

O.A. No. 695/2016. (D.B.)

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

Dated : 19th January 2018.

R.A. No.20/2017.

Heard Shri M.R. Pillai, the learned counsel for the applicant and Shri V.A. Kulkarni, the Ld. P.O. for the respondents.

Closed for orders.

Vice-Chairman(J)

pdg

O.A. No. 664/2015. (D.B.)

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

Dated : 19th January 2018.

Heard Shri S.K.Tambde, the learned counsel for the applicant and Shri M.I. Khan, the Ld. P.O. for the respondents.

The learned counsel for the applicant submits that he wants to place on record some documents. The Ld. P.O. submits that the matter be admitted and kept for final hearing for which the learned counsel for the applicant has no objection. In view thereof, matter is admitted and kept for final hearing after **four weeks.**

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

In the meantime, the applicant will be at liberty to file documents.

S.O. **four weeks.**

Vice-Chairman(J)

pdg

O.A. No. 413/2016. (D.B.)

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

Dated : 19th January 2018.

Heard Shri S.P. Palshikar, the learned counsel for the applicant and Shri M.I. Khan, the Ld. P.O. for the respondents 1 and 2. None for R.3.

S.O. 22.1.2018.

Vice-Chairman(J)

pdg

O.A. No. 504/2017. (D.B.)

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

Dated : 19th January 2018.

Heard Shri S.K.Tambde, the learned counsel for the applicant and Shri A.M. Khadatkar the Ld. P.O. for the respondents.

The Ld. P.O. has filed reply affidavit on behalf of R.2 and 3, it is taken on record and a copy thereof is supplied to the learned counsel for the applicant.

S.O. **two weeks** for filing rejoinder, if necessary by the learned counsel for the applicant.

Vice-Chairman(J)

pdg

O.A. No. 630/2017. (D.B.)

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

Dated : 19th January 2018.

None for the applicant. Shri A.M. Ghgore, the Ld. P.O. for the respondents.

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

Vice-Chairman(J)

pdg

O.A. No. 25/2018. (D.B.)

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

Dated : 19th January 2018.

Heard Shri N.R. Saboo, the learned counsel for the applicant and Shri H.K. Pande, the Ld. P.O. for the respondent No. 1.

2. The applicant has participated in the process of recruitment for the post of Sub-Inspector, State Excise in pursuance to the advertisement dated 13.1.2017. As per the list published for cut off date, it seems that the applicant stands at Sr. No.532 having qualified for SC, ST (Female) as well as SC (Sportsman). She has secured 120 marks. However, in the final list, she has been shown from SC (sportsman) category, whereas the respondent Nos. 3 and 4 were shown from SC (Female) category and respondent Nos. 5 and 6 have been shown from SC (General) category, though, these respondents have secured

less marks than the applicant. As per the rules of procedure and in view of various judgments delivered by the Honble Apex Court and the High Courts, rule is that if there are sufficient number of candidates in General category, there shall be no specific reservation for SC (Female) candidates. In any case, the applicant seems to have secured more marks than the respondent Nos. 3 to 6. The learned counsel for the applicant, therefore, submits that respondent No.1 be restrained from issuing the appointment orders in respect of respondent Nos. 3 to 6 and pending disposal of the O.A., select list as per Annexure A-5 be stayed. It may not be proper to stay the entire list, as the matter pertains to the applicant and respondent Nos. 3 to 6 only. *Prima facie*, there seems to be merits in the contention of the learned counsel for the applicant and, therefore, respondent No.1 is directed not to issue appointment orders in respect of respondent Nos. 3 to 6 (both inclusive) till reply of respondent is received in this regard.

3. In the meantime, issue notices to respondent Nos. 2 to 6 returnable after **four weeks.**

4. Shri H.K Pande, the Ld. 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.

8-A. Respondent No.2 is requested to give addresses of respondent Nos. 2 to 6 to the applicant.

S.O. four weeks.

Vice-Chairman(J)

pdg

O.A. No. 22/2018. (S.B.)

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

Dated : 19th January 2018.

Heard Shri S.S. Shirsat, the learned counsel for the applicant and Shri A.M. Khadatkar, the Ld. P.O. for the respondent No.1.

3. Issue notice to the respondent Nos. 2 and 3 returnable after **three weeks**.

4. Shri A.M. Khadatkar, the Ld. 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.

9. S.O. **three weeks**.

Vice-Chairman(J)

pdg

O.A. No. 939/2017. (S.B.)

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

Dated : 19th January 2018.

C.A. No. 562/2017.

Heard Shri G.G. Bade, the learned counsel for the applicants and Shri S.A. Sainis, the Ld. P.O. for the respondents.

2. For the reasons stated in the C.A., leave to sue jointly as prayed for is granted, subject to the applicants paying requisite Court fees, if not already paid. C.A. is disposed of accordingly.

O.A. No. 939/2017.

3. Issue notice to the respondent Nos. 2 to 5 returnable after **three weeks.**

4. Shri S.A. Sainis, the Ld. 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.

9. S.O. **three weeks.**

Vice-Chairman(J)

pdg

O.A. No. 975/2017. (S.B.)

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

Dated : 19th January 2018.

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

At the request of Ld. counsel for the applicant, S.O. 22.1.2018 for filing service affidavit.

Vice-Chairman(J)

pdg

O.A. No. 976/2017. (S.B.)

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

Dated : 19th January 2018.

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

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

Ld. P.O. seeks time to file reply.

S.O. **three weeks.**

Vice-Chairman(J)

pdg

O.A. No. 979/2017. (S.B.)

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

Dated : 19th January 2018.

Heard Shri A.D.Girdekar, the learned counsel for the applicant and Shri S.A. Sainis, the Ld. P.O. for the respondents 1 to 3. Shri P.A. Kadu, Ld. counsel for R.4.

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

Ld. Adv. for R.4 has filed reply of R.4 i.e. CEO, ZP, Amravati. It is taken on record. A copy thereof is supplied to the Ld. counsel for the applicant. The Ld. counsel for the applicant submits he file rejoinder, if necessary for which he seeks two weeksq time.

S.O. two weeks.

Vice-Chairman(J)

pdg

O.A. No. 838/2017. (S.B.)

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

Dated : 19th January 2018.

Heard Shri S.K.Tambde, the learned counsel for the applicant and Shri A.M. Ghogre, the Ld. P.O. for the respondents.

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

Vice-Chairman(J)

pdg

O.A. No. 18/2018. (S.B.)

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

Dated : 19th January 2018.

Heard Shri S.P. Palshikar, the learned counsel for the applicant and Shri V.A. Kulkarni, the Ld. P.O. for the respondent No.1.

2. The learned P.O. submits that the suspension allowance has been paid to the applicant on 6.1.2018. He has placed on record a copy of communication dated 17.1.2018. It is marked %%+ for identification. From the said communication, it is clear that the suspension allowance has been paid for the months of October and November 2017 where the bill for the month of December 2017 was submitted. In view of this, no interim relief is necessary.

3. issue notice to the respondent Nos. 2 and 3 returnable after **two weeks.**

4. Shri V.A. Kulkarni, the Ld. 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.

9. S.O. **two weeks.**

Vice-Chairman(J)

pdg

O.A. No. 26/2018. (S.B.)

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

Dated : 19th January 2018.

Heard Shri S.K. Tambde, the learned counsel for the applicant and Shri P.N. Warjekar, the Ld. P.O. for the respondent No.1.

2. The applicant has challenged the impugned order of his transfer dated 9.1.2018 (A.5) (Page 37 of the O.A.) whereby he has been transferred from the post of Executive Engineer, P.W.D., Yavatmal on the same post at Zilla Parishad (Works Division), Yavatmal and the order of respondent No.3 of the same date whereby the respondent No.3 has been transferred in place of the applicant from Chiplun. The learned counsel for the applicant submits that the order of respondent No.3 is against the guidelines issued by the Govt. of Maharashtra in its G.R. dated 28.4.2015. In para No.7 of the O.A., it is specifically stated that the applicant is not praying for any interim relief. Admittedly, the applicant is transferred from the post of Executive Engineer, P.W.D., Yavatmal on the same post at Zilla Parishad (Works Division), Yavatmal itself and admittedly he has

been relieved from his post. In such circumstances, there is no merit in the claim of interim relief for stay to the order. Whether the transfer of the applicant is against the provisions of the Maharashtra Government Servants Regulation of Transfer and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as, "Transfer Act, 2005"), will have to be considered on merits after giving an opportunity to the parties to file reply affidavits.

3. issue notice to the respondent Nos. 2 to 4 returnable after **three weeks**.

4. Shri P.N. Warjekar, the Ld. 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.

9. S.O. **three weeks.**

Vice-Chairman(J)

Pdg