

O.A. No.530/2016. (D.B.)

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

Dated : 6th April 2018.

None for the applicant. Heard Shri H.K. Pande, the Ld. P.O. for the respondents 1 and 2.

2. The Ld. P.O. supplied address of respondent No.3, the same is taken on record.

3. The applicant to issue notice on the same address to respondent No.3 returnable after four weeks.

4. Shri H.K. Pande, the Ld. P.O. for waives notice for the respondents 1 and 2. Hamdast granted.

5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.

6. 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.

7. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunals (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

8. The service may be done by hand delivery, speed post or courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within three weeks. Applicant is directed to file Affidavit of compliance and notice.

9. S.O. **four weeks.**

Member(A)

Vice-Chairman(J)

O.A. No.996/2017. (D.B.)

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

Dated : 6th April 2018.

Shri Shri I.N. Choudhari, the Ld. counsel for the applicant and Shri S.A. Deo, the Ld. C.P.O. for the respondents.

The Ld. counsel for the applicant submits that he will file service affidavit of R.2 today itself during the course of the day. The Ld. P.O. seeks time for filing reply.

S.O. four weeks.

Member(A)

Vice-Chairman(J)

O.A. No.02/2018. (D.B.)

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

Dated : 6th April 2018.

C.A. No.50/2018.

Heard Shri N.R. Saboo, the Ld. counsel for the applicant and Shri S.A. Deo, the Ld. C.P.O. for the respondent No.1.

2. The Ld. counsel for the applicant submits that he has received addresses of the respondents to be added in the O.A. The applicant wants respondent Nos. 3 to 7's addresses who have been appointed during the pendency of the O.A. and wants to challenge their appointment orders. In view thereof, the application for amendment is allowed and disposed of. Amendment to be carried out within one week.

3. After amendment, issue notices to the newly added respondents i.e. R. 2 to 7 returnable within **five weeks**.

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

5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.

6. 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.

7. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunals (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

8. The service may be done by hand delivery, speed post or courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within three weeks. Applicant is directed to file Affidavit of compliance and notice.

S.O. **five weeks.**

Member(A)

Vice-Chairman(J)

O.A. No.193/2015. (D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman(J) and
Shree Bhagwan,Member(A)
Dated : 6th April 2018.**

Heard Shri P.P. Khaparde, the
Ld. counsel for the applicant and Shri
A.M. Ghogre, the Ld. P.O. for the
respondent Nos. 1 and 2. Shri P.V.
Thakre, Adv. for R.3.

S.O. **11.4.2018** for hearing on
admission.

Member(A)

Vice-Chairman(J)

O.A. No.581/2017. (D.B.)

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

Dated : 6th April 2018.

Heard Shri N.R. Saboo, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the Ld. P.O. for the respondents 1 to 3. None for R.4.

ADMIT.

Shri V.A. Kulkarni, the Ld. P.O. waives notice for the respondents.

S.O. **24.4.2018** for final hearing.

Member(A)

Vice-Chairman(J)

O.A. No.611/2017. (D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman(J) and
Shree Bhagwan,Member(A)
Dated : 6th April 2018.**

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

The Ld. P.O. filed reply of R. 1 to 4, it is taken on record.

S.O. **two weeks** for filing rejoinder, if any.

Member(A)

Vice-Chairman(J)

O.A. No.780/2017. (D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman(J) and
Shree Bhagwan,Member(A)
Dated : 6th April 2018.**

Shri Rohan Lilhare, Adv. holding for Shri S.S. Dhengale, the Ld. counsel for the applicant and Shri P.N. Warjekar, the Ld. P.O. for the respondent No.1. Shri W.G. Paunikar, Adv. for R.2.

At the request of the Ld. counsel for the applicant, S.O. **9.4.2018.**

Member(A)

Vice-Chairman(J)

O.A. No.886/2017. (D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman(J) and
Shree Bhagwan,Member(A)
Dated : 6th April 2018.**

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

S.O. **four weeks** for filling reply by Ld. P.O. as a last chance.

Member(A)

Vice-Chairman(J)

O.A. No.889/2017. (D.B.)

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

Dated : 6th April 2018.

Heard Shri S.A. Sahu, Adv. holding for Shri M.I. Dhattrak, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the Ld. P.O. for the respondents.

S.O. **two weeks** for filing rejoinder by the Lsd. counsel for the applicant.

Member(A)

Vice-Chairman(J)

O.A. No.90/2018. (D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman(J) and
Shree Bhagwan,Member(A)
Dated : 6th April 2018.**

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

Charge-sheet has been served on the applicant on the last day of his retirement. However, no documents are supplied to the applicant. Charge pertains to the tenure period from 8.4.2005 to 10.7.2009 and incident happened during 2007 to 2008. However, the chargesheet has been served on the applicant without documents on 29.9.2017, one day before his retirement. Departmental enquiry is, therefore, stayed till filing of reply by the respondents.

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

Member(A)

Vice-Chairman(J)

O.A. No.111/2018. (D.B.)

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

Dated : 6th April 2018.

Heard Shri M.P. Kariya, the Ld. counsel for the applicant and Shri P.N. Warjekar, the Ld. P.O. for the respondent No. 1. Shri P.S. Wathore, the Ld. Adv. for R.4 i.e. Caveator.

2. The Ld. P.O. submits that they have not received the documents, though directed on the last occasion.

3. The Ld. counsel for the applicant submits that he will supply documents during the course of the day. Ld. P.O. as well as Ld. Adv. for R.4 seek time.

4. S.O. **three weeks.**

5. Issue notice to respondent Nos. 2 and 3 returnable within **three weeks.**

6. Shri P.N. Warjekar, the Ld. P.O. waives notice for respondent No. 1. Hamdast granted.

7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.

8. 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.

9. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunals (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

10. The service may be done by hand delivery, speed post or courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within three weeks. Applicant is directed to file Affidavit of compliance and notice.

Member(A)

Vice-Chairman(J)

O.A. No.221/2018. (D.B.)

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

Dated : 6th April 2018.

Heard Shri P.S. Gawai, the Ld. counsel for the applicant and Shri , the Ld. P.O. for the respondents.

The Ld. counsel for the applicant submits that the applicant has been selected to the post of Multipurpose Health Worker and he stands at Sr.No.1 in the merit list. However, his claim has been rejected on the ground that he has not acquired the experience of 90 days' working as a Spray Worker. The Ld. counsel for the applicant has invited our attention to the experience certificate dated 2.6.2007 issued by the District Malaria Officer, Akola (Annexure A-11) which states that the applicant had experience of 46 days and a certificate

dated 21.2.2008 (Annexure A-13) issued by the same officer on 21.2.2008 states that the applicant has acquired 69 days' experience. If both the experience is taken together, experience of the applicant is more

than 90 days. The Ld. CPO, however, submits that the experience certificate dated 21.2.2008 shows that the total experience of the applicant is of 69 days and the said period includes 46 days' experience as certified vide certificate dated 2.6.2007

The Ld. counsel for the applicant is, therefore, directed to file an affidavit of the applicant, making it clear as to whether total experience of the applicant is of more than 90 days or 69 days only.

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

Member(A) Vice-Chairman(J)

pdg

O.A. No.366/2015. (D.B.)

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

Dated : 6th April 2018.

C.P. 31/2018.

Heard Shri S.R. Charpe, the Ld. counsel for the applicant and Shri S.A. Deo, the Ld. C.P.O. for the respondents.

S.O. **16.4.2018.**

Put up with O.A. No. 193/2017 of Single Bench.

Member(A)

Vice-Chairman(J)

pdg

O.A. No.193/2017. (S.B.)

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

Dated : 6th April 2018.

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

S.O. **16.4.2018.**

Put up with C.P. 31/2017 in O.A. No. 366/2017 of Division Bench.

Member(A)

Vice-Chairman(J)

pdg

O.A. No.687/2017. (D.B.)

Coram: Shri J.D. Kulkarni,

**Vice-Chairman(J) and
Shree Bhagwan,Member(A)
Dated : 6th April 2018.**

C.P. 40/2017.

Heard Shri S. G. Lacharwar, the
Ld. counsel for the applicant and Shri
A.M. Ghogre, the Ld. P.O. for the
respondents.

S.O. **two weeks** for filing reply
by Ld. P.O.

Member(A)

Vice-Chairman(J)

pdg

O.A. No.102/2008. (D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman(J) and
Shree Bhagwan,Member(A)
Dated : 6th April 2018.

Heard Shri R.J. Mirza, the Ld. counsel for the applicant and Shri M.I. Khan, the Ld. P.O. for the respondents.

The Ld. counsel for the applicant submits that he has received instructions from the applicant that during the pendency of this O.A., he has been promoted to the post of Lower Grade Stenographer, but w.e.f. 2015. He was to keep that copy on record.

At the request of the Ld. counsel for the applicant, S.O. **12.4.2018.**

Member(A)

Vice-Chairman(J)

O.A. No.97/2011. (D.B.)

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

Dated : 6th April 2018.

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

The Ld. P.O. has filed return of R.1, it is taken on record.

The applicant is claiming appointment to the post of Police Constable with effect from the date of his recruitment. It seems that his appointment was rejected vide impugned letter dated 3.8.2010 on the ground that the criminal case was pending against him. The Ld. P.O. has placed on record the order dated 20.2.2018 which is marked "X" for identification, from which it seems that

the applicant has now been appointed as Police Constable.

Since nobody is present for the applicant, matter be kept after one week.

S.O. **one week.**

Member(A)

Vice-Chairman(J)

pdg

O.A. No.675/2009. (D.B.)

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

Dated : 6th April 2018.

Heard Shri A.S. Athalye, the Ld. counsel for the applicant and Shri S.A. Sainis, the Ld. P.O. for the respondents.

The Ld. counsel for the applicant seeks two weeks' time to seek instructions from the applicant.

S.O. **two weeks.**

Put up with connected O.A. Nos. 693 and 694 of 2009.

Member(A)

Vice-Chairman(J)

pdg

O.A. No.693/2009. (D.B.)

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

Dated : 6th April 2018.

Heard Shri A.S. Athalye, the Ld.
counsel for the applicant and Shri ,
the Ld. P.O. for the respondents.

S.O. **weeks.**

Member(A)

Vice-Chairman(J)

pdg

O.A. No.694/2009. (D.B.)

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

Dated : 6th April 2018.

Heard Shri A.S. Athalye, the Ld.
counsel for the applicant and Shri ,
the Ld. P.O. for the respondents.

S.O. **weeks.**

Member(A)

Vice-Chairman(J)

O.A. No.145/2012. (D.B.)

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

Dated : 6th April 2018.

Heard Shri P.V. Thakre, the Ld. counsel for the applicant and Shri M.I. Khan, the Ld. P.O. for the respondent Nos. 1 to 4. None for R. 5 and 6.

The Ld. counsel for the applicant submits that he will file documents during the course of the day.

S.O. 10.4.2018.

Member(A)

Vice-Chairman(J)

pdg

O.A. No.65/2016. (D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman(J) and
Shree Bhagwan,Member(A)
Dated : 6th April 2018.

Shri K.V. Deshmukh, the Ld. counsel for the applicant and Shri H.K. Pande, the Ld. P.O. for the respondents.

S.O. **10.4.2018.**

Member(A)

Vice-Chairman(J)

pdg

O.A. No.98/2016. (D.B.)

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

Dated : 6th April 2018.

C.A. 461/2017.

Heard Shri S.R. Charpe, the Ld. counsel for the applicant and Shri H.K. Pande, the Ld. P.O. for the respondent Nos. 1 to 4. None for R.5.

At the request of Ld. P.O., S.O.
10.4.2018.

Member(A)

Vice-Chairman(J)

pdg

O.A. 320/2017 **(SB)**

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

Dated : 06.04.2018

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

2. The applicant a Live Stock Development Officer, has challenged his impugned order of transfer from Allapalli, Tq. Aheri, Dist. Gadchiroli to Sakoli, District Bhandara vide impugned order dated 31/05/2017 (Annex-A-3,P-19). The reply has already been filed. It was noticed that the applicant did not join at his transfer post even though he was relieved. This Tribunal vide order dated 19/12/2017 was pleased to direct the learned counsel for the applicant to take instructions as to when the applicant will join at Sakoli. The learned counsel for the

applicant submits that the applicant has accordingly joined at Sakoli on 21/12/2017.

3. The learned counsel for the applicant has filed Pursis on 8/1/2018 and requested that his representation may be considered during the annual general transfers of 2018. He has filed representation on 04/01/2018. Copy of which is at P.B. page no.66. The learned counsel for the applicant submits that the application may be disposed of with appropriate directions to the respondents to take decision on the said representation as early as possible and in any case at the time of annual general transfers of 2018. Considering this aspect and without entering into the merits of the impugned order of transfer, I pass the following order :-

ORDER

The O.A. stands disposed of with direction to respondent no.1 to take decision as per the merits of the applicant's case on the representation dated 4/1/2018 (P-66) filed by the applicant as early as possible and in any case at the time of annual general transfers of 2018 and same shall be intimated to the applicant in writing. No order as to costs.

Steno copy be supplied to the learned counsel for parties.

Vice Chairman (J)

Dnk

O.A. Nos. 52/15 & 55/15 (SB)

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

Dated : 06.04.2018

Shri S.M. Khan, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of learned P.O., **S.O.**
next week.

Vice Chairman (J)

dnk

O.A. 771/2017 (SB)

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

Dated : 06.04.2018

Heard Shri N.D. Thombre, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for respondent nos. 1 to 3. None for R-4.

2. The applicant, a Assistant Professor in the Government Medical College, Gondia has claimed following main reliefs in this case :-

“(8.1) Quash and set aside the advertisement Ref. no. GMCG/Asstt. Prof./Advt./6015/2017,dtd. 25/09/2017 issued by the respondent no.3 Government Medical College, Gondia (Annexure-A-2) along with the further selection process;

(8.2) Declare that the services of the applicant on the post of Assistant Professor in the Department of Dentistry in the respondent no.3, Government Medical College, Gondia cannot be substituted by another ad-hoc employee including the respondent no.4;

(8.3) Direct the respondents to continue the services of the applicant on the post of Assistant Professor in the Department of Dentistry in the respondent no.3, Government Medical College, Gondia till appointment of a regularly selected candidate;

(8.4) Direct the respondents not to substitute the services of the applicant on

the post of Assistant Professor in the Department of Dentistry in the respondent no.3, Government Medical College, Gondia with any other ad-hoc candidate including the respondent no.4"

3. So far as the relief no. 8.1 is concerned, it is stated that the advertisement dated 25/09/2017 has been withdrawn by the Dean, Government Medical College, Gondia (R/3) and therefore the applicant is not consisting for this relief.

4. The learned counsel for the applicant submits that the applicant has been appointed on the post of Assistant Professor in the Department of Dentistry temporarily vide various orders such as dated 06/09/2016, 24/01/2017, 12/05/2017, 04/09/2017 and so on. Every time the temporary order is being

issued and the applicant is continued with technical breaks. He has therefore claimed that the advertisement for the temporary post issued was illegal. The question of legality of that advertisement however is not arisen since the same has been withdrawn.

5. The learned counsel for the applicant submits that the applicant was being appointed on temporary basis and no officer has been appointed on regular basis till today.

6. In the reply-affidavit filed on behalf of respondent nos.1&3, it is stated that the respondent no.1 is planning to appoint an officer on regular basis and for that purpose the matter is under process. However, it may require some time. The learned counsel for the applicant submits that the applicant has no objection if the regular person is appointed in her place and as soon as the regular person is appointed, she will be no more in service. Admittedly, the post on which the applicant was occupying is still vacant. The respondent nos. 1&3 are therefore directed to file affidavit as to whether they are ready to accommodate the applicant on the temporary basis as the applicant was being appointed earlier till the Assistant Professor is appointed on regular basis. Necessary affidavit shall be filed within two weeks.

S.O. two weeks.

Vice Chairman (J)

dnk

