Nashik as one of the respondent. Appeal of the applicant is pending before the respondent no. 4 and as suggested by the Id. Counsel for the applicant after decision on the appeal, matter will be taken before the Tribunal.

3. However, respondent no. 4 is directed to decide the appeal within four weeks from the date of order.

4. Issue notice to R-4, returnable on six 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. six weeks.**

Member (A)

aps.

O.A.No.445/2018 (S.B.)

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

Dated : 13.07.2018.

Smt. K.N.Saboo, Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the State. Await service of respondent nos. 2 to 4.

The Id. Counsel for the applicant submits that she seek one week time to file service affidavit as well as the Id. P.O. submits that he seeks four weeks time to file affidavit-in-reply.

S.O. four weeks.

In order dated 22/06/2018 in para no. 3, the same order is continued till next date of hearing.

Member (A)

aps.

O.A.No.445/2018 (S.B.)

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

Dated : 13.07.2018.

Smt. K.N.Saboo, Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the State. Await service of respondent nos. 2 to 4.

The Id. Counsel for the applicant submits that she seek one week time to file service affidavit as well as the Id. P.O. submits that he seeks four weeks time to file affidavit-in-reply.

S.O. four weeks.

In order dated 22/06/2018 in para no. 3, the same order is continued till next date of hearing.

Member (A)

aps.

O.A.No.157/2018 (S.B.)

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

Dated : 13.07.2018.

Shri Bharat Kulkarni, Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the respondents.

The Id. P.O. seeks two weeks time to file affidavit-in-reply.

S.O. two weeks.

In order dated 26/04/2018 in para no. 2, the same order is continued till next date of hearing.

Member (A)

aps.

O.A.St.No.495/2018 (S.B.)

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

Dated : 13.07.2018.

C.A.No. 78/2018:-

None for the applicant. Shri S.A.Sainis,
Id. P.O. for the State. Await service of
respondent nos. 2 and 3.

As suggested by Id. P.O. the matter be
listed after service affidavit. **S.O. two weeks.**

Member (A)

aps.

O.A.No.331/2018 (S.B.)

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

Dated : 13.07.2018.

C.A.No. 159/2018:-

Ms. N.P.Thete holding for Shri S.P.Borkar, Id. counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the respondents.

The Id. Counsel for the applicant filed pursis to withdraw the O.A. without mentioning any clear reason. She did not explain the reason for wasting the time of Tribunal. However, the counsel for the applicant is allowed to withdraw the O.A.

Accordingly, the C.A. is allowed as well as O.A. stands disposed off as withdrawn.

No order as to costs.

Member (A)

aps.