

O.A. No. 829/2016

(D.B.)

**Coram:Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 27th August 2018.**

C.A. No.13/2017.

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

Reply to the application for condonation of delay has already been filed. The applicant has challenged the order dated 15.2.2007 in 2017. It seems to be delay of more than nine years.

Matter be kept for decision on **31.8.2018.**

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 677/2017

(D.B.)

**Coram:Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 27th August 2018.**

None for the applicant. Shri A.M. Ghogre, the learned P.O. for the respondents 1 and 2. None for R.3 and 4.

Rejoinder is not filed on record.

ADMIT.

Shri A.M. Ghogre, the learned P.O. waives notice for the respondents 1 and 2.

S.O. for final hearing in due course.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 185/2018

(D.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 27th August 2018.

C.A. No.165/2018.

Heard Shri D.M Burde, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents.

The Ld. counsel for the applicant submits that all the respondents are served and he will file service affidavit during the course of the day. Ld. P.O. seeks time to file reply affidavit.

S.O. four weeks.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 225/2018

(D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 27th August 2018.**

ORDER

Heard Ms. A.K. Shah, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

In this O.A., the applicant has challenged the order passed by respondent Nos. 1 and 2 whereby the applicant has been terminated, so also the order passed by respondent No.3. It is stated that no appeal was preferred by the applicant against the said order of termination. In view thereof, the Ld. counsel for the applicant submits that the applicant has now filed an appeal before the Special Inspector General of Police, Gadchiroli. In fact, the appeal was also filed prior to filing of this O.A. In other words, appeal was pending

when the O.A. was filed in the month of March 2018. The Ld. counsel for the applicant submits that the applicant wants to withdraw the O.A. He submits that the appeal pending before the Special Inspector General of Police, Gadchiroli is decided within a stipulated period and, therefore, he seeks permission for the same. Copy of appeal filed on 17.6.2017 is placed on record and it is marked "X" for identification. In view thereof, following order is passed:-

ORDER

- (i) The O.A. stands disposed of as withdrawn with liberty to file fresh O.A. in case the appeal is decided against the applicant.
- (ii) The Special Inspector General of Police, Gadchiroli, Nagpur

Range, Nagpur is directed to take a decision on the appeal filed by the applicant on 17.6.2017, within a period of six weeks from the date of this order and the same shall be communicated to the applicant in writing.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 507/2018

(D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 27th August 2018.

None for the applicant. Shri A.M. Ghogre, the learned P.O. for the respondent No.1.

Await service of notice to R. 2 and 3.

The Ld. P.O. seeks time to file reply of R. 1 and 2.

S.O. **three weeks.**

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 640/2018

(D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 27th August 2018.

Heard Shri A.Z. Jibhkate, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents 1 to 3. None for R. 4 & 5.

The applicant is a Medical Officer and is due for retirement on superannuation on 31.8.2018 on completion of age of 58 years. It is stated that as per the same G.R. of the Government, he is entitled to extension of service period upto the age of 60 years. In the similar matter, this Tribunal was pleased to pass the order in O.A.(Stamp) No. 1373/2018 on 23.7.2018 directing the respondents not to relieve the

applicant therein till he attains the age of 60 years. Similar order was also challenged in W.P. No.6757/2017 before the Hon'ble High Court of Judicature at Bombay, Nagpur Bench, Nagpur on 5.3.2018 wherein the order of continuation of services of Medical Officers till they attain the age of 60 years was maintained. In O.A. No. 614/2018, the Hon'ble Chairman of this Tribunal at Mumbai has passed the mandatory order to continue the services of Medical Officers till they attain the age of 60 years and the said order was passed on 13.8.2018. The applicant is going to retire on 31.8.2018. The Ld. P.O. is, therefore, requested to take instructions as to whether the respondents are ready to continue the applicant till he attains the age of 60 years. Necessary statement be made on **30.8.2018**.

S.O. 30.8.2018.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 206/2016

(D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 27th August 2018.**

None for the applicant. Heard
Shri H.K. Pande , the learned P.O. for
the respondents.

ADMIT.

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

S.O. for final hearing in due
course.

_Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 180/2018

(D.B.)

**Coram:Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 27th August 2018.**

CA No.226/2018.

Heard Shri D.M. Kakani, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents.

In this C.A., the applicant wants to add prayer clause (ii) (a), since it was inadvertently not added in the O.A. Instead, page No.13 was repeated twice. The applicant wants to remove page No.13. We are satisfied that the so-called amendment is of formal nature and mistake has occurred inadvertently. CA is allowed and disposed of. It be incorporated today itself.

The Ld. P.O. submits that he has already filed reply of R. 2 and 3.

The Ld. counsel for the applicant submits that he has filed additional rejoinder on behalf of the applicant, it is taken on record. Its copy is served to the Ld. P.O. The Ld. counsel for the applicant submits that he wants to go through the rejoinder and file additional reply. Additional reply to be filed within two weeks.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 218/2018

(D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 27th August 2018.

Heard Ms. A.K. Shah, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents 1 to 3. None for R.4.

2. Vide order dated 2.8.2018, the Ld. P.O. was directed to take consent of respondent No.4 as to whether he was ready to be appointed by way of direct recruit or whether he wants to continue on the promotional post. Today, the Ld. P.O. has placed on record the communications which are marked "X" and "X-1" for identification from which, it seems that the respondent No.4 is desirous to be appointed on the post of Dean by direct recruit. He has been recommended by MPSC for the said post.

3. In the O.A., the only challenge to the recommendation of respondent No.4 was that he was already promoted on the post of Dean. Since the respondent No.2 wants to be appointed on the post of Dean by way of nomination, recommendation of MPSC is still valid and nothing survives in this O.A. The Ld. counsel for the applicant submits that the applicant wants to challenge the order of recommendation of respondent No.4 for the post of Dean, since the respondent No.4 is not eligible and, therefore, he wants to file separate O.A. So far as the present application is concerned, there is a challenge to the recommendation of respondent No.4 only on the ground that R.4 was already promoted on the post, but through nomination, said issue now cannot be questioned, since the respondent No.4 is desirous to be appointed on the post of Dean by way of nomination. The applicant will be at liberty to challenge the legality / recommendation of his appointment

by filing separate O.A. In view thereof, O.A. No. 218/2018 stands disposed of as infructuous.

4. The Ld. counsel for the applicant submits that the *status quo* order dated 2.5.2018 shall be continued and the respondent No.1 be directed not to issue appointment order of respondent No.4 for the post of Dean as direct recruit and the said stay shall be continued. However, the *status quo* was granted only till filing reply of R.1. Hence, the application is also rejected. Reply has already been filed and, therefore, the order is not yet in existence at all. We are, therefore, not inclined to issue any order of *status quo*. Hence, the following order:-

ORDER

The O.A. stands disposed of as it has become infructuous.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 479/2018 (D.B.)

**Coram:Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 27th August 2018.**

Heard Ms. A.K. Shah, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

The Ld. counsel for the applicant submits that in this O.A., she has prayed for declaration that Advertisement No. 13/2018 is illegal, arbitrary and malicious and the respondent No.2 be directed to cancel and invoke the said advertisement. The Ld. counsel for the applicant submits that the said prayer has become infructuous and, therefore, the application be disposed of accordingly. In view thereof, the O.A. stands disposed of as infructuous with no order as to costs.

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 : 27th August 2018.

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

At the request of the Ld. counsel for the applicant, S.O. **3rd September 2018.**

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 232/2010

(D.B.)

**Coram:Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 27th August 2018.**

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

The Ld. counsel for the applicant submits that he has received communication from his client that the O.A. be withdrawn, since the applicant has already retired on superannuation. The applicant seeks permission to withdraw the O.A. In view thereof, permission is granted to withdraw the O.A. The O.A. stands disposed of as withdrawn with no order as to costs.

Member(A)

Vice-Chairman(J)

O.A. No. 278/2012

(D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 27th August 2018.

Heard Shri G.G. Bade, 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. **one week** as a last chance.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 145/2012

(D.B.)

**Coram:Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 27th August 2018.**

Heard Shri P.V. Thakre, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents 1 to 4. Miss R.V. Kukday, Adv. holding for Shri V.S. Kukday, Adv. for R.5 and 6.

The Ld. P.O. submits that he has received information from Shri Lokbahadur in that in fact he joined on promotional post, but he died within a month.

The Ld. counsel for the applicant expressed apology for making a statement earlier that Shri Lokbahadur did not join the post. He agrees that Shri Lokbahadur joined the original post and since he died thereafter within a month, he was not added as party respondent to the O.A.

Closed for orders.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 760/2014

(D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 27th August 2018.

Heard Shri N.D. Thombre, the
Ld. counsel for the applicant and Shri
S.A. Sainis, the learned P.O. for the
respondents 1 and 2. None for R.3.

2. The applicant was appointed on
the post of Jail Guard from ST
category in 1997. As per G.R. dated
6.8.2013, the post of Jailor Officer,
Grade-II was to be filled in by way of
promotion. The applicant was found
eligible for such promotional post and
merit list was published on 3.3.2014
as per Annexure A-44 wherefrom it
seems that the applicant stood at Sr.
No.17 whereas the respondent No.2
is at Sr. No.67. It is an admitted fact
that the order of respondent No.2 has
been cancelled, since he was unable
to produce caste validity certificate.

The next candidate on merit under ST category was the applicant only. In view thereof, the Ld. P.O. is requested to take instructions on the following points:-

- (i) Is it a fact that the applicant should have been appointed, in view of the fact that the promotion order of respondent No.2 has been cancelled ? Since the applicant stood next to the respondent No.2 on merit.
- (ii) The respondents shall also state whether the promotional post is still vacant ?
- (iii) The respondents shall also state whether the applicant can be accommodated on the promotional post in view of cancellation order of promotion of respondent No.2.

3. The Ld. P.O. seeks one week's time.

4. **S.O. next week.**

5. Steno copy be provided to the Ld. P.O.

6. To be treated as part heard.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 516/2017

(D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)
Dated : 27th August 2018.

Heard Shri D.S. Sawarkar, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

The Ld. counsel for the applicant submits that he wants to file some documents alongwith the C.A., since the said documents were not available at the time of filing of the O.A.

S.O. **one week.**

Member(A)

Vice-Chairman(J)

pdg.

O.A. No.360/2018 (S.B.)

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

Dated : 27.08.2018.

Heard Shri G.G.Bade, Id. Counsel for the applicant and Shri H.K.Pande, Id. P.O. for the Respondent nos. 1 to 4. None for respondent no. 5.

In order dated 24/08/18, the Id. counsel for the applicant has been requested to consult his client regarding situation. As submitted by Id. P.O. on 24/08/2018, the revised transfer order no. ~~dated~~ d{A&8@vklFk@1193@2018&19] dated 22/06/2018 was issued. The applicant has been transferred to Linga Beat, Warud Range, which is only 10 K.M. away from Pusala Beat of Warud Range, which is one of the choice of the applicant, according to the order dated 06/06/2018, the status-quo was granted in the impugned order to the extent of applicant.

Before vacation of this stay, relieving the applicant was not proper by the

respondents. Hence, the stay granted on 06/06/2018 is also vacated.

However, with the consideration of the representation and choice of posting of applicant, action taken by respondents is fulfilling the requirement. In view of this, the present O.A. is disposed off with no order as to costs.

Member

(A)

aps.

O.A. No.556/2017 (S.B.)

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

Dated : 27.08.2018.

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

The affidavit-in-reply has already been
filed. The Id. P.O. submits that, in view of this,
matter is **admitted** and kept for final hearing
in due course of time.

Meanwhile, the Id. counsel for the
applicant is at liberty to file Rejoinder, if any.

Member

(A)

aps.

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

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

Dated : 27.08.2018.

None for the applicant. Shri A.P.Potnis,
Id. P.O. for the Respondents.

In last order dated 24/07/2018, none
for the applicant, before that 10/07/2018 also
none for the applicant. In the last para of
order dated 24/07/2018 i.e. in para no. 4:- *As
suggested by Id. P.O., it will be listed after one
week and if nobody appears for the applicant,
the O.A. will be dismissed.*

Even after that none appeared for the
applicant. Hence, stay granted on 04/06/2018
in para no. 2 is vacated.

In view of this, O.A. stands dismissed
with no order as to costs.

Member

(A)

aps.

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

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

Dated : 27.08.2018.

Heard Smt. K.N.Saboo, Id. counsel for the applicant and Shri H.K.Pande, Id. P.O. for the State. Await service of respondent nos. 2 & 3.

The Id. counsel for the applicant submits that service of respondent nos. 2 and 3 will be filed within one week. At her request,

S.O. one week.

Member

(A)

aps.

O.A. No.199/2018 (S.B.)

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

Dated : 27.08.2018.

Heard Shri Sunil Pande holding for Shri S.A.Marathe, Id. counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the State. Await service of respondent nos. 2 & 3.

The Id. counsel for the applicant submits he will collect the notices of respondent nos. 2 and 3. At his request, **S.O. two weeks.**

Member

(A)

aps.

O.A. No.305/2018 (S.B.)

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

Dated : 27.08.2018.

Heard Shri B.D.Pandit, Id. counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the respondents.

The Id. P.O. submits that he received the parawise comment. However, he seek further one week time to file reply. At his request, **S.O. one week.**

Member

(A)

aps.

O.A. No.565/2018 (S.B.)

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

Dated : 27.08.2018.

None for the applicant. Shri A.M.Khadatkar, Id. P.O. for the State. Await service of respondent nos. 2 & 3.

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

Member

(A)

aps.

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

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

Dated : 27.08.2018.

Heard Shri S.P.Palshikar, Id. counsel for
the applicant and Shri A.M.Khadatkar, Id. P.O.
for 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.574/2018 (S.B.)

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

Dated : 27.08.2018.

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

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

Member

(A)

aps.

O.A. No.575/2018 (S.B.)

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

Dated : 27.08.2018.

Heard Shri A.R.Ingole, Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for respondent nos. 1 to 3. Shri Y.B.Sonone, going to file vakalatnama on behalf of the respondent no. 4.

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

Member

(A)

aps.

O.A. No.576/2018 (S.B.)

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

Dated : 27.08.2018.

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

The Id. P.O. seeks four weeks time to file reply. At his request, **S.O. 24/09/2018.**

Member

(A)

aps.

O.A. No.96/2018 (S.B.)

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

Dated : 27.08.2018.

Heard Smt. K.N.Saboo, Id. counsel for
the applicant and Shri A.M.Khadatkar, Id. P.O.
for respondents.

The matter is **admitted** and kept for
final hearing, **S.O. 29/09/2018.**

*Put up this matter alongwith the O.A.
Nos. 782 & 823/2016, 215 & 246/2018.*

Member

(A)

aps.

O.A. No.215/2018 (S.B.)

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

Dated : 27.08.2018.

Heard Smt. K.N.Saboo, Id. counsel for
the applicant and Shri A.M.Khadatkar, Id. P.O.
for respondents.

The matter is **admitted** and kept for
final hearing, **S.O. 29/09/2018.**

*Put up this matter alongwith the O.A.
Nos. 782 & 823/2016, 96 & 246/2018.*

Member

(A)

aps.

O.A. No.246/2018 (S.B.)

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

Dated : 27.08.2018.

Heard Smt. K.N.Saboo, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for 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.

The matter is **admitted** and kept for final hearing, **S.O. 29/09/2018.**

Put up this matter alongwith the O.A. Nos. 782 & 823/2016, 96 & 215/2018.

Member

(A)

aps.