

O.A. No. 122/2016. (D.B.)

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

Dated : 9th January 2018.

Heard Shri A. Bhole, the Ld. counsel for the applicants and Shri A.P.Potnis, the Ld. P.O. for the respondents.

The Ld. counsel for the applicant seeks time to withdraw the matter.

S.O. **two weeks** for withdrawal of the O.A.

Vice-Chairman(J)

pdg

O.A. No. 174/2016. (D.B.)

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

Dated : 9th January 2018.

C.A.No.300/2017.

Heard Shri A. Bhole, the Ld. counsel for the applicant and Shri A.P.Potnis, the Ld. P.O. for the respondents. None for the Intervenor.

S.O. **four weeks** for filing reply at the request of Ld. P.O.

Vice-Chairman(J)

pdg

O.A. No. 842/2017. (D.B.)

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

Dated : 9th January 2018.

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

Ld. counsel for the applicant submits that the respondents have been served with notice.

S.O. four weeks for filing reply at the request of Ld. C.P.O.

Vice-Chairman(J)

pdg

O.A. No. 949/2017. (D.B.)

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

Dated : 9th January 2018.

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

Ld. counsel for the applicant seeks time for filing service affidavit.

S.O. four weeks for filing reply at the request of Ld. C.P.O.

Vice-Chairman(J)

pdg

O.A. No. 950/2017. (D.B.)

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

Dated : 9th January 2018.

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

Ld. counsel for the applicant seeks time for filing service affidavit.

S.O. four weeks for filing reply at the request of Ld. C.P.O.

Vice-Chairman(J)

pdg

O.A. No.282 /2013. (D.B.)

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

Dated : 9th January 2018.

Shri S.P. Palshikar, the Ld. counsel for the applicants and Shri A.M. Ghogre, the Ld. P.O. for the respondents.

Ld. counsel for the applicant seeks time.

S.O. two weeks.

Vice-Chairman(J)

pdg

O.A. No.932 /2017. (D.B.)

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

Dated : 9th January 2018.

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

S.O. four weeks.

Vice-Chairman(J)

pdg

O.A. No.436 /2017. (D.B.)

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

Dated : 9th January 2018.

Shri Chandurkar, the Ld. counsel for the applicants and Shri A.P.Potnis, the Ld. P.O. for the respondents.

Ld. counsel for the applicant seeks time for filing rejoinder.

S.O. two weeks.

Vice-Chairman(J)

pdg

O.A. No.186 /2013. (D.B.)

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

Dated : 9th January 2018.

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

Ld. has filed reply on behalf of R. 1, 3 & 4. The same is taken on record.

S.O. in due course.

Vice-Chairman(J)

pdg

O.A. No.207/2016. (D.B.)

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

Dated : 9th January 2018.

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

Ld. counsel for the applicant has filed rejoinder, it is taken on record and a copy thereof is supplied to the Ld. P.O.

ADMIT

With consent of parties, O.A. is kept for final hearing on **5.2.2018.**

Vice-Chairman(J)

pdg

O.A. No.391/2017. (D.B.)

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

Dated : 9th January 2018.

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

At the request of Ld. P.O., S.O. **two weeks** as a most last chance for reply.

Vice-Chairman(J)

pdg

O.A. No.766/2014. (D.B.)

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

Dated : 9th January 2018.

Shri A.P. Sadavarte, the Ld. counsel for the applicant and Shri M.I. Khan, Ld. P.O. for the respondent Nos. 1 to 3. None for R.4.

The applicant is claiming finalization of his pension case and pensionary benefits in this O.A. In the reply affidavit, it was stated that the enquiry against the applicant will be completed within nine months. The said statement was made on 5.1.2015 and even after three years, enquiry is not yet completed. The Ld. P.O. is, therefore, directed to take instructions as to what is the status of the enquiry and within how many days the same will be completed. The said statement may be made in the next week.

S.O. **one week.**

To be treated as part heard.

Vice-Chairman(J)

O.A. 88/2015 (SB)

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

Dated : 9.1.2018

M.C.A.39/2017

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

S.O. Next week.

Vice Chairman (J)

dnk.

O.A. 122/2017 (SB)

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

Dated : 9.1.2018

C.A.58/2017

None for the applicant. Shri M.I. Khan, Id.
P.O. for the respondent nos. 1 to 3. None for R-4.

S.O. four weeks.

Vice Chairman (J)

dnk.

O.A. 501/2017 (SB)

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

Dated : 9.1.2018

C.A.576/17 in C.A. 359/17 in C.A.92/17

Shri V. Neware, Id. counsel holding for
Shri S.R. Charpe, Id. counsel for the applicants

and Shri V.A. Kulkarni, Id. P.O. for R-1. Await service of R-2&3.

2. The learned counsel for the applicants submits that all the respondents have been served and he will file service affidavits within a week. The learned P.O. also seeks time to file reply-affidavit on behalf of the respondents.

S.O. four weeks.

Vice Chairman (J)

dnk.

O.A. 709/2017 (SB)

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

Dated : 9.1.2018

Shri G.G.Bade, Id. counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for R-1. Await service of R-2&3.

At the request of Id. counsel for the applicant, **S.O. two weeks** for filing service affidavit on behalf of R-2&3.

Vice Chairman (J)

dnk.

O.A. 957/2017 (SB)

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

Dated : 9.1.2018

Shri S.N.Gaikwad, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. for R-1. Await service of R-2&3.

At the request of Id. counsel for the applicants, **S.O. two weeks** for filing service affidavit on behalf of R-2&3.

Vice Chairman (J)

dnk.

O.A. 968/2017 (SB)

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

Dated : **9.1.2018**

None for the applicant.

Shri S.A. Deo, Id. CPO for R-1. Await
service of R-2&3.

S.O. two weeks for filing service affidavit.

Vice Chairman (J)

dnk.

O.A. 96/2017 (SB)

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

Dated : **9.1.2018**

Heard Shri N.R. Saboo, Id .counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1&2. None for R-3&4.

Since the pleadings are complete, the matter is admitted and kept for final hearing.

The learned P.O. waives notice for R-1&2.

S.O. after four weeks.

Vice Chairman (J)

dnk.

O.A. 265/2017 (SB)

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

Dated : 9.1.2018

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

At the request of Id. P.O., **S.O. two weeks** for filing reply of R-1.

Vice Chairman (J)

dnk.

O.A. 567/2017 (SB)

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

Dated : 9.1.2018

None for the applicant.

Shri P.N. Warjurkar, Id. P.O. for R-1&2.

None for R-3 to 5.

At the request of Id. P.O., **S.O. two weeks**
for filing reply of R-1&2.

Vice Chairman (J)

dnk.

O.A. 599/2017 (SB)

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

Dated : 9.1.2018

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

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.

Vice Chairman (J)

dnk.

O.A. 670/2017 (SB)

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

Dated : 9.1.2018

Shri N.R. Saboo, Id .counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

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

Vice Chairman (J)

dnk.

O.A. 712/2017 (SB)

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

Dated : **9.1.2018**

None for the applicants. Shri S.A. Sainis, Id. P.O. for the respondents.

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

Vice Chairman (J)

dnk.

O.A. 723/2017 (SB)

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

Dated : 9.1.2018

Shri A.P. Sadavarte, Id .counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

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

Vice Chairman (J)

dnk.

O.A. 786/2017 (SB)

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

Dated : 9.1.2018

Shri P.S. Halde, Id. counsel holding for
Shri A.S. Deshpande, Id. counsel for the
applicant and Shri M.I. Khan, Id. P.O. for R-1&2.
None for R-3.

At the request of Id. P.O., **S.O. two weeks**
for filing reply of R-2.

Vice Chairman (J)

dnk.

O.A. 960/2017 (SB)

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

Dated : 9.1.2018

Shri N.R. Sabo, Id .counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

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

Vice Chairman (J)

dnk.

O.A. 15/2018 (SB)

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

Dated : 9.1.2018

Heard Shri S.P. Palshikar, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The learned CPO submits that he will take instructions in this matter and requested that the matter be posted on Monday, i.e., on 15/1/2018. The learned counsel for the applicant has no objection for the same. Hence, the matter be kept on Monday, i.e., on 15/1/2018.

3. In the meantime, issue notice to R-2 and 3, returnable on **15/01/2018**. Learned C.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. **S.O. 15/01/2018.**

Vice Chairman (J)

dnk.

O.A. 260/2016 (SB)

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

Dated : 9.1.2018

None for the applicant.

Shri H.K. Pande, Id. P.O. for the
respondents.

S.O. four weeks.

Vice Chairman (J)

dnk.

O.A. 272/2016 (SB)

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

Dated : 9.1.2018

None for the applicant.

Shri M.I. Khan, Id. P.O. for the respondents.

S.O. in due course.

Vice Chairman (J)

dnk.

O.A. 134/2017 (SB)

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

Dated : 9.1.2018

Applicant in person present.

Shri A.M. Ghogre, Id. P.O. for the respondents.

S.O. after four weeks.

Vice Chairman (J)

dnk.

O.A. 440/2017 (SB)

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

Dated : 9.1.2018

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

S.O. Next week. (P.H.).

Vice Chairman (J)

dnk.

O.A. Nos. 758, 761, 762 of 2014 (SB)

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

Dated : 9.1.2018

Heard Shri P.S. Patil, Id. counsel for the applicants and Shri P.N. Warjurkar, Id. P.O. for the respondents.

Closed for orders along with O.A. 390/2014.

Vice Chairman (J)

dnk.

O.A. 390/2014 (SB)

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

Dated : 9.1.2018

Heard Shri S.M. Pande, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

**Closed for orders along with O.A.
Nos.758,761 & 762 of 2013.**

Vice Chairman (J)

dnk.

O.A. 412/2017 (SB)

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

Dated : 9.1.2018

C.A.277/2017

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

2. Shri Shiralkar, Id. counsel files counter affidavit on behalf of the applicant and submitted that the applicant came to know about the objection taken by one Shakuntala Suryabhan Niradkar alleging to be wife of deceased Suryabhan Niradkar and therefore the Accountant General has not sanctioned the pension. In fact, as per the nomination papers

submitted by the deceased employee, the applicant has been shown as nominee of the deceased employee and therefore the pension case has been sent to the Accountant General. In such circumstances, the Accountant General should have granted family pension to the applicant. However the Accountant General is not party in this case. The learned counsel for the applicant in the counter affidavit has requested that the applicant be allowed to join the Accountant General as party to the proceedings. In my opinion in the interest of justice it will be also necessary to join Shakuntala as party respondent in this O.A.

3. The learned P.O. submits that a notice was served upon Shakuntala to submit the legal heir certificate / succession certificate and the said notice has been served on her. The learned P.O. submits that he will supply the address of Shakuntala to the applicant. The matter be therefore kept in next week for addition of parties. The applicant is allowed to add Shakuntala as well as the Accountant General as party respondents.

4. **S.O. Next week.**

Vice Chairman (J)

dnk.

O.A. 10/2018 (SB)

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

Dated : 9.1.2018

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the State.

2. The applicant a Forest Guard seems to have been posted in the Gondia Division vide order dated 4/11/2016 (A-2,P-8), but vide impugned order dated 26/12/2017 (A-1,P-7) he has been transferred from Dongargaon Depot, Gondia Division to Pratapgarh, Gothangaon Range, Gondia Division. It is stated that the said station is about 75 Kms. from present place of posting and the applicant has been transferred within 12 months.

3. The learned counsel for the applicant submits that the applicant has already filed representations on 27/12/2017 and thereafter on 02/01/2018 for cancellation of his transfer on his personal ground as well as on the ground that his wife is serving in the same Department in Gondia Division. The learned counsel for the applicant submits that the application may be disposed of with direction to respondent nos. 2&3 to take decision on the representations filed by the applicant. I do not find any reason to deny such request. Hence, the following order:-

ORDER

The O.A. No.10/2018 stands disposed of with direction to respondent nos. 2&3 to take decision on the representations filed by the applicant for cancellation of his transfer on its own merits. Such decision shall be taken within six weeks from the date of this order and the decision be communicated to the applicant in writing. No order as to costs.

Vice Chairman (J)

dnk.

O.A. 297/17 with C.A. 337/17 **(SB)**

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

Dated : 9.1.2018

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

2. As per the order dated 1/1/2018, the Joint Director of Vocational Education and Training, Nagpur (R/3) was directed to explain the circumstances as to why the applicant is not being paid salary and to clarify as to whether

there is any post available at Nagpur or whether any employee is due for transfer from Nagpur.

3. It seems from the arguments putforth by the learned P.O. that there is no post available at Nagpur and therefore the salary of the applicant could not be drawn at Nagpur, since he was transferred at Kalmeshwar. The applicant, however, could not join at Kalmeshwar and in the meantime stay was granted. The fact remains that the applicant's post at Nagpur is in excess and therefore salary cannot be drawn and he cannot be adjusted at Nagpur, since there is no post available. However, it is also fact that the applicant is working at Nagpur due to stay granted by this Tribunal. Considering all these aspects, the respondent no.3 is directed to file affidavit giving clarification on the following points :-

(i) To state whether the salary of the applicant can be drawn from Kalmeshwar, in case, the applicant is for the time being directed to join at Kalmeshwar.

(ii) To give statement regarding the Craft Instructors working at Nagpur giving details as regards their date of postings at Nagpur and since on what date they will be due for transfer as per The Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (in short %Transfers Act+).

(iii) Whether the applicant can be considered for transfer at Nagpur in the General Annual Transfers of 2018.

4. The learned P.O. submits that the respondent no.3 will file affidavit in next week.

5. **S.O. Next week.**

Vice Chairman (J)

dnk.