

O.A. No. 191/2017

(D.B.)

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

C.A. 103/2017.

Heard Shri G.G. Bade, the Ld. Counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondent No.1.

2. At the request of the Ld. Counsel for the applicant, issue fresh notice on the C.A. to the remaining respondents returnable in four weeks.

3. Shri A.M. Khadatkar, the 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 **seven days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

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

Member(A)

Vice-Chairman(J)

O.A. No. 194/2017

(D.B.)

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

C.A. 437/2017.

None for the applicant. Heard Shri A.M. Khadatkar, the learned P.O. for the respondent Nos. 1 and 2. None for R.3.

2. On 23.7.2017, 20.2.2018 and 7.3.2018, none appeared for the applicant. The applicant was directed to supply copy of application for condonation of delay to the respondents. But the copy is not supplied. It seems that the applicant may not be interested in prosecuting the C.A. as well as the O.A. Hence, the C.A. stands dismissed in default. Consequently, O.A. also stands dismissed.

Member(A)

Vice-Chairman(J)

O.A. No. 79/2014

(D.B.)

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

Heard Shri D.M. Kakani, Adv. holding for Shri G.K. Bhusari, the Ld. Counsel for the applicants and Shri M.I. Khan, the learned P.O. for the respondents.

2. The applicant in this case has claimed the following relief:-

“Direct the respondent No.1 to grant final approval to the proposed Recruitment Rules submitted by respondent No.2 vide letter dated 17.5.2012, earlier possible.”

3. In this case, the applicant has also prayed for interim relief. It is stated that on the similar point, another O.A. was pending before the Principal Bench of this Tribunal at Mumbai bearing O.A. No. 309/2016,

316/2016 and 317/2016 with M.As. In the said O.A., the Principal Bench of this Tribunal at Mumbai has been pleased to pass the order dated 30.5.2016 thereby dismissed the bunch of O.As. The Ld. Counsel for the applicants, therefore, submits that this O.A. is covered by the said judgment. In view thereof, O.A. stands disposed of accordingly with no order as to costs.

Member(A)

Vice-Chairman(J)

O.A. No. 236/2014

(D.B.)

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

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

ADMIT.

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

S.O. in due course.

Member(A)

Vice-Chairman(J)

O.A. No. 760/2014

(D.B.)

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

There is a leave note from Shri N.D. Thombre, the Ld. Counsel for the applicant. Shri S.A. Sainis, the learned P.O. for the respondents.

S.O. **one week** for filing reply.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 12/2015

(D.B.)

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

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

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

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 193/2015

(D.B.)

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

Heard Shri G.G. Bade, the Ld. Counsel for the applicant and Shri A.P. Potnis, the learned P.O. for the respondents.

ADMIT.

Shri A.P. Potnis, the learned P.O. waives notice for the respondents.

S.O. in due course.

Member(A)

Vice-Chairman(J)

O.A. No. 149/2017

(D.B.)

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

None for the applicant. Shri M.I. Khan, the learned P.O. for the respondents.

Ld. P.O. seeks time to file reply to the amended O.A.

At his request, S.O. **three weeks.**

Member(A)

Vice-Chairman(J)

O.A. No. 687/2017

(D.B.)

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

Heard Shri D.M. Surjuse, the Ld. Counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents 1 and 3. Shri C.V. Mahurkar, Adv. for R. 2 and 4 to 6.

Adv. for R. 2 and 4 to 6 undertakes to file Vakalatnama on the next date.

ADMIT.

Shri H.K. Pande, the learned P.O. waives notice for the respondents 1 and 3.

S.O. **two weeks** for final hearing.

Member(A)

Vice-Chairman(J)

O.A. No. 225/2018

(D.B.)

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

Heard Shri Miss A.K. Shah, the
Ld. Counsel for the applicant and Shri
S.A. Deo, the learned C.P.O. for the
respondents.

S.O. **one week.**

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 408/2018

(D.B.)

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

Heard Shri A.M. Sudame, the Ld. Counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondent No.1.

2. Issue notice to remaining respondents returnable in **four weeks**.

3. Shri S.A.Deo, the 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 **seven days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

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

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 526/2018

(D.B.)

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

None for the applicant. Heard Shri S.A. Deo, the learned C.P.O. for the respondent No.1.

Despite circulation, none appeared for the applicant. Objections are also not removed.

Hence, to come up in due course.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 532/2018

(D.B.)

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

Dated : 16th July 2018.

ORDER

Heard Shri M.P. Kariya, the Ld. Counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondent No.1.

2. The applicant alongwith nine other employees have been reverted from the post of Chef Class-IV. In the impugned order dated 22.6.2018 (Annexure A-33), it has been clearly stated that the employees have been reverted and have been relieved from the post and they were directed to join the new post immediately. The Ld. Counsel for the applicant placed reliance on the order passed by the Division Bench of this Tribunal at Aurangabad Bench in MCA No. 22/2018 in O.A. No. 110/2018 on 9.7.2018 whereby operational execution of the order 22.6.2018 has been stayed. It is stated that the next date in this matter is 7.8.2018. In view of this, there is no need of special stay in this matter.

3. Issue notice to rest of the respondents returnable in **three weeks.**

4. Shri S.A. Deo, the learned C.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 **seven 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.**

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 531/2018

(D.B.)

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

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

2. The applicant alongwith nine other employees have been reverted from the post of Chef Class-IV. In the impugned order dated 22.6.2018 (Annexure A-33), it has been clearly stated that the employees have been reverted and have been relieved from the post and they were directed to join the new post immediately. The Ld. Counsel for the applicant placed reliance on the order passed by the Division Bench of this Tribunal at Aurangabad Bench in MCA No. 22/2018 in O.A. No. 110/2018 on 9.7.2018 whereby operational execution of the order 22.6.2018 has been stayed. It is stated that the next date in this matter is 7.8.2018. In view of this, there is no need of special stay in this matter.

3. Issue notice to rest of the respondents returnable in **three weeks.**

4. Shri S.A. Deo, the learned C.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 **seven 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.**

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 257/2017

(D.B.)

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

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

S.O. **four weeks.**

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 849/2009

(D.B.)

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

Heard Shri G.G. Bade, the Ld. Counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents.

Closed for orders.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 545/2015

(D.B.)

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

C.A. Nos.479/2017 with 577/2017.

Heard Shri Bharat Kulkarni, the Ld. Counsel for the applicant and Shri H.K.Pande, the learned P.O. for the respondent Nos. 1 to 4. Shri N.R. Saboo, Adv. for R. 5 to 15.

The Ld. Counsel for the applicant seeks time to amend the O.A.

S.O. **three weeks** for amendment.

Member(A)

Vice-Chairman(J)

O.A. No. 761/2015

(D.B.)

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

Heard Shri G.G. Bade, the Ld. Counsel for the applicant and Shri P.N.Warjekar, the learned P.O. for the respondent Nos. 1 to 4. Shri N.R. Saboo, Adv. for R. 5 to 12 and 14. None for rest of the respondents.

The Ld. Counsel for the applicant seeks time to amend the O.A.

S.O. **three weeks** for amendment.

Member(A)

Vice-Chairman(J)

O.A. No. 802/2015

(D.B.)

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

Heard Shri G.G. Bade, the Ld. Counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondent Nos. 1 to 4. Shri N.R. Saboo, Adv. for R. 5, 7 to 10 and 14. None for rest of the respondents.

The Ld. Counsel for the applicant seeks time to amend the O.A.

S.O. **three weeks** for amendment.

Member(A)

Vice-Chairman(J)

O.A. No. 805/2015

(D.B.)

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

Heard Shri G.G. Bade, the Ld. Counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

The Ld. Counsel for the applicant seeks time to amend the O.A.

S.O. **three weeks** for amendment.

Member(A)

Vice-Chairman(J)

O.A. No. 97/2016

(D.B.)

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

Heard Shri Bharat Kulkarni, the Ld. Counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondent Nos. 1 to 2. Shri N.R.Saboo, Adv. for R.5, 7 to 11 and 14. None for rest of the respondents.

The Ld. Counsel for the applicant seeks time to amend the O.A.

S.O. **three weeks** for amendment.

Member(A)

Vice-Chairman(J)

O.A. Nos. 282, 283, 284, 352, 353 & 875 of 2017.

(D.B.)

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

Heard Shri A.P. Sadavarte, the Ld. Counsel for the applicants and Shri A.M. Ghogre, the learned P.O. for the respondents.

2. The Ld. Counsel for the applicants placed on record some documents alongwith a pursis, they are taken on record. Copy of the same is supplied to the Ld. P.O. Ld. P.O. submits that these documents are not relevant for deciding the controversy in the matter.

3. Closed for orders.

Member(A)

Vice-Chairman(J)

O.A. No. 283/2017

(D.B.)

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

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

S.O.

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 July 2018.**

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

S.O.

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 July 2018.**

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

S.O.

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 July 2018.**

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

S.O.

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 July 2018.**

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

S.O.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 426/2016 **(SB)**

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

Dated : 16.07.2018

Smt. Prachi Joshi, learned counsel holding for Ms. S. Dashputre, learned counsel for the applicant and Shri P.N. Warjurkar, learned P.O. for the respondents.

2. The learned counsel for the applicant seeks further time. Time is granted.

S.O. in due course.

Vice Chairman (J)

dnk.

O.A. No. 916/2017 **(SB)**

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

Dated : 16.07.2018

MCA 12/2018 -

Shri A.M. Ghogre, learned P.O. for the applicants (Org. respondents) and none for the respondent (Org. applicant).

At the request of learned P.O. for the applicants (Org. respondents), **S.O.**
18/07/2018.

Vice Chairman (J)

dnk.

O.A. No. 525/2018 **(SB)**

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

Dated : 16.07.2018

Heard Shri S.N. Gaikwad, learned counsel for the applicant and Shri S.A. Deo, learned CPO for the State.

2. The applicant wants to challenge the order of appointment of respondent no.3 and therefore he seeks permission to amend the O.A. Permission is granted.

3. In the meantime, issue notice to R-2 and 3, returnable in **two 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. two weeks.**

Vice Chairman (J)

dnk.

O.A. No. 781/2016 **(SB)**

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

Dated : 16.07.2018

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

At the request of learned counsel for the applicant, **S.O. 18/07/2018**.

Vice Chairman (J)

dnk.

O.A. Nos. 181,182,183 & 184 of 2018 **(SB)**

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

Dated : 16.07.2018

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

At the request of learned counsel for
the applicants, **S.O. 18/07/2018**.

Vice Chairman (J)

dnk.

O.A. No. 413/2018 **(SB)**

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

Dated : 16.07.2018

Heard Shri S.V. Khondalay, learned counsel for the applicant and Shri A.P. Potnis, learned P.O. for R-1 to 12. None for R-13 to 15.

2. From the facts on record it seems that the applicant is a Medical Officer serving in Central Jail, Nagpur since 14/08/2012. Vide impugned order dated 31/05/2016 he was transferred from Central Jail, Nagpur to Ravi Nagar, Hospital, Nagpur. However, he was not relieved and therefore he challenged that order by filing the O.A.No. 750/2016. The said O.A. is pending. However it was found that the person in whose place the applicant was

transferred to Ravi Nagar Hospital, Nagpur, was not due for transfer and therefore the said order has been cancelled.

3. According to the learned counsel for the applicant, the applicant was facing some administrative problems and there were complaints against him and some persons were troubling him and therefore he filed number of representations for transferring him from Central Jail, Nagpur. His request was accepted and it was also considered, but it has already stated that since the person in whose place he was transferred to Ravi Nagar, Nagpur was not due for transfer, his request remained as it is only and the applicant remained at Central Jail, Nagpur.

4. Admittedly, the applicant is overdue and his request has been accepted earlier for taking him out of Central Jail, Nagpur and therefore in such circumstances it was expected from the respondents that the applicant may be adjusted at Nagpur during the general transfers of 2018. To the surprise of the applicant, however, though the general annual transfer has been issued on 31/05/2018, the name of the applicant has not been considered and on the contrary one Shri R.A. Ingole though transferred from Ravi Nagar, Nagpur to State Reserve Police Force, Nagpur, instead

of transferring the applicant in his place, one Shri A.B. Hajare has been transferred to Ravi Nagar, Hospital, Nagpur from PHC, Dhabe, District Gondia. This shows the adamancy of

the respondents in not considering the applicant's case. It is stated that Shri A.B. Hajare has yet not joined at Ravi Nagar Hospital, Nagpur. .

5. In view thereof, the impugned order dated 31/05/2018 so far as the transfer of Shri A.B. Hajare from PHC, Dhabe, District Gondia to Ravi Nagar, Hospital, Nagpur is stayed for the time being. The respondents are directed not to fill that post till further orders.

6. In the meantime, issue notice to R-13 to 15, returnable in **four weeks**. Learned P.O. waives notice for R-1 to 12. Hamdast allowed.

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

8. 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.

9. 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.

10. 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.

11. 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.

12. **S.O. four weeks.**

13. Steno copy is granted.

Vice Chairman (J)

O.A. No. 750/2016 (SB)

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

Dated : 16.07.2018

Heard Shri S.V. Khondalay, learned counsel for the applicant, Shri H.K. Pande, learned P.O. for R-1 to 9 and Shri A.P. Tathod, learned counsel for R-10.

2. The learned counsel for the applicant submits that the applicant was transferred in place of respondent no.10 who was not due for transfer and subsequently the impugned order of transfer of respondent no.10 as well as the applicant has been cancelled and a new order has been issued on 31/05/2018, the applicant wants to withdraw this O.A. The applicant has already challenged the subsequent order of transfer by filing O.A.No.413/2018.

3. In view thereof, he seeks permission to withdraw the O.A. Permission is granted as prayed for.

Accordingly, the O.A. stands disposed of as withdrawn with no order as to costs.

Vice Chairman (J)

dnk.

O.A. No. 84/2015 **(SB)**

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

Dated : 16.07.2018

Heard Shri I.N. Choudhari, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the respondents.

2. In this O.A., initially the applicants have challenged the communication dated 4/7/2014 issued by respondent no.3, the Additional Commissioner, Tribal Development Department, Nagpur whereby the recovery was directed in lump-sum on the ground that some amount was re-paid to the applicants in excess. During the pendency of the O.A. the respondent no.11, the Assistant Project Officer, Integrated Tribal Development Project, Bhamragarh, Dist. Gadchiroli issued revised order dated 21/12/2014 to the applicant nos. 1,12,30, 37 and 60 directing recovery. Both these orders have been challenged in this O.A. It is prayed that the said orders be quashed and set aside and recovery of amount if made, the same be refunded to the applicants. Admittedly, no amount has been recovered till today. The learned counsel for the applicants submits that as per the G.R. dated 6/8/2002 in para-7 some facilities have been given to the employees

working in naxalite affected area, till they served in such area. The clause (7) of the said G.R. reads as under:-

^1/71/ oZinkd lBh, dLrj inkLurh&

vlfnokl h o u{kyxLr {ts=kr dke dj.; kl lBh i k&l lgu Eg.kuu xV ^v rs^M* e/khy l oZin/kkj dkauk l c&l/kr deplkjh vf/kdkjh R; k {ts=kr dk; jr vl s; ; rP; k dkGkr R; kauh /kkj.k dsyS; k eG inkP; k uthdph ofj "B@inkLurhph oruJskh o R; k vuqfakkus orufuf'prhpk ykHk ns; kr ; kok- T; k deplkjh@ vf/kdk&; k&k l okaxr vk'okfl r ixrh ; kst upk ykHk ns; kr vkysk vkgs R; k&k vk.k[kh ofj "B oruJskhpk ykHk vuqS ul sy- gh , dLrj inkLurhph ; kst uk fnukad 1 tny\$2002 ikl uu v&ykr ; b&y vlf.k rh l c&l/kr deplkjh@ vf/kdkjh vlfnokl h&u{kyxLr {ts=kr dk; jr vl s; ; rP vuqS jkghy- R; k {ts=kr uu deplkjh@vf/kdkjh fcxj vlfnokl h {ts=kr i jr vkY; koj rksR; kP; k eGP; k l oxk&hy oruJskhr i phiP; k orukP; k vuqfakkus oru ?k&y- ***

3. According to the applicants, they are still working in the naxalite affected area and during such a long tenure neither they are promoted nor they have been given benefit of time bound

promotion. The applicants will be at liberty to file representation for such grievance if they have not been granted such relief till today. So far as the impugned orders are concerned, admittedly no opportunity has been given to the applicants to defend their cases or to put their grievances before the competent authorities and therefore in such circumstances admittedly when the applicants are enjoying the benefit of the G.R. from last so many years, it may not be proper on the part of respondent authorities to deduct the amount all of a sudden that too in lump-sum on the ground that the G.R. was wrongly applied or that the applicants were paid excess amount.

4. In view of this, the order of recovery issued by the respondents is definitely illegal. The application therefore can be disposed of without going into the merits of the O.A. with following directions :-

(i) The application stands disposed of.

(ii) The impugned orders dated 04/07/2014 issued by respondent no.3 and dated 21/12/2014 issued by respondent no.10 are quashed and set aside. The respondent nos. 3 and 10 are directed not to recover the

amount through such communication till full opportunity is given to the applicants to defend their cases. The applicants shall also be given personal hearing before taking any coercive action of recovery. No order as to costs.

Vice Chairman (J)

dnk.

O.A.No.928/2017 (S.B.)

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

Dated : 16.07.2018.

Shri D.S.Agnihotri holding for Smt.
N.Jog, Id. counsel for the applicant and Shri
P.N.Warjurkar, Id. P.O. for the respondent no.
1. Await service of respondent nos. 2 and 3.

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

Member

(A)

aps.

O.A.No.139/2018 (S.B.)

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

Dated : 16.07.2018.

None for the applicant. Shri
P.N.Warjurkar, Id. P.O. for the respondent no.
1. Await service of respondent nos. 2 and 3.

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

Member

(A)

aps.

O.A.No.252/2018 (S.B.)

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

Dated : 16.07.2018.

Ms. Dipali Kolhe holding for Ms. S.S.Dashputre, Id. Counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the respondent no. 1. Await service of respondent nos. 2 to 4.

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

Member

(A)

aps.

O.A.No.334/2018 (S.B.)

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

Dated : 16.07.2018.

C.A.No. 150/2018:-

Shri N.R.Saboo, Id. Counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the respondents.

The Id. P.O. has placed a document from C.C.F., Nagpur on record, which is marked Exh. "X", by which it is treated that the grievances of the applicant has been redressed. The Id. Counsel for the applicant wants to take instruction from the applicant.

S.O. one week.

Interim order dated 04/06/2018 in para no. 2 is continued till next date of hearing.

Member

(A)

aps.

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

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

Dated : 16.07.2018.

Shri D.S.Agnihotri, Id. Counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the respondent nos. 1, 2, 4 & 5. Await service of respondent no. 3.

The Id. P.O. has filed the affidavit-in-reply on behalf of the respondent nos. 1, 2, 4 & 5. The same is taken on record. Copies are served to the other side.

The Id. P.O. require one more week time to file the affidavit-in-reply on behalf of the respondent no. 3. Meanwhile, liberty is granted to the Id. Counsel for the applicant to file Rejoinder, if any.

S.O. one week.

*Interim order dated 11/06/2018 in
para no. 3 is continued till next date of hearing.*

Member

(A)

aps.

O.A.No.406/2018 (S.B.)

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

Dated : 16.07.2018.

None for the applicant. Shri
V.A.Kulkarni, Id. P.O. for the respondent no. 1.
Await service of respondent nos. 2 & 3.

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

Member

(A)

aps.

O.A.No.422/2018 (S.B.)

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

Dated : 16.07.2018.

Shri S.N.Gaikwad, Id. Counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the respondent no. 1. Await service of respondent no. 2.

The Id. Counsel for the applicant submits that he will file service affidavit tomorrow i.e. 17.07.2018 as well as Id. P.O. seeks three weeks time to file affidavit-in-reply. **S.O. three weeks.**

Interim order dated 18/06/2018 in para no. 2 is continued till next date of hearing.

Member

(A)

aps.

O.A.No.299/2018 (S.B.)

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

Dated : 16.07.2018.

Shri S.N.Gaikwad holding for Shri
R.V.Shiralkar, Id. Counsel for the applicant and
Shri S.A.Sainis, Id. P.O. for the respondents.

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

Member

(A)

aps.

O.A.No.315/2018 (S.B.)

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

Dated : 16.07.2018.

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

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

Member

(A)

aps.

O.A.No.325/2018 (S.B.)

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

Dated : 16.07.2018.

None for the applicant. Shri
A.M.Ghogre, Id. P.O. for the respondents.

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

*Stay granted on 04/06/2018 in para no.
2 is vacated.*

Member

(A)

aps.

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

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

Dated : 16.07.2018.

Shri N.R.Saboo, Id. Counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the respondents.

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

The above stay is continued till next date of hearing. At the request of Id. P.O., S.O. two weeks.

Member

(A)

aps.

O.A.No.345/2018 (S.B.)

Coram : Hon. Shri Shree Bhagwan,

Member (A)

Dated : 16.07.2018.

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

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

*The Interim order dated 05/06/2018 in
para no. 2 is continued till next date of hearing.*

Member

(A)

aps.

O.A.No.376/2018 (S.B.)

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

Dated : 16.07.2018.

Shri S.P.Palshikar, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents.

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

The Id. Counsel for the applicant wants to go through the same and if necessary files the Rejoinder too. At his request, **S.O. one week.**

Member

(A)

aps.

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

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

Dated : 16.07.2018.

Shri K.S.Malokar holding for Shri A.Girdekar, Id. Counsel for the applicant, Shri A.M.Ghogre, Id. P.O. for the respondent nos. 1 and 2 and Shri S.P.Palshikar, Id. Counsel for respondent no. 3.

The matter will be listed day-after-tomorrow i.e. 18/07/2018. **S.O. 18/07/2018.**

The interim order dated 11/06/2018 in para no. 2 is continued till next date of hearing.

Member

(A)

aps.

O.A.No.432/2018 (S.B.)

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

Dated : 16.07.2018.

Shri K.S.Malokar, Id. Counsel for the applicant, Shri S.A.Sainis, Id. P.O. for the respondents.

The Id. Counsel for the applicant files the Rejoinder. It is taken on record. Copy is served to the other side.

At the request of Id. Counsel as well as Id. P.O., **S.O. Monday i.e. 23/07/2018.**

Member

(A)

aps.