

O.A. No. 249/2017 (S.B.)

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

Dated : 09th Nov. 2017.

Heard Shri J.S.Deshmukh, Id. counsel for the applicant. Shri S.A.Deo, the learned C.P.O. for Respondents.

The Id. counsel for the applicant submits that his client is not responding on telephone and, therefore, he cannot file application for condonation of delay nor he can withdraw the O.A. Prima facie it seems that the applicant's father has died in the year 1998 and on his post the applicant is claiming appointment on compassionate ground. The Id. C.P.O. submits that the application is barred by limitation. The applicant however, has kept on record some correspondence from which it seems that the earlier communications are made by his mother. She also requested that her son's name be considered. In view of this the Id. C.P.O. may file short affidavit in reply as regards maintainability of the O.A. or may file detailed reply to the O.A.

S.O.21/12/2017.

Vice-Chairman(J)

O.A. No. 617/2013 (S.B.)

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

Dated : 09th Nov. 2017.

Heard Shri J.C.Shukla, Id. counsel for the applicant. Shri P.N.Warjurkar, the learned P.O. for the Respondents no. 1 to 3. None for Respondent no. 4.

Closed for orders.

Vice-Chairman(J)

aps

O.A. No. 631/2014 (S.B.)

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

Dated : 09th Nov. 2017.

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

**S.O. Tomorrow i.e. 10/11/2017
(P.H.)**

Vice-Chairman(J)

aps

O.A. No. 433/2014 (S.B.)

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

Dated : 09th Nov. 2017.

None for the applicant. Shri
A.M.Ghogre, the learned P.O. for the
Respondents.

S.O. Tomorrow i.e. 10/11/2017.

Vice-Chairman(J)

aps

O.A. No. 482/2014 (S.B.)

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

Dated : 09th Nov. 2017.

None for the applicant. Shri A.P.Potnis, the learned P.O. for the Respondents no. 1 & 2. None for Respondents no. 3 to 5.

It seems that the applicant has already been paid all the earned leave encashment from 01/06/2013 to 30/06/2013. The only claim remaining is the interest. The interest was Rs.3,000/- . The applicant may file separate representation for interest. The applicant's grievance has been redressed. As the Id. counsel for the applicant and his counsel are absent today, it seems that the applicant may not be interested in prosecuting the O.A. Hence it be kept for passing necessary orders. **S.O.30/11/2017.**

Vice-Chairman(J)

aps

O.A. No. 610/2013 (S.B.)

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

Dated : 09th Nov. 2017.

Shri Bharat Kulkarni, Id. counsel for the applicant. Shri P.N.Warjurkar, the learned P.O. for the Respondents.

The Id. P.O. has filed the reply affidavit on behalf of the Respondent no. 1 to 5 to the amended O.A. It is taken on record. Copies are served to the applicant.

At the request of Id. counsel for the applicant, **S.O. Next Week.**

Vice-Chairman(J)

aps

O.A. No. 340/2017 (S.B.)

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

Dated : 09th Nov. 2017.

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

The applicant is working as a Staff Nurse at Sub District Hospital, Armori w.e.f. 11/10/2007. The applicant's husband is working at Bhandara and, therefore, she has requested that she may be transferred to Bhandara. However, her request is not being considered since long. Now, the applicant has completed almost more than 10 years at Gadchiroli which is a Naxalite affected area and, therefore, she is entitled to claim choice posting.

In view of the aforesaid circumstances, vide order dated 11/09/2017, the Id. P.O. was requested to take instructions from Director of Public Health i.e. Respondent no. 2, as to whether the applicant can be accommodated at any of the choice posting given by her in her request letter and if not, why? The Id. P.O., as per the instructions submits that two

posts are lying vacant at Bhandara. But he has not received any instructions as to whether the applicant can be accommodated in the above said place.

The Id. counsel for the applicant invited my attention to the representation filed by the applicant on 28/02/2017 in which she has requested for transfer at Bhandara in the District Hospital or in Police Hospital. No order has been passed on this representation. The Id. counsel for the applicant submits that the application can be disposed off with a direction to Respondent no. 2 to consider applicant's representation dated 28/02/2017 within a time frame limit. In view thereof, the following order:-

ORDER

1. The application stands disposed off with a direction to the Respondent no. 2 to consider the application/ representation filed by the applicant dated 28/02/2017 for transfer to Bhandara and in view of the case made out by the applicant as well as in view of the fact that the applicant is serving at Gadchiroli from 2007.

2. A decision on the representation be taken within four weeks from the date of this order and shall be communicated to the applicant in writing.
3. No order as to costs.
Steno copy be granted.

Vice-Chairman(J)

aps

O.A. No. 330/2017 (S.B.)

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

Dated : 09th Nov. 2017.

Shri P.V.Thakre, Id. counsel for the applicant. Shri Pandey, the learned P.O. for the Respondents no. 1 to 3. Shri S.N.Gaikwad, Id. counsel for Respondent no. 4.

The Id. P.O. has filed the reply on behalf of the Respondent no. 3. It is taken on record. Copy is served to the applicant. The Id. counsel for Respondent no. 4 submits that he will file reply affidavit on Monday. The applicant may also file Rejoinder, if necessary on Monday.

S.O. Monday i.e. 13.11.2017

Vice-Chairman(J)

aps

O.A. No. 779/2017 (S.B.)

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

Dated : 09th Nov. 2017.

Shri Jibhkate, Id. counsel for the applicant. Shri M.I.Khan, the learned P.O. for the Respondents no. 1 to 3. Await service of Respondents no. 4.

The Id. P.O. has filed the reply affidavit on behalf of the Respondents no. 1 to 3. The same is taken on record. Copy is served to the applicant. The Id. counsel for the applicant submits that he may be permitted to file amendment application to the O.A. and will serve the Respondent no. 4.

S.O. Four Weeks.

Vice-Chairman(J)

aps

O.A. No. 296/2017 (S.B.)

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

Dated : 09th Nov. 2017.

Shri S.N.Gaikwad, Id. counsel for the applicant. Shri S.A.Sainis, the learned P.O. for the Respondents no. 1. Await service of Respondents no. 2 & 3.

The Id. P.O. has placed on record the copy of the documents which has been marked as exh-X. The Id. counsel for the applicant submits that the grievance of the applicant has already been redressed and, therefore, the applicant wants to withdraw the O.A. and seeks permission for the same. In view thereof the application stands disposed of as withdrawn. No order as to costs.

Vice-Chairman(J)

aps

O.A. No. 271/2017 (S.B.)

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

Dated : 09th Nov. 2017.

None for the applicant. Shri A.P.Potnis, the learned P.O. for the Respondents no. 1 & 3. Await service of Respondents no. 2 & 4.

The Id. P.O. has filed reply affidavit on behalf of the Respondent no. 3. The same is taken on record. The Id. P.O. further submits that reply of other respondents are not necessary.

S.O. Four Weeks.

Vice-Chairman(J)

aps

O.A. No. 783/2013 (S.B.)

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

Dated : 09th Nov. 2017.

Shri A.R.Khobragade, the applicant in person. Shri A.M.Ghogre, the learned P.O. for the Respondents.

S.O. Next Week.

Vice-Chairman(J)

aps

O.A. No. 759/2017 (S.B.)

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

Dated : 09th Nov. 2017.

Shri R.V.Shiralkar Id. counsel for the applicant. Shri S.A.Deo, the learned C.P.O. for the Respondent no. 1. Await service of Respondents no. 2 to 5.

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

Vice-Chairman(J)

aps

O.A. No. 763, 764 & 765/2017 (S.B.)

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

Dated : 09th Nov. 2017.

Shri J.S.Deshmukh, Id. counsel for the applicant. Shri S.A.Deo, the learned C.P.O. for the Respondent no. 1. Await service of Respondents no. 2 to 4 & 6. Shri R.D.Tajne, Id. counsel for Respondent no. 5.

The Id. counsel for the applicant submits that he will file service affidavit during the course of the day. **S.O.**
21/12/2017.

Vice-Chairman(J)

aps

O.A. No. 476/2017 (S.B.)

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

Dated : 09th Nov. 2017.

Shri J.S.Deshmukh, Id. counsel for the applicant. Shri S.A.Deo, the learned C.P.O. for the Respondent no. 1 to 3 & 6. Shri A.P.Tathod, Id. counsel for Respondents no. 4 & 5.

Admit.

S.O. 21.12.2017.

Vice-Chairman(J)

aps

O.A. No. 477/2017 (S.B.)

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

Dated : 09th Nov. 2017.

Shri J.S.Deshmukh, Id. counsel for the applicant. Shri S.A.Deo, the learned C.P.O. for the Respondent no. 1 to 3 & 6. Shri B.N.Jaipurkar, Id. counsel for Respondents no. 4 & 5.

The Id. C.P.O. seeks time to file reply,
S.O. 21.12.2017.

Vice-Chairman(J)

aps

O.A. No. 478/2017 (S.B.)

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

Dated : 09th Nov. 2017.

Shri J.S.Deshmukh, Id. counsel for the applicant. Shri S.A.Deo, the learned C.P.O. for the Respondent no. 1 to 3 & 6. Shri K.Malokar, Id. counsel for Respondents no. 4 & 5.

The Id. C.P.O. seeks time to file reply,
S.O. 21.12.2017.

Vice-Chairman(J)

aps

O.A. No. 479/2017 (S.B.)

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

Dated : 09th Nov. 2017.

Shri J.S.Deshmukh, Id. counsel for the applicant. Shri S.A.Deo, the learned C.P.O. for the Respondent no. 1 to 3 & 6. Shri A.Deshpande, Id. counsel for Respondents no. 4 & 5.

The Id. C.P.O. seeks time to file reply,
S.O. 21.12.2017.

Vice-Chairman(J)

aps

O.A. No. 633/2017 (S.B.)

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

Dated : 09th Nov. 2017.

Shri J.S.Deshmukh, Id. counsel for the applicant. Shri S.A.Deo, the learned C.P.O. for the Respondent no. 1 to 3 & 6. None for Respondents no. 4 & 5.

The Id. C.P.O. seeks time to file reply,
S.O. 21.12.2017.

Vice-Chairman(J)

aps

O.A. No. 772 & 773/2016 (S.B.)

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

Dated : 09th Nov. 2017.

Shri J.S.Deshmukh, Id. counsel for the applicant. Shri S.A.Deo, the learned C.P.O. for the Respondents no. 1 to 3 & 6. Shri B.N.Jaipurkar, Id. counsel for Respondents no. 4 & 5.

It is stated that similar O.A. are pending for final hearing i.e. O.A. No. 23 & 24/2017, today itself on board. At the request of Id. counsel for parties all the matters be kept for final hearing on 21/12/2017. The Respondents will at liberty to file reply affidavit to other matters till that time.

S.O. 21.12.2017.

Vice-Chairman(J)

aps

O.A. No. 23/2017 (S.B.)

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

Dated : 09th Nov. 2017.

Shri J.S.Deshmukh, Id. counsel for the applicant. Shri S.A.Deo, the learned C.P.O. for the Respondents no. 1 to 3 & 6. Shri M.V.Bute, Id. counsel for Respondents no. 4 & 5.

It is stated that similar O.A. are pending for final hearing i.e. O.A. No. 24/2017, 772 & 773/2016, today itself on board. At the request of Id. counsel for parties all the matters be kept for final hearing on 21/12/2017. The Respondents will at liberty to file reply affidavit to other matters till that time.

S.O. 21.12.2017.

Vice-Chairman(J)

aps

O.A. No. 24/2017 (S.B.)

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

Dated : 09th Nov. 2017.

Shri J.S.Deshmukh, Id. counsel for the applicant. Shri S.A.Deo, the learned C.P.O. for the Respondents no. 1 to 3 & 6. Shri A.P.Tathod, Id. counsel for Respondents no. 4 & 5.

It is stated that similar O.A. are pending for final hearing i.e. O.A. No. 23/2017, 772 & 773/2016, today itself on board. At the request of Id. counsel for parties all the matters be kept for final hearing on 21/12/2017. The Respondents will at liberty to file reply affidavit to other matters till that time.

S.O. 21.12.2017.

Vice-Chairman(J)

aps

O.A. No. 771/2016 (S.B.)

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

Dated : 09th Nov. 2017.

Shri J.S.Deshmukh, Id. counsel for the applicant. Shri S.A.Deo, the learned C.P.O. for the Respondent no. 1 to 3. Shri B.N.Jaipurkar, Id. counsel for Respondents no. 4 & 5.

The Id. C.P.O. seeks time to file reply,
S.O. 21.12.2017.

Vice-Chairman(J)

aps

O.A. No. 624/2017 (DB)

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

Dated : 9.11.2017

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

2. As per the order dated 7/11/2017 the learned P.O. was directed to take instructions from the MPSC as to whether the applicant can be allowed to appear for the interview subject to outcome of this O.A. The learned P.O. Shri Ghogre submits that he has been instructed by the MPSC Authority that the application for the post of Principal, Government Polytechnic College is not traceable and even otherwise the applicant is not eligible to be called for interview as per short listing criteria and therefore he cannot be called for interview.

3. The learned counsel for the applicant submits that he will file copy of the application form of the applicant. Hence, put up the matter tomorrow.

S.O. 10/11/2017.

Vice Chairman (J)

dnk.

O.A. No. 766/2014 (DB)

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

Dated : 9.11.2017

C.A. 510/2017

Mrs. Mousmee S. Bagade, Id.
counsel holding for Shri A.P. Sadavarte, Id.

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

At the request of learned counsel for
the applicant, **S.O. two weeks.**

Vice Chairman (J)

dnk.

O.A. No. 217/2017 (DB)

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

Dated : 9.11.2017

**Shri S.R. Charpe, Id. counsel for the
applicants and Shri A.P. Potnis, Id. P.O. for
the respondent no.1. Await service of R-2 to
4.**

S.O. four weeks.

Vice Chairman (J)

dnk.

O.A. No. 595/2017 (DB)

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

Dated : 9.11.2017

Shri B.M. Kharkate, Id. counsel for the applicants and Shri P.N. Warjurkar, Id. P.O. for R-1. Await service of R-2 to 4.

2. The learned counsel for the applicants seeks time to serve R-2 to 4 and request that fresh notice be issued. In view thereof, issue

fresh notice to R-2 to 4, returnable in four weeks. 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)

dnk.

O.A. No. 738/2016 (DB)

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

Dated : 9.11.2017

**Shri Bharat Kulkarni, Id. counsel for
the applicants and Shri A.M. Khadatkar, Id.
P.O. for the respondents.**

**The learned counsel files rejoinder on
behalf of the applicant. It is taken on record.
Copy is served to the learned P.O.**

**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. No. 87/2017 (DB)

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

Dated : 9.11.2017

**Heard Shri M.M. Sudame, Id. counsel
for the applicants and Shri H.K. Pande, 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.**

**In the meantime, the learned counsel
for the applicant is at liberty to file rejoinder,
if any.**

S.O. in due course.

Vice Chairman (J)

dnk.

O.A. No. 188/2017 (DB)

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

Dated : 9.11.2017

None for the applicant.

**Shri H.K. Pande, Id. P.O. for the
respondent nos. 1 to 3. None for R-4.**

**The learned P.O. submits that he will
file reply-affidavit during the course of day.**

S.O. Six weeks.

Vice Chairman (J)

dnk.

O.A. No. 430/2017 (DB)

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

Dated : 9.11.2017

Shri A. Agrawal, Id .counsel for the
applicant and Shri V.A. Kulkarni, 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. No. 522/2017 (DB)

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

Dated : **9.11.2017**

Shri G. Agrawal, 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. four
weeks** for filing reply.

I.R. to continue till then.

Vice Chairman (J)

dnk.

O.A. No. 761/2017 (DB)

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

Dated : 9.11.2017

Shri S.P. Palshikar, Id .counsel for the
applicant and Shri S.A. Deo, Id. C.P.O. for the
respondents.

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

Vice Chairman (J)

dnk.

Rev. A. 20/17 in O.A. No. 695/16 (DB)

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

Dated : 9.11.2017

- 1. Heard Shri M.R. Pillai, Id. Advocate for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1.**
- 2. Issue notice to R-2 , returnable in 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)

dnk.

O.A. No. 182/2015 (DB)

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

Dated : 9.11.2017

None for the applicant.

Shri A.P. Potnis, Id. P.O. for the respondents.

In spite of Circulation, no body appeared for the applicant.

Put up the matter before the regular D.B. as and when available.

Vice Chairman (J)

dnk.

O.A. No. 545/2008 (DB)

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

Dated : 9.11.2017

MCA 68/2017 in MCA 69/2017

Heard Shri Bhushan Dafle, Id. counsel holding for Shri P.B. Patil, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

2. MCA no.68/17 has been filed for condonation of delay in filing application for restoration and MCA no.69/17 has been filed for restoration of O.A. no.545/2008. The said O.A. seems to have been dismissed in default on 11/2/2016. In the said order it is mentioned that on the last consecutive dates, i.e., on 17/12/2015, 18/12/2015 and 28/1/2016 the applicant and his counsel were absent and therefore the application was dismissed in default. However, it seems from the record that the applicant was represented by Advocate Shri A.S. Agrawal on 18/12/2015 and Advocate Shri P.S. Girdekar on 28/1/2016. The order dated 11/2/2016 therefore seems prima facie not correct and it seems that the applicant was absent on one date only. The learned counsel for the applicant submits that the applicant was aged about 70 years when the application was filed and today he is aged about 79 years. He is challenging the dismissal order.

3. In the interest of justice therefore the delay caused in filing application for restoration is condoned and the O.A. is restored to its original file.

O.A.545/2008 –

Considering the facts and circumstances, the matter be placed for final hearing with the consent of learned counsel for parties.

S.O. Next week.

Vice Chairman (J)

dnk.

O.A. No. 494/2014 (DB)

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

Dated : 9.11.2017

C.A.458/2017

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

The applicant has challenged his reversion order dated 20/4/2012 from the post of Police Sub Inspector to Police Head Constable.

For the reasons stated in the C.A. application, with the consent of learned P.O., the C.A. application for early hearing is allowed.

O.A. 494/2014 –

The matter be kept for final hearing in the next week.

Next week.

Vice Chairman (J)

dnk.