

**O.A. No. 448/2018**

**(D.B.)**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J) and  
Shree Bhagwan, Member(A)  
Dated : 18<sup>th</sup> September 2018.**

**C.A. 153/2018 in C.A. 224/2018 in C.A. 273/2018**

Shri S.K.. Thengre, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents 1 to 5. None for R.6 & 7.

The applicant wants to file rejoinder to the reply to amended O.A. The Ld. counsel for the applicant submits that he will file it within a week.

**S.O. one week.**

Member(A)

Vice-Chairman(J)

pdg.

**O.A. No. 673/2013 (D.B.)**

**Coram:Shri J.D. Kulkarni,  
Vice-Chairman (J) and  
Shree Bhagwan, Member(A)  
Dated : 18<sup>th</sup> September 2018.**

**C.P. 17/2018.**

Shri N.C. Phadnis, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

Notices were issued to respondent Nos. 2 and 3 under Rule 8 of the Administrative Tribunal (Contempt of Court) Rules. Notice in respect of Kumar Meena has returned unserved. Ld. P.O., however submits that respondent Nos. 2 and 3 will remain present on the next date and he has submitted communication to that effect dated 15.9.2018. In view thereof, matter be kept on 3.10.2018.

**S.O. 3.10.2018,**

Member(A)

Vice-Chairman(J)

**O.A. No. 133/2017**

**(D.B.)**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J) and  
Shree Bhagwan, Member(A)  
Dated : 18<sup>th</sup> September 2018.**

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. Shri S.P. Palshikar, Adv. for R.3.

The Ld. CPO admits that respondent No.2 has been served and seeks time to file reply affidavit.

S.O. four weeks.

Member(A)

Vice-Chairman(J)

pdg.

**O.A. Nos. 243, 244, 245 & 246 of 2016**

**(D.B.)**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J) and  
Shree Bhagwan, Member(A)  
Dated : 18<sup>th</sup> September 2018.**

Shri I.N. Choudhari, the Ld. counsel for the applicants and Shri P.N. Warjekar, the learned P.O. for the respondents.

At the request of Ld. P.O., S.O. one week.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No.63 /2011

(D.B.)

**Coram:Shri J.D. Kulkarni,**  
**Vice-Chairman (J) and**  
**Shree Bhagwan, Member(A)**  
**Dated : 18<sup>th</sup> September 2018.**

Shri A.J. Mirza, the Ld. counsel  
for the applicant and Shri H.K. Pande,  
the learned P.O. for the respondents.

At the request of Ld. P.O., S.O.  
**24.9.2018** for filing reply amending  
this O.A.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 244/2016

(D.B.)

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J) and  
Shree Bhagwan, Member(A)  
Dated : 18<sup>th</sup> September 2018.**

Shri I.N. Choudhari, 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. 245/2016

(D.B.)

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J) and  
Shree Bhagwan, Member(A)  
Dated : 18<sup>th</sup> September 2018.**

Shri I.N. Choudhari, the Ld. counsel for the applicant and Shri the learned P.O. for the respondent Nos. 1 to 3. None for R. 4 to 6.

S.O.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 246/2016

(D.B.)

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J) and  
Shree Bhagwan, Member(A)  
Dated : 18<sup>th</sup> September 2018.**

Shri I.N. Choudhari, the Ld. counsel for the applicant and Shri the learned P.O. for the respondents Nos. 1 to 3. None for R. 4 to 6.

S.O.

Member(A)

Vice-Chairman(J)

pdg.



O.A. No. 469/2018 (D.B.)

**Coram:Shri J.D. Kulkarni,**  
**Vice-Chairman (J) and**  
**Shree Bhagwan, Member(A)**  
**Dated : 18<sup>th</sup> September 2018.**

Shri S.N. Gaikwad, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents Nos. 1 to 4. Shri S.M. Bhagde, Adv. for R. 5.

The Ld. counsel for the applicant has filed rejoinder on record, it is taken on record and a copy thereof is served to the Ld. P.O. He wants to go through the same.

**ADMIT.**

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

S.O. for final hearing in due course.

Member(A)

Vice-Chairman(J)

pdg.

**O.A. No. 520/2018**

**(D.B.)**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J) and**  
**Shree Bhagwan, Member(A)**  
**Dated : 18<sup>th</sup> September 2018.**

Shri S.C. Deshmukh, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents.

**S.O. 3.10.2018.**

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 : 18<sup>th</sup> September 2018.**

**C.A.No.479/2017 in C.A.No.577/2017**

Heard Shri Bharat Kulkarni, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents 1 to 4. Shri N.R. Saboo, Adv. for R.5 to 15.

The Ld. counsel for the applicant has placed on record a chart showing the seniority of the applicant and the respondents Nos. 5 to 15, which is marked "X" for identification. Ld. counsel for private respondents also placed on record a chart prepared by him which is marked "X-1" for identification. Same are taken on record. Matters were heard on merit.

S.O. **two weeks.**

Put up with connected O.A.Nos. 761/2015, 802/2015, 805/2015 and 97/2016.

Member(A)

Vice-Chairman(J)

**O.A. Nos. 41,42,43,44,45,46, 47,49, 50 of 2011.**

**(D.B.)**

**Coram:Shri J.D. Kulkarni,  
Vice-Chairman (J) and  
Shree Bhagwan, Member(A)  
Dated : 18<sup>th</sup> September 2018.**

None appeared for the applicants.  
Heard Shri S.A. Sainis, the learned P.O. for the respondents.

When the matter was fixed on 12.9.2018, nobody had appeared for the applicants. Similarly, prior to that, matter came up for hearing on 11.6.2012. On that date also, none appeared for the applicants. Matter was, therefore, kept for dismissal today. Today, the Ld. P.O. has placed on record the copy of Recruitment Rules called as, "Post Recruitment Training and Examination for Clerks in Co-operative Department of Govt. of Maharashtra Rules, 1983" Same is marked "X" for identification. He has also placed on record a copy of judgment in O.A. Nos. 357 and 358 of 2005 delivered by this Tribunal at Mumbai on 22.11.2006 which is marked "X-1" for identification. In the said judgment, final

seniority list prepared on 22.2.2005 was quashed and set aside and the respondent No.2 was directed to publish a fresh seniority list within four weeks. The Ld. P.O. submits that the seniority list challenged in this O.A. has been prepared on the basis of judgment delivered in O.A. Nos. 357 and 358 of 2005 It was published on 23.12.2010. Due objections were obtained. After considering the objections, final seniority list was published. It seems to be the reason as to why the applicants may not be interested in prosecuting the O.As. In view thereof, all the O.As stand dismissed in default.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 253 of 2011

(D.B.)

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J) and**  
**Shree Bhagwan, Member(A)**  
**Dated : 18<sup>th</sup> September 2018.**

Shri S.A. Marathe, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

The Ld. counsel for the applicant seeks permission to withdraw the O.A. Accordingly, the O.A. stands disposed of as withdrawn with no order as to costs.

Member(A)

Vice-Chairman(J)

pdg

**O.A.No. 99 of 2011 with C.A. No.18/2012.**

**Coram:Shri J.D. Kulkarni,  
Vice-Chairman (J) and  
Shree Bhagwan, Member(A)  
Dated : 18<sup>th</sup> September 2018.**

Shri S.A. Marathe, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

The Ld. counsel for the applicant seeks permission to withdraw the O.A. as well as the C.A. Accordingly, the O.A. as well as the C.A. stand disposed of as withdrawn with no order as to costs.

Member(A)

Vice-Chairman(J)

pdg

O.A. No. 100/2011

(D.B.)

**Coram:Shri J.D. Kulkarni,**  
**Vice-Chairman (J) and**  
**Shree Bhagwan, Member(A)**  
**Dated : 18<sup>th</sup> September 2018.**

Shri S.P. Palshikar, the Ld. counsel for the applicant and Shri A.P. Potnis, the learned P.O. for the respondents.

After hearing the matter for quite some time, the Ld. P.O. submits that he will place on record a letter / correspondence received from the Director of Sports wherein it has been mentioned that the certificate produced by the applicant was a forged one or fabricated.

At the request of Ld. counsel for the applicant, S.O. **24.9.2018.**

To be treated as part heard.

Member(A)

Vice-Chairman(J)

pdg



O.A. No. 721/2018

(D.B.)

**Coram:Shri J.D. Kulkarni,**  
**Vice-Chairman (J) and**  
**Shree Bhagwan, Member(A)**  
**Dated : 18<sup>th</sup> September 2018.**

Heard Shri S.U. Nemade, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondent No.1.

2. The applicant's candidature has been rejected on the ground that he did not qualify experience criteria vide impugned letter dated 28.8.2018 (A.11). The Ld. counsel for the applicant has placed reliance on the judgment delivered by the Hon'ble High Court, Bench at Nagpur on **23.1.2018 in W.P. No.5553/2016 in case of Chetna Madhav Surpam V/s State of Maharashtra and another.**

In the said judgment, the Hon'ble High Court in para No.5 has observed as under:-

“With the assistance of respective counsels, we have perused the papers. The norms of recruitment are specified in Maharashtra Zilla Parishads District Services (Recruitment) Rules, 1967, as amended by 2003 Rules. 2003 Rules only prescribe experience in excess of ninety days as seasonal spray worker as a preferred norm. Thus, it is not a norm for eligibility. If there are two or more candidates with same standing, one who may possess experience would be given preference. Consideration to which our attention has been invited by respective counsel dated 7.10.2015 shows that petitioner is found not eligible as he does not possess this experience certificate. It is not in dispute that petitioner has been working as a Health (Spray) Worker on contract basis, also temporarily. He,

therefore, only does n to have a certificate issued by District Health Officer mentioning that he has experience of ninety or more days as seasonal health worker.”

3. The learned CPO submits that he will take instructions as to what is the status of recruitment process and will make a statement to that effect.

4. In the meantime, issue notice to the respondents 2 to 5 returnable within **four weeks**.

5. Shri S.A. Deo, the learned C.P.O. waives notice for the respondent No.1. Hamdast granted.

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. 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.

11. Result of recruitment process shall be based on final outcome of this O.A.

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

Member(A)

Vice-Chairman(J)

pdg.

**O.A. No. 87/2011**

**(D.B.)**

**Coram:Shri J.D. Kulkarni,**  
**Vice-Chairman (J) and**  
**Shree Bhagwan, Member(A)**  
**Dated : 18<sup>th</sup> September 2018.**

None for the applicant. Heard Shri A.M. Ghogre, the learned P.O. for the respondents 1 to 4. None for R. 5 to 7.

In this case, the applicant is claiming promotion to Group-C post w.e.f. 4.2.2011 i.e. the date on which the respondent Nos. 5, 6 and 7 were promoted. He is also claiming that the promotion given to respondent Nos. 5, 6 and 7 is arbitrary and illegal and, therefore, it be quashed and set aside. Affidavit in reply has been filed on record. From the pleadings, it seems that on the date on which respondent Nos. 5, 6 and 7 were promoted, the applicant was not qualified for promotion, since he has

not cleared the typing test,. Immediately after passing of typist test, the applicant has been promoted as per order dated 18.12.2012. A copy of which is placed on record at page No.53. It seems that since the applicant has already been promoted, he may not be interested in prosecuting the O.A. Even otherwise, it seems that the applicant's grievance has been redressed, i.e., he has been promoted on 18.12.2012. There is no question of granting deemed date of promotion to the applicant, since the applicant was not qualified on the date on which the respondent Nos. 5, 6 and 7 were promoted. In view thereof, O.A. stands disposed with no order as to costs.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 923/2017 (SB)

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

**Dated : 18.09.2018**

Heard Ms. S.S. Dhone, Id. counsel for the applicant, Shri A.P. Potnis, Id. P.O. for R-1&2 and Shri S. Majid, Id. counsel for R-3&4.

2. Shri S. Majid, Id. counsel files counter affidavit on behalf of respondent nos. 3 and 4. It is taken on record. Copy is served on the other side.

3. The learned counsel for the applicant wants to file rejoinder on the counter affidavit filed by respondent nos. 3 and 4 and for that purpose she seeks time. At her request, **S.O. 24/09/2018**.

Matter be treated as **P.H.**

**Vice Chairman (J)**

dnk.

O.A. No. 426/2018 (SB)



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

**Dated : 18.09.2018**

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

2. The learned counsel for the applicant submits that his client has telephonically instructed him to withdraw the O.A. and therefore he seeks permission for the same. Permission is granted as prayed for.

3. In view thereof, the O.A. stands disposed of as withdrawn with no order as to costs.

**Vice Chairman (J)**

dnk.

**O.A.No.107/2017 (S.B.)**

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

**Dated : 18.09.2018.**

None for the applicant. Shri V.A.Kulkarni, Id. P.O. for the State. Await services of respondent nos. 2 to 4.

The Id. P.O. has pointed out the order dated 02/03/2017, in which para no. 3, stay has been continued as a interim relief. It seems that, the applicant is in the presence of interim relief taking no interest in appearing before the Tribunal.

In view of the above information, the interim relief granted to the applicant on dated 02/03/2017 in para no. 3 is vacated.

**S.O. 23/09/2018 for dismissal.**

**Member**

**(A)**

aps.

**O.A.No.222/2018 (S.B.)**

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

**Dated : 18.09.2018.**

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

From the record it seems that in the O.A.No.849/2014 the order was passed on 09/02/2016 in para no. 16, it reads as follows:-

*(a) Para 5(2) of the impugned order dated 30/10/2014, whereby it is stated that the applicant's service for the period from 11/05/1990 to 08/07/2008 is deemed to be temporary and cannot be included in his regular service, is quashed and set aside.*

*(b) The respondents are directed to treat the above period of his service as regular service for all purposes.*

It is surprising that how the applicant has been only paid salary from 11/05/1990 till date, but he has not been paid related

increments for the same period and other consequential financial benefits related to said period along with salary. The respondents are directed to pay as per the order, all the pay, increments and all the consequential benefits between 11/05/1990 to 08/07/2008.

The respondent no. 1 is directed to examine this matter at their level personally and give Justice to applicant without creating red tapisum and bureaucratic Jargons.

The Id. counsel for the applicant submits that between 11/05/1990 to till today, only salary has been paid and increments have not been paid, which appears to be great injustice to the applicant.

The Id. counsel for the applicant submits that since confirmation order of the applicant has not been issued, there is a confusion

regarding all the issues. This Tribunal fails to understand what is the problem with the confirmation of order and paying all the consequential benefits.

Meanwhile, respondents are directed to file reply with details of payments made in this regard within three weeks i.e. **S.O. 09/10/2018.**

**Steno copy is granted.**

**Member**

**(A)**

aps.

**O.A.No.344/2018 (S.B.)**

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

**Dated : 18.09.2018.**

Shri P.V.Thakre, Id. counsel for the applicant and Shri H.K.Pande, Id. P.O. for the respondents.

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

The Id. P.O. submits that the vacancy position in the Gadchiroli District by letter dated 07/09/2018 bearing no. tk-d@omvkeockfo@eW@18&19@627 by Divisional Deputy Commissioner, Women and Child Welfare, Nagpur Division, Nagpur. By which it appears that, there is no vacancy in the Gadchiroli District, all the vacate posts have been filled.

Since, all the pleadings are completed, the matter is **admitted** and kept for final hearing. **S.O. 04/10/2018.**

*In order dated 05/06/2018 in para no. 2 – “The impugned order of transfer dated 31/05/2018 (Annexure-A-8) in respect of applicant and respondent no. 5 only is stayed till the next date of hearing. In the meanwhile, the transferring authority may file in reply vacancies in Gadchiroli District”.*

The above order dated 05/06/2018 is continued till next date of hearing.

**Member**

**(A)**

aps.

**O.A.No.370/2017 (S.B.)**

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

**Dated : 18.09.2018.**

Shri S.S.Sidni holding for Shri  
S.O.Ahmed, Id. counsel for the applicant and  
Shri V.A.Kulkarni, Id. P.O. for the respondents.

The Id. P.O. seeks two weeks time to  
file Reply. At his request, **S.O. two weeks.**

**Member**

**(A)**

aps.



**O.A.No.759/2017 (S.B.)**

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

**Dated : 18.09.2018.**

Shri R.V.Shiralkar, Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the State. Await services of respondent nos. 2 to 5.

2. The Id. counsel for the applicant submits that he has not received the acknowledgment for respondent nos. 2 to 5. He further request to issue fresh notices to the respondent nos. 2 to 5.

3. Issue notices to R-2 to 5, returnable on Four Weeks. 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 **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. four weeks.**

**Member**

**(A)**

aps.

**O.A.No.332/2018 (S.B.)**

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

**Dated : 18.09.2018.**

**Rev.No.16/2018:-**

Shri S.M.Vaishnav, Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the State. Await services of respondent nos. 2 & 3.

The Id. counsel for the applicant pleads that as a last chance one week time is granted. At his request, **S.O. one week** for filing service affidavit.

**Member**

**(A)**

aps.

**O.A.No.158/2018 (S.B.)**

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

**Dated : 18.09.2018.**

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

The Id. P.O. desires three weeks time to file reply as a last chance, **S.O. 04/10/2018.**

**Member**

**(A)**

aps.

**O.A.No.168/2018 (S.B.)**

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

**Dated : 18.09.2018.**

Shri N.R.Saboo, Id. counsel for the applicant and Shri H.K.Pande, Id. P.O. for the respondents.

In O.A. 169/2018 on 31/07/2018 specific directions have been given as follows:- *The Id. Counsel for the applicant in the O.A. at Pg. No. 06 in para "G" as stated:- Writ Petition No. 7377/2014 filed by Dr. Arun Nadange, Writ Petition No. 7386/2014 filed by Dr. Dipti Niwane, Writ Petition No. 7387/2014 filed by Dr.Nisha Bhawsar, Writ Petition No. 7381/2014 filed by Dr. Dinesh Kutte, Writ Petition No. 7385/2014 filed by Dr. Vinod Ghadsingh, Writ Petition No. 7378/2014 filed by Dr. Praful Ambatkar.*

*As listed above, the following cases are having identical prayer and as per the interim order passed by the Hon'ble High Court they are permitted to have a private practice in*

*para "H". The Id. Counsel for the applicant has further submitted that although this Tribunal has dismissed the O.A. filed by Medical Officers challenging G.R. dated 07/08/2012, the Hon'ble High Court has stayed the said G.R. Therefore, as per the order of Hon'ble High Court, there was no necessity to file individual proceeding by each Medical Officer who are similarly circumstanced and claiming same relief.*

*This Tribunal agrees by the above situation and respondents are directed to issue a general circular to avoid individual cases before the Tribunal. Meanwhile, as per the above order of the Hon'ble High Court and as per the applicant prayer at Pg. No. 9 at para no. 10 private practice is allowed to the applicant till further orders.*

In view of the above discussions, the applicant is also grant the same relief. **S.O.**  
**three weeks for reply.**

*Put up alongwith the O.A.169/2018.*

**Member**

**(A)**

aps.

**O.A.No.169/2018 (S.B.)**

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

**Dated : 18.09.2018.**

Shri N.R.Saboo, Id. counsel for the  
applicant and Shri H.K.Pande, Id. P.O. for the  
respondents.

**S.O. three weeks for reply.**

*Put up alongwith the O.A.168/2018.*

**Member**

**(A)**

aps.



**O.A.No.338/2018 (S.B.)**

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

**Dated : 18.09.2018.**

Shri G.G.Bade, Id. counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the respondents.

The Id. P.O. has placed on record the communication from Commissioner, Excise Department which is marked Exh. X-1. It is taken on record. By which it seems that, the proposal has been submitted to the Principal Secretary for consideration of applicant's application.

In view of this, **S.O. one week** as requested by Id. P.O.

*In order dated 05/06/2018 in para no. 2:- The impugned order of transfer dated 08/05/2018 (Annexure-A-1) to the extent of applicant only is stayed till the next date of hearing and the Commissioner of State Excise (R/2) is requested to consider the applicant's representation dated 09/05/2018 (Annexure-A-7, P-47) and his choice posting (Annexure-A-5, P-45).*

*The above order dated 05/06/2018 is  
continued till next date of hearing.*

**Member**

**(A)**

aps.

O.A.No.374/2018 (S.B.)

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

**Dated : 18.09.2018.**

Heard Shri A.S.Dhore, Id. Counsel for the applicant and Shri H.K.Pande, Id. P.O. for the respondents.

The Id. P.O. submits that he has received the reply and will file the same during the course of the day and supply the copy to the applicant. **S.O. one week.**

**Member**

**(A)**

aps.

O.A.No.438/2018 (S.B.)

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

**Dated : 18.09.2018.**

Heard Shri S.A.Marathe, Id. Counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the respondent nos. 1 to 4. None for the respondent no. 5.

The Id. P.O. seeks one week time to file reply. **S.O. 25/09/2018 for reply.**

**Member**

**(A)**

aps.

O.A.No.525/2018 (S.B.)

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

**Dated : 18.09.2018.**

Heard Shri Manwatkar holding for Shri S.N.Gaikwad, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the State. Await service of respondent nos. 2 & 3.

The Id. counsel for the applicant seeks two weeks time to file service affidavit. At his request, **S.O. two weeks.**

**Member**

**(A)**

aps.

O.A.No.215/2017 (S.B.)

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

**Dated : 18.09.2018.**

Heard Shri G.K.Bhusari, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the respondents.

The Id. counsel for the applicant is yet to file Rejoinder. However, the matter is **admitted** and kept for final hearing in due course of time. The Id. counsel for the applicant is at liberty to file Rejoinder, if any.

**S.O. due course.**

**Member**

**(A)**

aps.

O.A.No.729/2017 (S.B.)

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

**Dated : 18.09.2018.**

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

As stated by Id. P.O., the matter is  
**admitted** and kept for final hearing in due  
course of time. **S.O. due course.**

**Member**

**(A)**

aps.

O.A.No.845/2017 (S.B.)

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

**Dated : 18.09.2018.**

Shri N.R.Saboo, Id. counsel for the applicant and Shri H.K.Pande, Id. P.O. for the respondents.

The Id. counsel for the applicant desires to file Rejoinder. However, the matter is **admitted** and kept for final hearing in due course of time. The Id. counsel for the applicant is at liberty to file Rejoinder. **S.O. due course.**

**Member**

**(A)**

aps.



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

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

**Dated : 18.09.2018.**

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

The Id. counsel for the applicant desires to file Rejoinder. However, the matter is **admitted** and kept for final hearing in due course of time. The Id. counsel for the applicant is at liberty to file Rejoinder. **S.O.**  
**28/09/2018.**

In 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.*

**Member**

**(A)**

aps.

O.A.No.447/2018 (S.B.)

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

**Dated : 18.09.2018.**

Ms.A.K.Shah, Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the Respondents.

The Id. P.O. submits that the review committee is scheduled to be held shortly. In view of this, **S.O. 09/10/2018.**

*In next hearing, the Id. P.O. is requested to submit the minutes of meeting of the review committee.*

**Member**

**(A)**

aps.

O.A.No.566/2018 (S.B.)

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

**Dated : 18.09.2018.**

Shri S.P.Palshikar, Id. counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the Respondents.

The Id. counsel for the applicant invited my attention in order dated 27/07/2018 in para no. 5, the reply has been filed and the Id. P.O. objected for the continuation of the stay and pointed out that the applicant is retiring on 30/11/2018 and it will be difficult to recover the amount from the retired person. However, the Id. counsel for the applicant pleaded that even after the applicant is going to retire on 30/11/2018, his whole financial benefits related to retirement are with the State, and State can recover it from that also, if situation arises like that.

Considering all these points, and in the interest of justice, the order dated

27/07/2018 in para no. 5:- *However, in the interest of Justice to the applicant, notices are issued to the respondents and till the filing of reply, order dated 09/07/2018 is stayed.*

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

The Id. counsel for the applicant submits that he wants to file Rejoinder. **S.O.**  
**25/09/2018.**

**Member**

**(A)**

aps.