

**O.A. No. 853/2011 (S.B.)**

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

**Dated : 02<sup>nd</sup> Nov. 2017.**

**M.C.A.36 & 37 of 2017:-**

Heard Shri S.S.More, Id. counsel for the applicant. Shri Pandey, the learned P.O. for respondents.

The O.A. was dismissed in default on 05/04/2017. It is stated that the applicant's advocate himself was ill and due to illness he could not appear before the Tribunal and, therefore, the applicant had requested that the matter be restored. The application is filed alongwith the affidavit of the Advocate.

For the reasons stated in the application and in the interest of justice the application for restoration and for condonation of delay is allowed. The Id. counsel for the applicant further submits that he is ready to argue the matter on merits, considering the fact that the O.A. is of 2011 is be kept tomorrow for final hearing.

**S.O. 03.11.2017.**

Vice-Chairman(J)

**O.A. No. 300/2017 (S.B.)**

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

**Dated : 02<sup>nd</sup> Nov. 2017.**

Heard Shri Sagar Katkar, Id. counsel for the applicant. Shri S.A.Sainis, the learned P.O. for Respondents.

The applicant is a Live Stock Development Officer and has served for more than eight years in Naxal affected area. It seems that he was posted at Sironcha from 1996 to 2004 and thereafter at Village Kanheri from 2010 to 2012 and Sakoli from 2012 to 2017. All these areas are Naxal affected areas. Vide impugned order dated 31/05/2017, the applicant is again posted from Sakoli to Armori which is also a Naxal affected area.

The applicant has given options for choice at Bhandara, Nagpur and Umred, but the same had not been considered. In the Rejoinder affidavit, it is stated that the posts at Mohadi in District Bhandara as well as at Village Paoni and Nagpur are vacant. The Id. P.O. is therefore, directed to take instructions as to whether the posts mentioned in the counter affidavit filed

by the applicant at P.B., page no.26 are still vacant and if yes, whether the applicant can be accommodated on any of the posts.

**S.O. Two Weeks. (P.H.)**

**Steno copy is allowed.**

Vice-Chairman(J)

aps

**O.A. No. 538/2016 (S.B.)**

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

**Dated : 02<sup>nd</sup> Nov. 2017.**

Shri P.P.Khaparde, Id. counsel for the applicant. Smt. S.V.Kolhe, the learned P.O. for Respondents.

The Id. P.O. has filed the reply affidavit on behalf of the Respondents no. 1 & 6 as directed in the order dated 20/07/2017. The same is taken on record. Copy is received by the applicant. The Id. counsel for the applicant submits that he wants to take instructions on this affidavit and seeks one week time to argue the matter.

**S.O. One Week (P.H.)**

Vice-Chairman(J)

aps

**O.A. No. 670/2017 (S.B.)**

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

**Dated : 02<sup>nd</sup> Nov. 2017.**

**C.A.No. 430/2017:-**

Shri Sagar Katkar, Id. counsel for the applicant. Smt. S.V.Kolhe, the learned P.O. for Respondents.

By this C.A., the applicants are seeking leave to sue jointly. 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.

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

Vice-Chairman(J)

aps

**O.A. No. 705/2017 (S.B.)**

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

**Dated : 02<sup>nd</sup> Nov. 2017.**

**C.A.No. 469/2017:-**

Shri P.P.Khaparde, Id. counsel for the applicant. Shri M.I.Khan, the learned P.O. for Respondents.

At the request of Id. counsel for the applicant, **S.O. four weeks.**

Vice-Chairman(J)

aps

**O.A. No. 604/2017 (S.B.)**

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

**Dated : 02<sup>nd</sup> Nov. 2017.**

Shri R.R.Prajapati, Id. counsel for the applicant. Smt. S.V.Kolhe, the learned P.O. for Respondent no. 3. Await service of R-1 & 2.

The Id. counsel for the applicant submits that both the Respondents have been served and he will file service affidavit tomorrow.

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

Vice-Chairman(J)

aps

**O.A. No. 720/2017 (S.B.)**

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

**Dated : 02<sup>nd</sup> Nov. 2017.**

Shri V.R.Choudhari, Id. counsel for the applicant. Shri M.I.Khan, the learned P.O. for State.

2. Issue fresh notice to R-2 to 4, returnable within four weeks. Learned P.O. waives notice for R-1. Hamdast allowed.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. 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.
5. 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.



6. 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.

7. **S.O. Four Weeks.**

Vice-Chairman(J)

aps

**O.A. No. 721/2017 (S.B.)**

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

**Dated : 02<sup>nd</sup> Nov. 2017.**

Shri C.N.Funde, Id. counsel for the applicant. Shri V.A.Kulkarni, the learned P.O. for Respondent no. 1. Await service of R-2.

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

Vice-Chairman(J)

aps

**O.A. No. 722/2017 (S.B.)**

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

**Dated : 02<sup>nd</sup> Nov. 2017.**

Shri C.N.Funde, Id. counsel for the applicant. Shri V.A.Kulkarni, the learned P.O. for Respondent no. 1. Await service of R-2.

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

Vice-Chairman(J)

aps

**O.A. No. 739/2017 (S.B.)**

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

**Dated : 02<sup>nd</sup> Nov. 2017.**

Shri N.R.Saboo, Id. counsel for the applicant. Shri V.A.Kulkarni, the learned P.O. for Respondent no. 1. Await service of R-2 & 3.

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

Vice-Chairman(J)

aps

**O.A. No. 789/2017 (S.B.)**

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

**Dated : 02<sup>nd</sup> Nov. 2017.**

Shri S.B.Tiwari, Id. counsel for the applicant. Shri M.I.Khan, the learned P.O. for Respondent no. 1. Await service of R-2 & 3.

The Id. counsel for the applicant submits that he will file the service affidavit in respect of Respondents no 2 & 3.

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

Vice-Chairman(J)

aps

**O.A. No. 805/2016 (S.B.)**

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

**Dated : 02<sup>nd</sup> Nov. 2017.**

Shri S.Khandekar, Id. counsel for the applicant. Shri Khadatkar, the learned P.O. for Respondents.

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

The Id. P.O. waives notice for the Respondents.

**S.O. Four Weeks.**

Vice-Chairman(J)

aps

**O.A. No. 132/2017 (S.B.)**

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

**Dated : 02<sup>nd</sup> Nov. 2017.**

Shri S.P.Palshikar, Id. counsel for the applicant. Shri Khadatkar, the learned P.O. for Respondents.

The Id. counsel for the applicant seeks time to file Rejoinder, **S.O. Two Weeks.**

Vice-Chairman(J)

aps

**O.A. No. 142/2017 (S.B.)**

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

**Dated : 02<sup>nd</sup> Nov. 2017.**

Shri S.P.Palshikar, Id. counsel for the applicant. Shri S.A.Sainis, the learned P.O. for Respondents.

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

The Id. P.O. waives notice for the Respondents.

**S.O. Four Weeks.**

Vice-Chairman(J)

aps



**O.A. No. 432/2017 (S.B.)**

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

**Dated : 02<sup>nd</sup> Nov. 2017.**

Shri N.D.Thombre, Id. counsel for the applicant. Shri A.P.Potnis, the learned P.O. for Respondents.

The Id. P.O. seeks time to file reply, as a last chance. The Respondents are directed not to recover the amount till the reply.

**S.O. Two Weeks.**

Vice-Chairman(J)

aps

**O.A. No. 647/2017 (S.B.)**

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

**Dated : 02<sup>nd</sup> Nov. 2017.**

Shri Sudame, Id. counsel for the applicant. Shri A.P.Potnis, the learned P.O. for Respondents no. 1 to 5. Shri H.S.Ghui, the applicant in person for Respondent no. 6.

The Id. counsel for the applicant submits that he wants to file some documents, which he received under R.T.I.

**S.O. Two Weeks.**

Vice-Chairman(J)

aps

**O.A. No. 727/2017 (S.B.)**

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

**Dated : 02<sup>nd</sup> Nov. 2017.**

Shri D.R.Darnik, Id. counsel for the applicant. Shri M.I.Khan, the learned P.O. for Respondents no.1 to 3. None for R-4.

The Id. P.O. seeks time to file reply,  
**S.O. Two Weeks.**

Vice-Chairman(J)

aps

**O.A. No. 294/2017 (S.B.)**

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

**Dated : 02<sup>nd</sup> Nov. 2017.**

**C.A.365/2017:-**

Shri S.N.Gaikwad, Id. counsel for the applicant. Shri Khadatkar, the learned P.O. for Respondents no.1 & 2. Shri A.P.Tathod, Id. counsel for R-3.

At the request of Id. counsel for the applicant and Id. counsel for Respondent no. 3, **S.O. Monday i.e. 06.11.2017 (P.H.).**

Vice-Chairman(J)

aps

**O.A. No. 187/2017 (S.B.)**

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

**Dated : 02<sup>nd</sup> Nov. 2017.**

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

**S.O. four weeks.**

Vice-Chairman(J)

aps

O.A. No. 402/2014 (DB)

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

**Dated : 2.11.2017**

**C.A.394/2015 in C.P. St.1576/15**

Shri S.P. Palshikar, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1. None for R-2.

**S.O. 6/11/2017** along with Rev.App. 03/2016 in O.A.402/2014 (SB).

**Vice Chairman (J)**

dnk.

Rev.App. 03/2016 in O.A.402/2014(SB)

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

**Dated : 05.10.2017.**

None for the applicant (Original Resp.No.2), Shri S.P. Palshikar, Id. counsel

for R-1 (Org. applicant) and Shri V.A. Kulkarni, Id. P.O. for R-2& 3 (Org.R-1&3).

**S.O. 6/11/2017 along with C.A. 394/15 in C.P. St. 1576/15 in O.A.402/2014 (D.B.)**

**Vice Chairman (J)**

dnk.

O.A. No. 687/2014 (DB)

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

**Dated : 2.11.2017**

**C.A.151/2016 in C.P.St.615/2016**

None for the applicant.

Smt. S.V. Kolhe, Id. P.O. for R-1 to 3.  
None for R-4 to 6.

The compliance is to be made by  
respondent nos. 4&5.

**S.O. 10/11/2017.**

**Vice Chairman (J)**

dnk.

O.A. No. 703/2016 (DB)

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

**Dated : 2.11.2017**

Heard Shri S.V. Sohoni, Id. counsel  
for the applicant and Smt. S.V. Kolhe, Id.  
P.O. for the respondents.

**Closed for orders.**



**Vice Chairman (J)**

dnk.

O.A. No. 61/2010 (DB)

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

**Dated : 2.11.2017**

**C.A.270/16 in C.P.St.1057/16**

Shri Bharat Kulkarni, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1&2. None for R-3.

2. The learned counsel for the applicant submits that as per the order passed by this

Tribunal the respondents were to pay interest, however, same is not paid till today.

3. The learned counsel for the applicant is directed to submit a statement as regards interest to be recovered from the State.

**S.O. three weeks.**

**Vice Chairman (J)**

dnk.

O.A. No. 112/2015 (DB)

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

**Dated : 2.11.2017**

**C.A.281/2016 in C.P.St.1092/2016**

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

2. The learned P.O. files Statement on record compliance to the order. Same is marked Exh-X for the purpose of identification.

3. The learned counsel for the applicant submits that he has not received the amount as mentioned in the Statement. It seems that the bills are submitted to the Treasury Office. The respondents are directed to see that amount is to be paid till the next date.

4. **S.O. 10/11/2017.**

**Vice Chairman (J)**

dnk.

O.A. No. 90/2016 (DB)

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

**Dated : 2.11.2017**

**C.A.254/2017 in C.P.St.861/2017**

None for the applicant.

Shri S.A. Sainis, Id. P.O. for the respondents.

**S.O. 10/11/2017.**

**Vice Chairman (J)**

dnk.

O.A. No. 804/2015 (DB)

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

**Dated : 2.11.2017**

**C.A.436/17 in C.P.St.2459/17**

Heard Shri Bharat Kulkarni, Id. counsel for the applicants and Shri S.A. Sainis, Id. P.O. for the respondents.

2. At per the order passed in O.A.804/2015 on 13/2/2017 the respondent nos. 3&4 were directed to fix the seniority of the applicants in accordance with the instructions given in the Judgment within a period of one month from the date of order.

3. The learned P.O. has placed on record one communication received by him from the District Malaria Officer, Yavatmal. It is marked Exh-X for the purposes of

identification. The said letter is very vague and it seems that the respondent no.3 is not knowing as to whether the proposal has been sent by respondent no.3 to the competent authority. The respondent nos. 2,3&4 are therefore directed to appear before this Tribunal on 10/11/2017.

**S.O. 10/11/2017.**

**Vice Chairman (J)**

dnk.

O.A. No. 314/2017 (DB)

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

**Dated : 2.11.2017**

**C.A.438/17 in C.P.St.2462/17**

Shri D.T. Shinde, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

2. As per the order dated 8/6/2017 in O.A.314/2017 the respondent no.1 was to decide the appeal filed by the applicant on 2/5/2017 within two months from the date of the order. Till today the appeal is not decided. The learned P.O. submits that he has received instructions that the charge sheet is to be filed against the applicant. However filing of charge sheet has nothing to do for complying with the order. The learned P.O. seeks time to take instructions as to what is the status of the appeal and for that purpose he seeks time.

The matter be kept on **10/11/2017**.

**Vice Chairman (J)**

dnk.

O.A. No. 366/2015 (DB)

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

**Dated : 2.11.2017**

**C.A.462/17 in C.P.St.2492/17**

Shri S.R. Charpe, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. The learned P.O. files affidavit in contempt reply on behalf of respondent no.3. It is taken on record. Copy is served on the applicant.

Matter be kept on **10/11/2017**.

**Vice Chairman (J)**

dnk.

O.A. No. 808/2016 (DB)

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

**Dated : 2.11.2017**

**C.A. 512/17 in C.P.St.2788/17**

1. Heard Shri N.S. Badhe, Id. Advocate for the applicants and Shri A.P. Potnis, Id. P.O. for the State.
2. Notice on application to respondent nos. 1 to 3 be issued returnable in **two weeks**. Hamdast granted.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. 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 the O.A.
5. 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.



6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with an affidavit of compliance in the Registry as far as possible once week before the date fixed by this Tribunal. Applicant is directed to file Affidavit of compliance and notice.

7. **S.O. two weeks.**

**Vice Chairman (J)**

dnk.

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

**Dated : 2.11.2017**

Heard Shri P.C. Marpakwar, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. As per the order passed in O.A. 849/2014 on 9/2/2016 the following directions were issued :-

*“(a) Para 5 (2) of the impugned order dated 30/10/2014, whereby it is stated that the applicant’s service for the period from 11/5/1990 to 8/7/2008 is deemed to be temporary and cannot be included in his regular service, is quashed and set aside.*

*(b) The respondents are directed to treat the above period of his serve as regular service for all purposes.*

*(c) The respondents will issue an order in this regard within 8 weeks of receipt of this order”.*

3. The respondents have filed affidavit and along with communication Exh-X dated 12/10/2017 from which it seems that the directions given in the order have been complied and the applicant’s service period

from 11/5/1990 to 8/7/2008 as regular service period for all purposes.

4. The learned counsel for the applicant however submits that even though the service period has been treated as regular service but the applicant has not yet been paid salary as well as due amount for that period and therefore the order is not complied in later and spirit. In the O.A. the applicant did not claim the arrears as regards salary and other due payment and therefore the applicant will be at liberty to file separate O.A. for claiming monetary benefits that may be admissible arising out of order passed in O.A.849/2014 and consequent to communication dated 12/10/2017.

5. In view thereof, the Contempt Petition stands disposed of with no order as to costs.

**Vice Chairman (J)**

dnk.