

**ORIGINAL APPLICATION ST. NO. 818/2016**

**(Akhil Ahemad Suleman Juneri Vs. State of Mah. & Ors.)**

**CORAM:HON'BLE SHRI J.D. KULKARNI, MEMBER (J).**

**DATE : 08.09.2016.**

**ORAL ORDER**

Heard Shri Md. Mustafa Ahemad Momin,  
learned Advocate for the applicant and Shri I.S. Throat,  
learned Presenting Officer for the Respondents.

2. The learned Advocate for the applicant submits  
that he has received the copy of the affidavit in reply today  
itself and therefore, he wants to go through it.

3. At the request of learned Advocate for the  
applicant, S.O. to 26.09.2016.

**MEMBER (J)**

08.09.2016-KPB(SB)

**ORIGINAL APPLICATION NO. 549/2016**

**(G.R. Chavan Vs. State of Maharashtra & Ors.)**

**CORAM:HON'BLE SHRI J.D. KULKARNI, MEMBER (J).**

**DATE : 08.09.2016.**

**ORAL ORDER**

Shri H.A. Joshi, learned Advocate for the applicant (**Absent**). Shri S.K. Shirse, learned Presenting Officer for the Respondents, present.

2. Since, nobody appeared for the applicant, S.O. to 10.10.2016.

**MEMBER (J)**

08.09.2016-KPB(SB)

**ORIGINAL APPLICATION NO. 471/2016**

**(Smt. P.S. Desale Vs. State of Maharashtra & Ors.)**

**CORAM:HON'BLE SHRI J.D. KULKARNI, MEMBER (J).**

**DATE : 08.09.2016.**

**ORAL ORDER**

Heard Smt. Ujjwal Agarwal, learned Advocate holding for Shri B.R. Warma, learned Advocate for the applicant and Smt. Resha S. Deshmukh, learned Presenting Officer for the Respondents.

2. The learned Advocate for the applicant submits that she will file rejoinder affidavit during the course of the day and will supply the copy of the same to the respondents in advance. She has requested that the matter be kept on 14.09.2016.

3. Hence, S.O. to 14.09.2016.

**MEMBER (J)**

08.09.2016-KPB(SB)

**ORIGINAL APPLICATION NO. 492/2016**

**(K.T. Pawar Vs. State of Maharashtra & Ors.)**

**CORAM:HON'BLE SHRI J.D. KULKARNI, MEMBER (J).**

**DATE : 08.09.2016.**

**ORAL ORDER**

Heard Shri V.B. Wagh, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

2. The learned Presenting Officer has filed affidavit in reply on behalf of respondent nos. 1 to 3. It is taken on record and copy thereof, has been served upon the learned Advocate for the applicant.

3. The learned Advocate for the applicant seeks time to argue the matter with permission to file rejoinder affidavit, if necessary. Time granted.

4. S.O. to 29.09.2016.

**MEMBER (J)**

08.09.2016-KPB(SB)

**ORIGINAL APPLICATION NO. 467/2016**

**(S.P. Mahajan Vs. State of Maharashtra & Ors.)**

**CORAM:HON'BLE SHRI J.D. KULKARNI, MEMBER (J).**

**DATE : 08.09.2016.**

**ORAL ORDER**

Shri D.J. Patil, learned Advocate for the applicant (**Absent**). Shri D.R. Patil, learned Presenting Officer for the Respondents, present.

2. The learned Presenting Officer has filed affidavit in reply on behalf of respondent no. 1. It is taken on record.

3. S.O. to 04.10.2016 for filing rejoinder affidavit, if necessary.

**MEMBER (J)**

08.09.2016-KPB(SB)

**ORIGINAL APPLICATION NO. 366/2016**

**(Dr. S.H. Wange Vs. State of Maharashtra & Ors.)**

**CORAM:HON'BLE SHRI J.D. KULKARNI, MEMBER (J).**

**DATE : 08.09.2016.**

**ORAL ORDER**

Shri A.N Gaddime, learned Advocate for the applicant (**Absent**). Shri S.K. Shirse, learned Presenting Officer for the Respondents no. 1 to 3, present. Shri P.D. Suryawanshi, leaned Advocate for respondent no. 4, **absent**.

2. The learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 10.10.2016.

**MEMBER (J)**

08.09.2016-KPB(SB)

**ORIGINAL APPLICATION NO. 323/2016**

**(Smt. Sarla R. Sutar Vs. State of Maharashtra & Ors.)**

**CORAM:HON'BLE SHRI J.D. KULKARNI, MEMBER (J).**

**DATE : 08.09.2016.**

**ORAL ORDER**

Heard Shri Chetan Bhadane, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. The learned Presenting Officer has filed affidavit in reply on behalf of respondent nos. 1 and 2. It is taken on record and copy thereof, has been served upon the learned Advocate for the applicant.

3. The learned Advocate for the applicant seeks time to file rejoinder affidavit, if necessary. Time granted.

4. S.O. to 22.09.2016.

**MEMBER (J)**

08.09.2016-KPB(SB)

**ORIGINAL APPLICATION NO. 261/2016**

**(B.M. Darade Vs. State of Maharashtra & Ors.)**

**CORAM:HON'BLE SHRI J.D. KULKARNI, MEMBER (J).**

**DATE : 08.09.2016.**

**ORAL ORDER**

Shri V.L. Dhoble, learned Advocate for the applicant (**Absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents, present.

2. The learned Chief Presenting Officer seeks time to file affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 14.10.2016.

**MEMBER (J)**

08.09.2016-KPB(SB)



**ORIGINAL APPLICATION NO. 253/2016**

**(M.N. Tadvı Vs. State of Maharashtra & Ors.)**

**CORAM:HON'BLE SHRI J.D. KULKARNI, MEMBER (J).**

**DATE : 08.09.2016.**

**ORAL ORDER**

Shri M.M. Bhokarimkar, learned Advocate for the applicant (**Absent**). Smt. Resha S. Deshmukh, learned Presenting Officer for the Respondents no. 1 to 3 and Smt. Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for respondent no. 4, are present.

2. The learned Presenting Officer has filed affidavit in reply on behalf of respondent no. 3. It is taken on record and copy thereof has been served upon the other side.

3. The learned Advocate for respondent no. 4 seek time to file affidavit in reply. Time granted.

4. S.O. to 17.10.2016.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 188/2016**

**(Smt. Jyoti V. Rathod Vs. State of Maharashtra & Ors.)**

**CORAM:HON'BLE SHRI J.D. KULKARNI, MEMBER (J).**

**DATE : 08.09.2016.**

**ORAL ORDER**

Shri A.U. Pawar/Mujahedul Haque, learned Advocate for the applicant (**Absent**). Shri M.P. Gude, learned Presenting Officer for the Respondents no. 1 & 2 and Shri Ashish Rajkar, learned Advocate for respondent no. 4, are present. Shri Sachin S. Deshmukh, learned Advocate for respondent no. 3, **absent**.

2. The learned Presenting Officer has filed affidavit in reply on behalf of respondent no. 2. It is taken on record and copy thereof, has been served upon the other side.

3. The learned P.O. submits that the reply of respondent no. 1 is not necessary.

4. The learned Advocate for respondent no. 4 seeks time to file affidavit in reply. Time granted.

5. S.O. to 10.10.2016.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 800/2015**

**(D.K. Kulkarni Vs. State of Maharashtra & Ors.)**

**CORAM:HON'BLE SHRI J.D. KULKARNI, MEMBER (J).**

**DATE : 08.09.2016.**

**ORAL ORDER**

Shri D.T. Devane, learned Advocate holding for Shri M.B. Kolpe learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondents.

2. The learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent nos. 1 to 3. Time granted.

3. S.O. to 07.10.2016.

**MEMBER (J)**

08.09.2016-KPB(SB)

**ORIGINAL APPLICATION NO. 912/2011**

**(Khan Mahemood Khan Vs. State of Maharashtra & Ors.)**

**CORAM:HON'BLE SHRI J.D. KULKARNI, MEMBER (J).**

**DATE : 08.09.2016.**

**ORAL ORDER**

Heard Shri H.I. Pathan, learned Advocate for the applicant and Smt. Deepali S. Deshpande, learned Presenting Officer for the Respondents.

2. The learned Advocate for the applicant submits that he will tender the copy of the representation, which he has filed on 18.01.2016 to the respondents along with copy of the judgment of the Hon'ble High Court.

3. The learned Presenting Officer submits that she will take instructions as to whether the said representation is received by the respondents and if yes, within how many days a decision can be taken on the said representation, for that purpose the learned Presenting Officer seeks time till 16.09.2016. Time granted.

4. Hence, S.O. to 16.09.2016.

**MEMBER (J)**

**ORIGINAL APPLICATION NO. 650 OF 2016**

(Shri R. K. Ratnaparkhi Vs. The State of Maharashtra & Ors.)

**CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)**

DATE :- 08.09.2016

**Oral Order :-**

1. Heard Shri Avinash Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The applicant – Shri Ramesh K. Ratnaparkhi – is serving as a Police Inspector at Dhule. At the time of his suspension he was serving at Dhule Taluka Police Station. According to the applicant, he was transferred from Dhule Taluka Police Station to the Human Resources Development Branch in Police Control Room, Dhule. That order was challenged by the applicant before this Tribunal by filing O.A. no. 583/2016. In the said O.A. the interim order was passed on 25.7.2016 and the res. No. 2 was directed not to relieve the applicant from Dhule Taluka Police Station till further orders. According to the applicant, the said order was served on res. No. 2 on 26.7.2016 and being aggrieved by such action on the part of the applicant, the impugned order of suspension has been issued on 29.7.2016 as per Annex. A.5. The said order is passed by the res. No. 2 i. e. by the S.P., Dhule.

3. The learned Counsel for the applicant has placed on record the list of the competent authorities, who can pass the suspension order in respect of P.I. and as per the said

notification dated 12.1.2011 (Annex. A.6), the lowest authority to keep the Police Officer of the rank of P.I. under suspension is Special Inspector General of Police of that Division. The impugned order of suspension has been passed by the res. No. 2 – the S.P., Dhule.

4. The learned Counsel for the applicant has invited my attention to various judgments delivered by this Tribunal such as O.A. nos. 691 with 703 both of 2013 and O.A. no. 196/2014 wherein it has been held that the S.P. has no authority to pass suspension order in respect of Police Officer up to the rank of P.I.

5. Thus, prima-facie, the impugned order of suspension seems to be without authority and, therefore, res. No. 2 is directed to file affidavit stating therein as to what steps he wants to take in view of aforesaid judicial pronouncements.

6. S.O. to 16.9.2016.

7. Steno copy allowed for the use of learned C.P.O. for the respondents.

**MEMBER (J)**

**MA NO. 167/2016 in O.A. NO. 217/2016**

(Smt. Rohini M. Patil Vs. The State of Maharashtra & Ors.)

**CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)**

DATE :- 08.09.2016

**Oral Order :-**

1. Heard Shri A.I. Deshmukh, learned Advocate for the applicant in misc. application, Smt. Sanjivani Deshmukh Ghate, learned Presenting Officer for the respondent nos. 2 to 4 and Smt. Ujjwal Agarwal, learned Counsel for res. No. 1 in the M.A. / applicant in O.A.
2. Smt. Agarwal, learned Counsel for res. No. 1 in misc. application submits that she will file reply to the misc. application for intervention, during the course of the day.
3. In view thereof, S.O. to 29.9.2016.

**MEMBER (J)**

ARJ 08.09.2016 (S.B.)

**M.A. 388/15 WITH M.A. ST. 860/15 IN O.A. ST. 861/15  
M.A. 389/15 WITH M.A. ST. 864/15 IN O.A. ST. 865/15  
M.A. 390/15 WITH M.A. ST. 858/15 IN O.A. ST. 859/15  
M.A. 392/15 WITH M.A. ST. 871/15 IN O.A. ST. 872/15  
M.A. 393/15 WITH M.A. ST. 873/15 IN O.A. ST. 874/15  
M.A. 394/15 WITH M.A. ST. 875/15 IN O.A. ST. 876/15  
M.A. 395/15 WITH M.A. ST. 866/15 IN O.A. ST. 867/15  
M.A. 396/15 WITH M.A. ST. 862/15 IN O.A. ST. 863/15  
M.A. 397/15 WITH M.A. ST. 869/15 IN O.A. ST. 870/15**

**CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).**

**(This matter is placed before Single Bench  
due to non-availability of Division Bench)**

**DATE : 08.09.2016.**

**ORAL ORDER:-**

Shri A.S. Shelke, learned Advocate for the Applicants in these M.A.s. and Shri M.S. Mahajan, learned Chief Presenting Officer for respondent nos. 1 to 5 in these M.As. and Shri Vivek Bhavthankar, learned Special counsel for respondent no. 6 in these M.As.

2. At the request of learned Advocate for the applicants, S.O. to 14.10.2016.

**MEMBER (J)**

08.09.2016-KPB(DB)



**ORIGINAL APPLICATION NO. 138 OF 2016**

{Dr. Sk. Faiz. Md. s/o Noor Md. Vs. State of Mah. & Ors.}

**CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)**  
**(This matter is placed before the Single Bench**  
**due to non-availability of Division Bench.)**

**DATE :- 08.09.2016**

**Oral Order :-**

1. Heard Shri I.D. Maniyar, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.

2. This is a case where the applicant has tendered application for voluntary retirement and no decision was taken thereon by the res. Authorities within 90 days from the date of receipt of such application. Proviso to Rule 266 (1) & (2) of the M.C.S. (Pension) Rules, 1982 makes it crystal clear that if the applicant tendered an application for voluntary retirement and the same is not decided within 90 days, then it shall be presumed that the said applicant is accepted after the period of expiry of three months.

3. On 21.7.2016 while granting time to the respondents to file reply, it was specifically observed therein that the respondents shall file reply without fail on the next date or else the matter shall be taken up for final disposal. In spite of said specific observations, no reply was filed on the adjourned date i.e. on 1.9.2016. Again it was made clear in the order dated 1.9.2016 that the matter will be heard on merits without reply, if the same is not file on the next date i. e. on today. Today also no reply is filed. The learned P.O. seeks time to file reply.

4. In view of the aforesaid observations, no further time can be granted. The learned P.O., however, submits that the matter be taken up on 14.9.2016.

5. The learned P.O. is directed to argue the matter on merit on the next date and in the meantime he may file reply and copy thereof be served upon the learned Counsel for the applicant in advance.

6. S.O. to 14.9.2016.

7. Steno copy allowed for the use of learned P.O. for the respondents.

**MEMBER (J)**

ARJ 08.09.2016 (D.B.)

ORIGINAL APPLICATION NO.721/2016.

( P.V. Marwale Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--08.09.2016.

ORAL ORDER:-

Heard Shri VB Wagh, learned Advocate for the applicant and Shri MS Mahajan, learned Chief Presenting Officer for the Respondents.

2. The Applicant Pradeep Marwale is the Deputy Collector (Rehabilitation), at Latur. He has been transferred as Deputy Collector (EGS) at Nanded vide impugned order dated 6.9.2016. The said order is passed in view of the letter issued by Election Commission dated 1.2.2016. The learned Advocate for the applicant has placed on record the interim orders passed in various petitions by the Hon'ble High Court, Bombay as well as Aurangabad wherefrom it seems that, the issue of validity of the letter issued by the Election Commission to transfer the local Officers during election period has been challenged and Hon'ble High Courts have issued either status quo orders or granted stay for such transfer orders passed in view of the letter of the Election Commission.

3. The learned Advocate for the applicant has also placed on record number of judgments delivered by

-2- ORIGINAL APPLICATION NO.721/2016.

this Tribunal in OA Nos. 871/2016, 658/2016 with 659/2016, 660/2016, 693/2016 etc. wherein the similar transfers on the basis of letter issued by the Election Commission are either stayed or status quo orders are passed. Admittedly, the applicant is not due for transfer and he is serving as Deputy Collector at Latur from 15.5.2015 and has not completed his tenure. He has not yet been relieved.

5. Learned C.P.O. submits that he will take instructions in this regard and will make a statement. It is also stated that, similar matters are fixed on 27.9.2016. Hence, issue notices to the respondents, returnable on 27.9.2016. In the meantime the respondents are directed not to relieve the applicant till filing reply by the respondents.

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

7. Applicants are authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of Rev. Application. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

-3- ORIGINAL APPLICATION NO.721/2016.

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

9. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.

10. S.O. 27.09.2016.

11. Steno copy & Hamdust allowed to both the parties.

MEMBER (J)

08.09.2016-ATP (SB)

ORIGINAL APPLICATION NO.528/2014.

(Smt. S.S. Pedapalli Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--08.09.2016.

ORAL ORDER:-

Heard Shri Sonpethkar, learned Advocate for the applicant and Shri IS Thorat, learned Presenting Officer for the Respondents.

2. The learned P.O. files reply affidavit on behalf of Respondent no.2. Same is taken on record. Its copy is served on the applicant.

3. Since the pleadings are complete, the matter is admitted and kept for final hearing on 14.10.2016.

4. S.O. to 14.10.2016.

MEMBER (J)

08.09.2016-ATP (SB)

ORIGINAL APPLICATION NO.767/2015.

(RS Patil Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--08.09.2016.

ORAL ORDER:-

None present for the applicant. Heard Shri NU Yadav, learned Presenting Officer for the Respondent no.1. None present for the Respondents no.2 & 3.

2. Since the pleadings are complete, the matter is admitted and kept for final hearing on 14.10.2016.

4. S.O. to 14.10.2016.

MEMBER (J)

08.09.2016-ATP (SB)

ORIGINAL APPLICATION NO.22/2013.

( DU Borse Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--08.09.2016.

ORAL ORDER:-

None present for the applicant. Smt RS Deshmukh,  
learned Presenting Officer for the Respondents.

2. Since nobody present for the applicant, S.O. to  
14.10.2016 for final hearing.

MEMBER (J)

08.09.2016-ATP (SB)



ORIGINAL APPLICATION NO.205/2013.

(BS Londhe Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--08.09.2016.

ORAL ORDER:-

Heard Shri MB Sandanshiv, learned Advocate holding for Shri DN Gilchi, learned Advocate for the applicant and Shri MP Gude, learned Presenting Officer for the Respondents.

2. The applicant has prayed for direction to the respondent authority to grant him deemed date of promotion from 1.11.1978. The learned Advocate for the applicant pointed out to one communication dated 14.9.2004 whereby the Dean, Swami Ramanand Tirth Rural Medical College, Ambejogai has written a letter to the Director, Medical Education & Research, Mumbai and requested to take decision in the case of the applicant. However, till today no such decision is taken. Learned P.O. is therefore, directed to take instructions as to what happen in this regard and to make a statement on next date.

3. S.O. to 27.9.2016.

MEMBER (J)

08.09.2016-ATP (SB)

ORIGINAL APPLICATION NO.647/2013.

(DM Kulkarni Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--08.09.2016.

ORAL ORDER:-

Heard Shri VB Wagh, learned Advocate for the applicant and Shri SK Shirse, learned Presenting Officer for the Respondents.

2. The learned Advocate for the applicant seeks time to argue the matter. Time granted.
3. S.O. to 27.9.2016.

MEMBER (J)

08.09.2016-ATP (SB)

ORIGINAL APPLICATION NO.308/2014.

( AN Paikrao & Ors. Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--08.09.2016.

ORAL ORDER:-

Heard Shri KM Nagarkar, learned Advocate holding for Shri RS Shejule, learned Advocate for the applicant and Shri , learned Presenting Officer for the Respondents.

2. The learned Advocate for the applicant seeks time. Time granted.

3. S.O. to 4.10.2016.

MEMBER (J)

08.09.2016-ATP (SB)

ORIGINAL APPLICATION NO. 517/2015.

( Pathan W. Yunuskhan Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--08.09.2016.

ORAL ORDER:-

None present for the applicant and Shri MS Mahajan, learned Chief Presenting Officer for the Respondents.

2. Since nobody present for the applicant, S.O. to 4.10.2016 for final hearing.

MEMBER (J)

08.09.2016-ATP (SB)

ORIGINAL APPLICATION NO.759/2015.

( YD Netkar Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--08.09.2016.

ORAL ORDER:-

None present for the applicant and Shri MS Mahajan, learned Chief Presenting Officer for the Respondents.

2. Since nobody present for the applicant, S.O. to 14.10.2016 for final hearing.

MEMBER

(J)

08.09.2016-ATP (SB)