

O.A.662/2016 (D.B.)

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

Dated : 17.07.2017.

C.A.222/2017

Heard Shri R.L. Khapre, Id. Counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 to 3, Shri N.M. Kolhe, Id. Counsel for R-4 to 6 and none for R-7.

2. The learned counsel for the applicant files communication dated 25/5/2017 on record and marked Exh- A-14 for the purpose of identification. The amendment application is filed in order to bring subsequent event on the record. Amendment being in formal nature and does not change the O.A., same is allowed in the interest of justice. The amendment be carried out within one week. The respondents will be at liberty to file reply to the amended O.A. The applicant shall supply the amended copy to the respondents.

S.O. three weeks.

Vice Chairman (J)

dnk.

O.A.606/2016

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

Dated : 17.07.2017.

None for the applicants. Shri S.A. Sainis, Id. P.O. for the Respts.

The Id. P.O. filed reply on behalf of R-1 to 3. Copy is already served on the applicant.

Heard. Admit.

Learned P.O. waives notice for the respondents.

Put before regular D.B. as and when available.

Vice Chairman (J)

dnk.

O.A.691/2016

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

Dated : 17.07.2017.

Shri R.L. Khapre, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1 to 3. None for R-4&5.

The learned P.O. seeks time to file reply on behalf of R-2. At his request, **S.O. three weeks.**

Put up along with O.A.692/2016.

Vice Chairman (J)

dnk.

O.A.692/2016

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

Dated : 17.07.2017.

Shri R.L. Khapre, Id. Counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for R-1 to 3. None for R-5. Await service of R-4.

The Id. Counsel for the applicant submits that he will file service affidavit on behalf of R-4.

The learned P.O. files reply on behalf of R-2. It is taken on record. Copy is served on the applicant.

S.O. three weeks.

Put up along with O.A.691/2016.

Vice Chairman (J)

dnk.

O.A.492/2017

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

Dated : 17.07.2017.

C.A. 326/2017 -

Heard Shri R.B. Dhore, Id. Counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the State.

2. For the reasons stated in the application and since the cause of action is the same, the C.A. for sue jointly is allowed.

O.A. 492/2017 –

Heard Shri R.B. Dhore, Id. Counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the State.

2. The applicants are Primary Teachers in Zilla Parishads and they have prayed for quashing and setting aside the communication dated 19/5/2017 issued by Deputy Director, Officer of Education Commissioner, State of Maharashtra, Pune whereby the applicants are not allowed to participate in the departmental examination to be conducted by the MPSC.

3. In the similar matter, the Primary Teachers of Zilla Parishads have approached before this Tribunal at its Principal Bench at

Mumbai in O.A. 634/2017 wherein the Division Bench has observed in the order dated 13/7/2017 in para nos. 14 & 15 as follows :-

“14. It, prima facie, appears that no intelligible differentia is seen as to the reasons due to which Primary Teachers who possess prescribed educational qualification can be excluded from the field of consideration for limited departmental examination channel.

15. Therefore, applicant nos.1 to 8 have made out case for grant of interim relief to the extent that they be admitted to examination and allowed to appear. Their results may be withheld till next hearing.”

4. In view thereof, the respondents are directed to allow the applicants to participate in the examination and their results may be withheld till next hearing. Those applicants who have applied for the examination shall only be allowed to participate in the examination and their result shall not be declared till further orders.

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

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. 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.

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

Vice Chairman (J)

dnk.

O.A.288/2016

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

Dated : 17.07.2017.

Heard Shri Vishal Anand, Id. Counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the Respts.

2. The applicant has claimed a direction to respondent no.1 to decide the representations dated 29th June,2015 and 16th December,2015 as regards grant of deemed date of promotion to the applicant.

3. In para-7 of the reply-affidavit filed by respondent no.2, which is stated as under :-

"It is a matter of record that the applicant has submitted the representations for granting him the deem date of promotion from the year,1995 against Shri Tupgadge and his seniority be decided accordingly. The respondent no.2 considering the G.R. dated 17/2/1997 sent a proposal to the State of

Maharashtra, that the applicant is entitled for the promotion from 19/9/1995 which was given to Shri Adagale, who are given promotion in the year,1995. The said proposal is under consideration of the Government and will be decided earliest.”

4. The learned counsel for the applicant submits that in view of the aforesaid reply-affidavit, the application can be disposed of with a direction to decide the representations within a stipulated period.

5. In view of the aforesaid submission, I pass the following order :-

ORDER

The O.A. stands disposed of with a direction to respondent no.1 to take decision on the representations filed by the applicant and the proposal thereon within two months from the date of this order and the decision shall be communicated to the applicant in writing. No order as to costs.

Vice Chairman (J)

dnk.

O.A.661/2016

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

Dated : 17.07.2017.

Shri G.K. Bhusari, Id. Counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1&2 and Shri S.C. Deshmukh, Id. Counsel for R-3.

Shri Deshmukh, Id. Counsel files reply on behalf of R-3. It is taken on record. Copies are served on the other sides.

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

The learned P.O. as well as Id. Counsel for R-3 waives notices for the respective respondents.

With the consent of learned counsel for the parties, the matter is kept after **two weeks** for final hearing.

Vice Chairman (J)

dnk.

O.A.695/2016

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

Dated : 17.07.2017.

None for the applicant.

Shri V.A. Kulkarni, Id. P.O. for the respondents.

At the request of Id. P.O., S.O. one week for filing reply to the rejoinder filed by the applicant.

S.O. one week.

Vice Chairman (J)

dnk.

O.A.606/2013

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

Dated : 17.07.2017.

Shri S.M. Khan, Id. Counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the Respts.

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

Vice Chairman (J)

dnk.

Rev.A.03/2016 in O.A.402/2014

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

Dated : 17.07.2017.

Shri P.A. Kadu, Id. counsel for the applicant (Original Resp.No.2), none for R-1 (Org. applicant) and Shri M.I. Khan, 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.**

Vice Chairman (J)

dnk.

O.A. 487/2017

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

Dated : 17.07.2017.

Shri P.A. Kadu, Id. Counsel holding for Shri P.S. Patil, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for the State.

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

Vice Chairman (J)

dnk.

O.A. 39/2016

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

Dated : 23.06.2017.

Heard Shri S.P. Palshikar, Id. Counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1&3 and Shri M. Sheikh, Id. Counsel for R-2.

Heard both sides.

Closed for orders.

Vice Chairman (J)

O.A. No. 354/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 17th July 2017.

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

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

Vice-Chairman(J)

pdg

O.A. No. 326/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 17th July 2017.

Heard Shri G.G. Bade, the learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for respondents 1 to 4. None for R.5.

The Ld. P.O. filed reply on behalf of R.3. It is taken on record and a copy thereof is supplied to the learned counsel for the applicant.

ADMIT and kept for final hearing after **one week.**

Shri M.I. Khan, the learned P.O. waives notice for the respondent Nos. 1 to 4.

S.O. **one week.**

Vice-Chairman(J)

O.A. No. 321/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 17th July 2017.

Heard Shri A.B. Bambal, the learned counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for respondents.

The Ld. P.O. filed reply on behalf of R.2. It is taken on record and a copy thereof is supplied to the learned counsel for the applicant.

ADMIT and kept for final hearing after **one week.**

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

S.O. **one week.**

Vice-Chairman(J)

O.A. No. 301/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 17th July 2017.

Heard Shri Vikas Kulsange, the learned counsel for the applicant and Shri H.K. Pande, the learned P.O. for respondents 1 to 3. Shri G.K. Bhusari, Adv. for R.4.

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

Vice-Chairman(J)

Pdg

O.A. No. 75/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 17th July 2017.

None for the applicants. Shri S.A. Sainis, the learned P.O. for the respondents 1 to 3. None for R.4.

S.O. **two weeks.**

Vice-Chairman(J)

pdg

O.A. No. 199/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 17th July 2017.

Heard Shri S.C. Deshmukh, the learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for respondents 1 to 3. Shri G.K. Bhusari, Adv. for R.4.

The Ld. P.O. filed reply on behalf of the respondents. It is taken on record and a copy thereof is supplied to the learned counsel for the applicant.

S.O. two weeks.

Vice-Chairman(J)

Pdg

O.A. No. 638/2016.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 17th July 2017.

Heard Mrs. P.T. Joshi, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

The Ld. P.O. places on record a copy of clarification order passed in C.A. No. 828/2017 in W.P. No. 2046/2010 on 27.4.2017 by the Hon'ble High Court of Judicature at Bombay, Bench at Nagpur. Same is taken on record and is marked "X" for identification. The learned counsel for the applicant seeks one week's time to file rejoinder.

Since pleadings are complete, O.A. is admitted and kept for final hearing.

Shri P.N. Warjekar, the learned P.O. waives notice for the respondents.

S.O. **one week.**

Vice-Chairman(J)

pdg

O.A. No. 637/2016.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 17th July 2017.

Heard Mrs. P.T. Joshi, the learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

Ld. P.O. seeks time to file reply on behalf of the respondents.

S.O. four weeks.

Vice-Chairman(J)

pdg

O.A. No. 466/2008.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 17th July 2017.

Heard Shri A.P. Sadavarte, the learned counsel for the applicant and Smt. S.V. Kolhe, the learned P.O. for the respondents.

After hearing the parties for a considerable time, the learned counsel for the applicant seeks one week's time to go through the matter and to make fresh submissions. The learned counsel for the applicant seeks permission to amend the O.A. Permission is granted.

S.O. **one week.**

To be treated as part heard.

Vice-Chairman(J)

pdg