

O.A. St. No. 2213/2016.

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

Dated : 11th April 2017.

C.A.537/2017:-

Shri P.V.Thakre, Ld. counsel for the applicant and Shri P.N.Warjurkar, the learned P.O. for the respondents.

The Ld. P.O. seeks time to file the reply affidavit, **S.O. three weeks.**

Vice-Chairman(J)

aps

O.A. No. 792/2010.

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

Dated : 11th April 2017.

None for the applicant and
Shri Pandey, the learned P.O. for the
respondents.

S.O. tomorrow i.e. 12/04/17.

Vice-Chairman(J)

aps

O.A. No. 158/2005.

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

Dated : 11th April 2017.

Shri Bharat Kulkarni, holding
for Shri B.G.Kulkarni, Id. counsel for
the applicant and Smt. Barabde, the
learned P.O. for the respondents.

S.O. tomorrow i.e. 12/04/17.

Vice-Chairman(J)

aps

O.A. No. 501/2016.

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

Dated : 11th April 2017.

None for the applicant. Shri Ghoghre, the learned P.O. for the respondents.

On 21/03/2017 the Id. counsel for the applicant submits that he will take instructions from the applicant that either to withdraw the O.A. or to amend the O.A. and therefore the matter has been kept today.

Today also none appeared for the applicant and therefore be kept **for dismissal on 27/04/2017.**

Vice-Chairman(J)

aps

O.A. No. 07/2016.

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

Dated : 11th April 2017.

M.C.A.No.14/2017

Heard Shri N.S.Warulkar, the Id. counsel for the applicant. Smt. Kolhe, Id. P.O. for the respondents no 1 to 3. None for R-4.

The application in O.A. 07/2016 was already dismissed in default on 13/02/2017. The Id. counsel for the applicant submits that on the very day the applicant had received the notices from the Tribunal and approach the advocate and immediately he has filed the application for restoration. In the O.A. reply has already been filed and the matter was for final hearing. Considering these aspects and for the reasons stated in the application, the application for restoration is allowed in the interest of justice and

equity. The Misc. civil application therefore stands disposed off accordingly. The original application be kept for final hearing, **S.O. 26/04/2017.**

Vice-Chairman(J)

aps

O.A. No. 612/2011.

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

Dated : 11th April 2017.

M.C.A.19/17 in 04/17 & 05/17 :-

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

The application has been dismissed in default in O.A.612/2011 on 06/02/2014 and the application for restoration has been filed in the year 2017 along with application for condonation of delay. From the record it seems that earlier on 17/03/2017 also the O.A. was dismissed in default and was restored subsequently. From the record it seems that the applicant and the counsel remains absent in the earlier restoration. Today also nobody appears for the applicant. In view of this it seems that the applicant must have lost his interest

in prosecuting the O.A. as well as the application and therefore the M.C.A. number 19/17, 04/17 & 05/17 stands dismissed in default.

Vice-Chairman(J)

aps

O.A. No. 674/2010.

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

Dated : 11th April 2017.

M.C.A.18/17 in 01/17 & 02/17 :-

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

The application has been dismissed in default in O.A.674/2010 on 21/06/2016 and the application for restoration has been filed in the year 2017 along with application for condonation of delay. From the record it seems that earlier on 17/04/2017 also the O.A. was dismissed in default and was restored subsequently. From the record it seems that the applicant and the counsel remains absent in the earlier restoration. Today also nobody appears for the applicant. In view of this it seems that the applicant must have lost his interest

in prosecuting the O.A. as well as the application and therefore the M.C.A. number 18/17, 01/17 & 02/17 stands dismissed in default.

Vice-Chairman(J)

aps

O.A. No. 367/2016.

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

Dated : 11th April 2017.

None for the applicant. Smt. Kolhe, the learned P.O. for the respondent no. 1 & 2. Shri B.D.Pandit, Id. counsel for R-3.

The matter was admitted on 20/02/2017 and was listed for final hearing on 30/03/2017. On 14/03/2017 nobody appears for the applicant. Finally the matter was kept today. Today also none appeared for the applicant. This shows that the applicant may not be interested in proceedings the O.A. The O.A., thus, stands dismissed in default.

Vice-Chairman(J)

aps

O.A. No. 772 & 773 of 2016.

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

Dated : 11th April 2017.

None for the applicant. Shri Sainis, learned P.O. for the respondent no. 1 to 3 & 6. Shri B.N.Jaipurkar, Id. counsel for R-4 & 5.

The Id. P.O. files reply in affidavit in R-6. The same is taken on record. He seeks time to file the affidavit in reply in the remaining respondents. **S.O. four weeks.**

Vice-Chairman(J)

aps

O.A. No. 167 of 2015.

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

Dated : 11th April 2017.

Shri V.N.Patre, Id. counsel for
the applicant and Shri M.I.Khan,
learned P.O. for the respondents.

Closed for order.

Vice-Chairman(J)

aps

O.A. No. 563 of 2016.

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

Dated : 11th April 2017.

Shri S.K.Patil, Id. counsel for the applicant and Shri Sainis, learned P.O. for the respondents. Shri G.K.Bhusari, Id. counsel for R-5.

The documents on which the applicant is relying are not legible. The Id. counsel for the applicant therefore is directed to supply the legible copy of the documents. The Id. counsel for the applicant accepted to supply the copy today. Therefore the matter be kept for **17/04/2017.**

Closed for order.

Vice-Chairman(J)

O.A. No. 488 of 2016.

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

Dated : 11th April 2017.

Shri S.K.Kotwal, Id. counsel for the applicant and Shri Khadatkar, learned P.O. for the respondents no. 1 & 2. None for R-3.

Since the proceedings are complete. The matter be admitted and kept for final hearing, **S.O. after four weeks.**

Vice-Chairman(J)

aps

O.A. No. 733 of 2016.

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

Dated : 11th April 2017.

Shri Warulkar, holding for Shri S.P.Palshikar, Id. counsel for the applicant and Smt. Barabde, learned P.O. for the respondents.

At the request of Id. counsel for the applicant he wants to file the Rejoinder, **S.O. four weeks.**

Vice-Chairman(J)

aps

O.A. No. 770 of 2016.

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

Dated : 11th April 2017.

Shri Warulkar, holding for Shri S.P.Palshikar, Id. counsel for the applicant and Smt. Barabde, learned P.O. for the respondents.

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

Vice-Chairman(J)

aps

O.A. No. 129, 130 & 131 of 2017.

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

Dated : 11th April 2017.

1. Heard Shri M.A.S.Borkute, Id. Advocate for the applicant and Shri P.N.Warjurkar, Id. P.O. for R-1.
2. Issue notice to R-2 to 4, returnable on after vacation. Learned P.O. waives notice for R-1.
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. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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.

8. **S.O. after vacation.**

Vice-Chairman(J)

aps

O.A. No. 586 of 2016.

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

Dated : 11th April 2017.

Shri A.Deshpande, Id. counsel for the applicant and Shri Sainis, learned P.O. for the respondents no. 1 to 3. None for R-4.

As per the directions made in order dated 21/03/2017, the matter was adjourned because the Id. P.O. seeks time to take instructions. Today the Id. P.O. placed on record the communication dated 24/03/2017 which is marked as exhibit "X" for identification and submitted that the applicant cannot be accommodated at Pusad. In view thereof the matter is closed for order.

Vice-Chairman(J)

O.A. No. 779 of 2016.

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

Dated : 11th April 2017.

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

The Id. counsel for the applicant filed reply affidavit for respondent no. 2. It is taken on record. It is admitted that the applicant has applied for the post of Police Patil at Sawangi, Saoner, Dist. Nagpur and stood first on merit in the selection list. He was awaiting for his posting. The applicant therefore seeks appointment to the post of Police Patil in the reply affidavit filed on behalf of R-2. It is stated that the applicant does not have immovable landed property in his own name at Village-Sawangi, Saoner, Dist. Nagpur. Therefore, he

cannot be considered for the post. Recently, today itself the Tribunal has passed the order in O.A. 55/2017 in the case of **Rahul Ramchandra Kakde V/s State and Ors.**, that property in the Village cannot be held eligibility condition for the appointment of Police Patil and therefore, the condition number 3 in the advertisement that the applicant must own landed property in the village be eligible for appointment of the Police Patil has been held illegal. Number of Judgments of the Hon'ble High Courts and this Tribunal have been referred in the said Judgments. In view thereof it will be clear that denial of appointment on the ground that the applicant does not own landed property in the Village is not legal. Hence the following orders:-

ORDER:-

The application is partly allowed. The respondent no. 2 is directed to take steps to appoint the applicant to the post of Police Patil of Village Sawangi, Saoner, Dist. Nagpur and not to deny appointment order to him on the ground that he does not own landed property in the Village, provided the applicant is otherwise eligible. Necessary order of appointment shall be issued within two months from the date of this order. No order as to cost.

Vice-Chairman(J)

aps

O.A.355/2016

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

Dated : 11.04.2017.

Shri N.D. Thombre, Id. counsel for
the applicant and Smt. M.A. Barabde, Id.
P.O. for the respondents.

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

Vice Chairman (J)

dnk.

O.A.524/2016

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

Dated : 11.04.2017.

Shri N.R. Saboo, Id. counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 13/04/2017 along with other similar connected matters.**

Vice Chairman (J)

dnk.

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

Dated : 11.04.2017.

Shri N.R. Saboo, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 13/04/2017 along with other similar connected matters.**

Vice Chairman (J)

dnk.

**Coram : Hon. Shri J.D. Kulkarni,
Member (J).**

Dated : 11.04.2017.

Shri Renu, Id. counsel holding for Shri Rohit Joshi, Id. counsel for the applicant (Original Resp.No.2), none for R-1 (Org. applicant) and Shri P.N. Warjurkar, Id. P.O. for R-2& 3 (Org. R-1&3).

At the request of Id. counsel for the applicant (Original Resp.No.2), **S.O. two weeks.**

Member (J).

dnk.

O.A.507/2016

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

Dated : 11.04.2017.

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

At the request of Id. counsel for the applicant, **S.O. one week**.

Vice Chairman (J)

dnk.

O.A.477/2000 (D.B.)

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

Dated : 11.04.2017.

MCA Nos. 14 & 15 /2014

None for the applicant.

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

S.O. four weeks.

Vice Chairman (J)

dnk.

O.A.402/2014 (D.B.)

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

Dated : 11.04.2017.

C.A.No.394/2015 in CP (St.)1576/15

None for the applicant.

Shri V.A. Kulkarni, Id. P.O. for
respondent no.1. Await service of R-2.

S.O. two weeks along with Review
Application No.03/2016.

Vice Chairman (J)

dnk.

C.A. 553/2016 in O.A.198/2016 **(D.B.)**

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

Dated : 11.04.2017.

Shri S.C. Deshmukh, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for respondent nos. 1&2. None for R-3.

2. The learned P.O. files affidavit-in-reply on behalf of R-1&2 in C.A.553/2016. It is taken on record. Copy thereof is given to the Id. counsel for the applicant.

3. The learned P.O. also files Return on behalf of respondent nos. 1&2 in O.A.198/2016. It is taken on record. Copy is served to the Id. counsel for the applicant.

4. The learned counsel for the applicant seeks' two weeks time. At his request, **S.O. two weeks.**

Vice Chairman (J)

dnk.

O.A.809/2016 (D.B.)

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

Dated : 11.04.2017.

None for the applicants.

Shri P.N. Warjurkar, Id. P.O. for R-1&2. Await service of R-3&4.

Learned P.O. seeks further time to file reply of R-2. At his request, **S.O. two weeks.**

Vice Chairman (J)

dnk.

O.A.50/2017 (D.B.)

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

Dated : 11.04.2017.

Shri V. Pandey, Id. counsel for the applicant and Shri M.K. Pande, Id. P.O. for State. Await service of R-1 to 3.

The learned counsel for the applicant submits that the notices have been served and he seeks further time to file service report along with acknowledgements. At his request, **S.O. two weeks.**

Vice Chairman (J)

dnk.

O.A.459/2016 (D.B.)

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

Dated : 11.04.2017.

Heard Shri S.N. Gaikwad, Id. counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the respondents.

The learned P.O. has given consent that the matter can be heard on merits. In view thereof, the O.A. is admitted and be kept for final hearing.

Learned P.O. waives notice for the respondents.

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A.699/2016 (D.B.)

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

Dated : 11.04.2017.

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

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

Vice Chairman (J)

dnk.

O.A.813/2016 (D.B.)

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

Dated : 11.04.2017.

None for the applicant. Smt. S.V. Kolhe, Id. P.O. for R-1 to 3. None for R-4.

It seems that no rejoinder is filed since the pleadings are complete. In view thereof the O.A. is admitted, the matter be kept for final hearing as and when regular Division Bench is available.

The learned P.O. waives notice for respondent nos. 1 to 3.

Vice Chairman (J)

dnk.

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

Dated : 11.04.2017.

None for the applicant.

Shri A.M. Khadatkar, Id. P.O. for R-1
to 3. None for R-4.

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

Vice Chairman (J)

dnk.

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

Dated : 11.04.2017.

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

The learned P.O. files affidavit-in-reply on behalf of R-2. It is taken on record. Copy is given to the Id. counsel for the applicant. The Id. P.O. seeks three weeks' time to file reply on behalf of R-3. At his request, **S.O. three weeks.**

Vice Chairman (J)

dnk.

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

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

Dated : 11.04.2017.

Heard Shri R.S. Kothari, Id. counsel
for the applicant and Smt. M.A. Barabde,
Id. P.O. for R-1 to 3 & 5. None for R-4.

Closed for orders.

Vice Chairman (J)

dnk.

O.A.768/2016 (D.B.)

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

Dated : 11.04.2017.

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

2. The applicant is serving as a Senior Clerk in the office of Public Trust Registration office at Buldhana. The Memorandum of Charge dated 21/12/2015 has been served upon him and the inquiry was initiated. It is submitted that the Enquiry Officer has examined all the witnesses in the witness list and submitted his report to the Competent Authority. But the Enquiry Officer vide letter dated 14/10/2016 intimated to the applicant that the Charity Commissioner has directed re-enquiry as per order dated 21/09/2016. It is stated that the said letter has not been served upon the applicant which might have given a reason for re-inquiry. The learned P.O. is therefore directed to place on record the copy of the letter dated 21/09/2016 issued by the Charity Commissioner, Mumbai (R/2).

3. The learned counsel for the applicant submits that the applicant was under consideration for promotion to the post of Superintendent / Accountant and in the DPC meeting dated 17/05/2016 and

the Committee has taken decision whereby the applicant has been declared not eligible for promotion since the inquiry is pending against the applicant. Even for the sake of argument, it is accepted that inquiry is pending as per the G.R. dated 22/04/1996 sealed cover proceedings are to be followed for considering the case of an employee against whom the inquiry is pending and his claim cannot be straight way rejected.

4. The learned P.O. is directed to place on record the copy of the letter of the Charity Commissioner as already stated above and till further hearing the departmental enquiry shall not be proceeded.

5. Steno copy be supplied to the Id. P.O.

Vice Chairman (J)

dnk.

O.A.806/2016 (D.B.)

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

Dated : 11.04.2017.

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

2. The applicant has challenged the letter dated 02/08/2016 (A-3,P-13) whereby he has been distracted from private practice in view of the G.R. dated 7/8/2012. The learned counsel for the applicant pointed out the Judgment delivered in O.A. No. 279/2016 in the case of **Dr. Shrikant S/o Nilkhant Jadhav Vs. State of Maharashtra & Ors.**, in which this Tribunal has observed as under :-

“We observe that after this Tribunal vide its order dated 6/2/2015 had stayed the G.R. dated 7/8/2012, there have been a spate of O.As. seeking similar interim relief. We therefore direct respondent no.1, i.e., Secretary, Department of Public Health, Govt. of Maharashtra as well as respondent nos. 2 and 3 to issue suitable instructions to all the concerned officials bring to their notice the above order of this Tribunal.”

3. Since the G.R. dated 7/8/2012 itself has been stayed, the impugned letter dated 2/8/2016 on the basis of said G.R. is stayed till further orders.

4. The learned P.O. seeks further time to file reply. At his request, **S.O. 24/04/2017.**

5. Put up the matter along with other similar matters.

Vice Chairman (J)

dnk.