

C.P. No. 18/2017 in O.A. No. 574/2016.

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 10th April 2018.

C.P. No. 18/2017.

Heard Shri S.P. Palshikar, the learned Advocate for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

S.O. 27.4.2018.

(Justice A.H. Joshi)
Chairman

pdg.

C.P. No. 32/2017 in O.A. No. 75/2016.

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 10th April 2018.

C.P. No. 32/2017.

None for the applicant. Shri A.M.
Khadatkar, learned P.O. for respondent Nos. 1 to 3.

None for R.4.

Put up before the D.B. on 23.4.2018

(Justice A.H. Joshi)
Chairman

pdg.

C.P. No. 33/2017 in O.A. No. 42/2016.

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 10th April 2018.

C.P. No. 33/2017.

None for the applicant. Shri A.M.
Khadatkar, learned P.O. for respondent Nos. 1 to 3.
None for R.4.

Put up before the D.B. on 23.4.2018

(Justice A.H. Joshi)
Chairman

pdg.

C.P. No. 19/2018 in O.A. No. 386/2016.

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 10th April 2018.

C.P. No. 19/2018.

Heard Shri D.M. Surjuse, the learned Advocate for the applicant and Shri M.I. Khan, learned P.O. for the respondents.

Learned Advocate for the applicant states that he has applied for restoration of the C.A. filed earlier. In view of this, present C.A. is adjourned with liberty to circulate accordingly.

S.O. 11.6.2018.

(Justice A.H. Joshi)
Chairman

pdg.

**C.A. No. 541/2017 in Rev,(St.) No.2915/2017 in
O.A. No.90 /2016.**

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 10th April 2018.

C.A. No. 541/2017 in Rev,(St.) No.2915/2017

Heard Shri A.M. Ghogre, the learned P.O.
for the applicant (original respondent No.2). None
appeared for the respondent (original applicant).

2. Learned P.O. for the applicant prays for
adjournment.

3. Hence S.O. to **16.4.2018**, before Division
Bench presided over by Shri J.D. Kulkarni, Vice-
Chairman.

(Justice A.H. Joshi)
Chairman

pdg.

C.P. No. 11/2017 in O.A. No.90 /2016.

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 10th April 2018.

C.P. No. 11/2017

None appeared for the applicant. Heard Shri
A.M. Ghogre, the learned P.O. for the respondents.

S.O. 16.4.2018.

(Justice A.H. Joshi)
Chairman

pdg.

C.P. No. 14/2017 in O.A. No.112 /2015.

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 10th April 2018.

C.P. No. 14/2017

Heard Shri N.D. Thombre, the learned Advocate for the applicant and Shri A.M. Khadatkhar, the learned P.O. for the respondents.

Learned P.O. states on instructions that two weeks' time may be granted for reporting compliance.

S.O. to 27.4.2018.

(Justice A.H. Joshi)
Chairman

pdg.

C.P. No. 30/2017 in O.A. No.259 /2003.

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 10th April 2018.

C.P. No. 30/2017

1. Heard Miss Richa Pande, Adv. holding for Shri S.S. Ghate, the learned Advocate for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

2. Learned Advocate for the applicant states as follows:-

The order passed in O.A.No.259/2003 is complied with by the State. The compliance is erroneous and applicant is aggrieved by said compliance.

3. Applicant seeks liberty to challenge the action alleged passed in compliance with the order passed in the O.A.

4. Though the compliance belated, any action against the respondents by way of compliant is not necessary.

5. Hence, contempt petition is disposed of with liberty as prayed in foregoing para No.3.

(Justice A.H. Joshi)
Chairman

C.P. No. 17/2018 in O.A. No. 673/2013.

**Coram : Justice A.H. Joshi,
Chairman.**

Dated : 10th April 2018.

C.P. No. 17/2018.

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

S.O. 23.4.2018.

(Justice A.H. Joshi)
Chairman

pdg.

O.A. No. 233/2018.

**Coram : Justice Shri A.H. Joshi,
Chairman and Shree Bhagwan,
Member (A)**

Dated : 10th April 2018.

Heard Shri Bharat Kulkarni, the learned Advocate for the applicant and Shri S.A. Deo, learned C.P.O. for respondent No.1/State.

S.O. 16.4.2018.

Member(A)

Chairman

pdg.

O.A. No. 234/2018.

Coram : Justice Shri A.H. Joshi,
Chairman and Shree Bhagwan,
Member (A)

Dated : 10th April 2018.

Heard Shri Y.P. Kaslikar, the learned Advocate for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondent No.1/State.

S.O. 16.4.2018.

Member(A)

Chairman

pdg.

O.A. No.492/2017. (D.B.)

**Coram: Shri Justice A.H. Joshi,
Chairman**

Dated : 10th April 2018.

**M.A.No.92 of 2018 in
O.A.No.492 of 2017**

(At Nagpur)

Maharashtra Rajya Padvidhar Prathamik
Shikshak wa Kendra Pramukh Sabha, Branch
Nagpur through its secretary and others.
Applicants

-Versus-

The State of Maharashtra & 2 Ors.
Respondents

1. Heard Shri R.B. Dhore, the learned Advocate for the Applicants and Shri S.A. Deo, the learned Chief Presenting Officer for the Respondents

2. This is an application for transfer of O.A. from Nagpur Bench to Principal Seat at Mumbai.

3. Applicants have pleaded that the O.As involving similar issue are pending at Mumbai and are being heard. In present O.A., no

private parties are involved and only State Government and officers are respondents. Original Applications, which are pending at Mumbai are due for hearing on 23.4.2018.

4. Hence, in the interest of justice, following order is passed:-

(a) O.A.No.492 of 2017 is transferred to Principal Seat at Mumbai for hearing and disposal according to law with O.A.No.634/2017 (Mumbai number) on following conditions:-

- (i) Applicant should apply and collect the original papers by hand delivery and to deposit the same in the Registry at Mumbai within one week.
- (ii) Applicant shall serve intimation of transfer in the office of C.P.O., Mumbai and serve copies on all the Respondents.
- (iii) Applicant shall furnish additional sets and paper book to the learned C.P.O., Mumbai.
- (iv) No notice of transfer would be issued to the Applicant.

(b) M.A. is accordingly allowed.

(A.H. Joshi, J.)

Chairman

pdg

O.A. 253/2016 (D.B.)

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

Dated : 10/04/2018

Smt. K.N. Saboo, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1 to 3. None for R-4&5.

At the request of learned P.O., **S.O.**
13/04/2018.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 38/2018 (D.B.)

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

Dated : 10/04/2018

Shri P.V. Thakre, Id. counsel holding for Shri G.M. Shitut, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

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

Member(A)

Vice-Chairman(J)

dnk.

O.A. 932/2017 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 10/04/2018

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

The learned counsel for the applicant submits that the applicant does not want to file rejoinder. In view thereof, 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. 1st week After Vacation.

Member(A)

Vice-Chairman(J)

dnk.

O.As. 917 & 918 of 2017 (D.B.)

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

Dated : 10/04/2018

Shri Y.P. Kaslikar, Id .counsel for the applicants and Shri H.K. Pande, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O.**
23/04/2018 for filing reply.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 655/2017 (D.B.)

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

Dated : 10/04/2018

Heard Shri D.M. Surjuse, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

The learned counsel for the applicant submits that he has received copy of the reply affidavit and submits that matter may be admitted with liberty to file rejoinder. In view thereof, 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. After Vacation.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 655/2017 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 10/04/2018

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

The learned counsel for the applicant submits that he has received copy of the reply affidavit and submits that matter may be admitted with liberty to file rejoinder. In view thereof, 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. After Vacation.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 490/2017 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 10/04/2018

Shri S.N. Gaikwad, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

The learned counsel for the applicant submits that he has received reply-affidavit yesterday only and therefore he seeks time to file rejoinder. At his request, **S.O. one week** for filing rejoinder.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 461/2017 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 10/04/2018

Ms. R. Pande, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

The learned P.O. files reply-affidavit on behalf of the respondents. It is taken on record. Copy is served on the applicant. The learned counsel for the applicant wants to go through the same and file rejoinder, if necessary. At her request, **S.O. one week.**

Member(A)

Vice-Chairman(J)

dnk.

O.A. 78/2017 (D.B.)

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

Dated : 10/04/2018

Shri P.S. Patil, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondent nos. 1&2. Await service of R-3.

The Id. P.O. seeks time to file reply of R-1&2. The learned counsel for the applicant also seeks time to file service affidavit of R-3.

S.O. 17/04/2018.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 114/2018 (D.B.)

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

Dated : 10/04/2018

Shri S.N. Gaikwad, Id. counsel holding for Shri S.S. Shingane, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1. Await service of R-2&3.

The learned counsel for the applicant seeks time to file service affidavit. The learned CPO also seeks time to file reply.

S.O. three weeks.

Member(A)

Vice-Chairman(J)

dnk.

O.As. 919 & 921 of 2017 & 83/2018 (D.B.)

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

Dated : 10/04/2018

Mrs. D.S. Pachekhede, Id. counsel holding for Shri S.R. Deshpande, Id. counsel for the applicants and Shri A.M. Khadatkar, Id. P.O. and other Id. P.Os. in other matters for R-1.

Await service of R-2 to 5 (in O.As.919 & 921 of 2017) and Await service of R-2 to 9 (in O.A.83/2018).

At the request of learned counsel for the applicants, **S.O. next week.**

Member(A)

Vice-Chairman(J)

dnk.

O.A. 869/2017 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 10/04/2018

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

The learned P.O. submits that reply of R-4&5 is not necessary. In view thereof, 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. in due course.

Member(A)

Vice-Chairman(J)

dnk.

O.A. St.1919/16 (D.B.)

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

Dated : 10/04/2018

C.A.475/2016

Shri S.P. Palshikar, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1&2, none for R-3&13 and Shri Vipul Bhise, Id. counsel for R-6,16 & 17.

Await service of respondent nos.2,4,5,7 to 12 and 14&15.

The learned counsel for the applicant submits that he will file service affidavit during the course of day or till tomorrow.

Shri V. Bhise, Id. counsel submits that he wants to withdraw the power on behalf of R-6,16 & 17.

The learned P.O. seeks time to file reply to the application for condonation of delay.

S.O. two weeks.

Member(A) Vice-Chairman(J)

dnk.

O.A. 194/2017 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 10/04/2018

C.A.437/2017

None for the applicant. Shri A.M. Khadatkar, Id. P.O. for R-1&2 and Shri G.G. Mishra, Id. counsel for R-3. None for R-4.

2. The learned counsel for R-3 submits that he has not received the copy of application for condonation of delay. The applicant is directed to supply the copy of condonation of delay to the learned counsel for R-3.

S.O. two weeks.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 257/2017 (D.B.)

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

Dated : 10/04/2018

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. It seems that the applicant vide order dated 7/4/2017 has been reverted to the post of Tribal Development Inspector from the post of Office Superintendent (Grade-C). From the history of litigation, it seems that earlier also the applicant was reverted vide order dated 17/04/2007 and the said order was challenged by the applicant by filing O.A.No.146/2009. In O.A.146/2009 vide order dated 13/02/2017 the Tribunal quashed the order of reversion dated 17/04/2007 and directed the respondents to allow the applicant to continue to work on the promotional post of Office Superintendent. However, instead of allowing the applicant to continue on the post of Office Superintendent at Bhandara vide impugned order dated 7/4/2017, the

respondent no.2 has again reverted the applicant and in the same order again promoted the applicant, but on the post of Office Superintendent at Bhamragadh. The applicant apprehends that her seniority may be placed at lower place in the seniority list and therefore she has filed contempt petition and after filing of the contempt petition, her seniority has been maintained. It is stated that the post of Office Superintendent as well as Senior Tribal Development Officer is equivalent and there is a common seniority list for both the posts.

3. The learned counsel for the applicant submits that the applicant has filed representation also on various grounds including her personal as well as on medical ground for her posting at Bhandara. However, the representation has been rejected on the ground that there is no post available of Office Superintendent at Bhandara.

4. The learned counsel for the applicant has pointed out her option whereby she has requested that she may

be promoted and posted in the cadre of Senior Tribal Development Inspector. The learned P.O. is therefore requested to take instructions as to whether the post of Senior Tribal Development Inspector is vacant at Bhandara or nearby Bhandara or may become vacant at the time of annual general transfers of 2018. The respondents shall file short affidavit giving vacancy position of the posts of Office Superintendent as well as Senior Tribal Development Inspector at Bhandara or nearby Bhandara that are lying vacant or that may become vacant at the time of annual general transfers of 2018.

S.O. two weeks for filing short affidavit.

Steno copy be supplied to the learned counsel for parties.

Member(A)

Vice-Chairman(J)

dnk.

O.As. 256,359,360 & 822 of 2009 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 10/04/2018

Head Shri P.V. Thakre, Id. counsel
for the applicants and Shri M.I. Khan, Id.
P.O. and other Id. P.Os. in other matters for
the respondents.

Closed for orders.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 688/2009 (D.B.)

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

Dated : 10/04/2018

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

At the request of learned counsel for the applicant, the matter shall be heard alongwith O.A.No. 931/2012.

S.O. after two weeks.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 713/2009 (D.B.)

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

Dated : 10/04/2018

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

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

Member(A)

Vice-Chairman(J)

dnk.

O.A. 186/2013 (D.B.)

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

Dated : 10/04/2018

Shri A.R. Raghute, 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. 12/04/2018 (P.H.)**.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 608/2009 (D.B.)

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

Dated : 10/04/2018

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

The learned counsel for the applicant files pursis dated 10/04/2018, it is taken on record and marked Exh-X for the purposes of identification and submits that the very purpose of filing application has become infructuous. In view thereof, the O.A. stands disposed of as infructuous. No order as to costs.

Member(A) Vice-Chairman(J)

dnk.