

O.A. No. 586/2017 (S.B.)

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

Dated : 12.10.2017.

Adv. A.Y.Pardhi holding for Shri P.V.Thakre, Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the respondents.

S.O. two weeks.

Vice Chairman (J)

aps.

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

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

Dated : 12.10.2017.

Adv. A.Y.Pardhi holding for Shri P.V.Thakre, Id. counsel for the applicant and Shri Pandey, Id. P.O. for the Respondent no. 1 to 3. Shri S.N.Gaikwad, Adv. for R-4.

As a last chance, **S.O. After
Diwali Vacation.**

Vice Chairman (J)

aps.

O.A. No. 134/2017 (S.B.)

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

Dated : 12.10.2017.

Shri V.M.Moon, Id. counsel for the applicant and Smt. Kolhe, Id. P.O. for the Respondents.

The Id. P.O. submits that the Respondent no. 1 is adopting the reply affidavit filed by Respondent no. 3 and there is no need to file separate affidavit. The matter be admitted and kept for final hearing. The Id. P.O. waives notice for the Respondents.

S.O. After Diwali Vacation.

Vice Chairman (J)

aps.

O.A. No. 626/2017 (S.B.)

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

Dated : 12.10.2017.

Shri U.A.Dhabe, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the Respondents.

The Id. P.O. files reply on behalf of Respondent no. 3 & 4. The same is taken on record. The copies are served to the other sides. The matter is therefore, admitted and kept for final hearing.

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

S.O. 06/11/2017

Vice Chairman (J)

aps.

O.A. No. 134/2006 (S.B.)

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

Dated : 12.10.2017.

Shri M.M.Sudame, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the Respondents.

The Id. counsel for the applicant has placed on record the citation copies and the Id. P.O. files the fresh return on behalf of the Respondents. The same is taken on record. The Id. P.O. submits that he will go through the same. Therefore, the matter be kept for final hearing.

S.O. 31/10/2017.

Vice Chairman (J)

aps.

O.A. No. 559/2017 (S.B.)

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

Dated : 12.10.2017.

Shri M.V.Joshi, Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the Respondents.

The Id. P.O. has filed reply of Respondent no. 2. The same is taken on record. Copy is served to the other side. The Id. P.O. submits that reply of other Respondents is not necessary

Admit.

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

The matter be kept for final hearing
S.O. After Diwali Vacation.

Vice Chairman (J)

aps.

O.A. No. 59 & 60 of 2017 (S.B.)

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

Dated : 12.10.2017.

Shri N.R.Saboo, Id. counsel for the applicant and Shri Pandey, Id. P.O. for the Respondents no. 1 to 3. None for R-4 & 5.

The Id. P.O. seeks time to file reply affidavit. However, almost ten months are granted for filing reply and no reply yet filed. The Id. P.O. submits that he has tried to contact the Respondent no. 3, however, no response has been received. In fact the reply of Respondent no. 1 & 2 is necessary. As a last chance the matter be kept for 31 Oct., 2017, if the reply is not filed on that day heavy cost will be saddled.

S.O. 31 Oct., 2017

Vice Chairman (J)

aps.

O.A. No. 73 of 2017 (S.B.)

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

Dated : 12.10.2017.

Shri G.G.Bade, Id. counsel for the applicant and Shri Pandey, Id. P.O. for the Respondents no. 1 to 4. None for R-5.

The Id. P.O. seeks time to file reply affidavit. However, almost five months are granted for filing reply and no reply yet filed. As a last chance the matter be kept for 31 Oct., 2017, if the reply is not filed on that day heavy cost will be saddled.

S.O. 31 Oct., 2017

Vice Chairman (J)

aps.

O.A. No. 126 of 2017 (S.B.)

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

Dated : 12.10.2017.

Shri A.Deshpande, Id. counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the Respondents no. 1. None for R-2 & 3.

The Id. P.O. seeks time to file reply affidavit. However, almost six months are granted for filing reply and no reply yet filed. As a last chance the matter be kept for 31 Oct., 2017, if the reply is not filed on that day heavy cost will be saddled.

S.O. 31 Oct., 2017

Vice Chairman (J)

aps.

O.A. No. 727 of 2017 (S.B.)

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

Dated : 12.10.2017.

Shri D.R.Karnik, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the Respondents no. 1. Await service of R-2 to 4.

The Id. counsel for the applicant submits that the Respondents are served and he file service affidavit during the course of the day. The Id. P.O. seeks time to file reply affidavit.

S.O. three weeks

Vice Chairman (J)

aps.

O.A. No. 678 of 2017 (S.B.)

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

Dated : **12.10.2017.**

None for the applicant. Shri P.N.Warjurkar, Id. P.O. for the Respondents no. 1. Await service of R-2.

S.O. After Diwali Vacation.

Vice Chairman (J)

aps.

O.A. No. 629 of 2017 (S.B.)

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

Dated : 12.10.2017.

C.A. No.494/2017:-

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

For the reasons stated in the application the applicant is allowed to placed on record the documents. Hence the C.A. 494/2017 is allowed.

S.O. four weeks.

Vice Chairman (J)

aps.

O.A. No. 124 of 2017 (S.B.)

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

Dated : **12.10.2017.**

C.A. No.62/2017:-

Shri S.D.Chande, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the Respondents.

At the request of Id. counsel for the applicant. **S.O. After Diwali Vacation,** for filing Rejoinder, if necessary.

Vice Chairman (J)

aps.

O.A. No. 729 of 2015 (S.B.)

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

Dated : 12.10.2017.

Shri G.G.Bade, Id. counsel for the applicant and Smt. S.V.Kolhe, Id. P.O. for the Respondents no. 1 to 4. Await service of R-5.

At the request of Id. counsel for the applicant. **S.O. After Diwali Vacation.**

Hamdast not collected.

Vice Chairman (J)

aps.

O.A. No. 126 of 2017 (S.B.)

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

Dated : 12.10.2017.

Shri G.G.Bade, Id. counsel for the applicant and Shri Pandey, Id. P.O. for the Respondents no. 1 to 4. None for R-5.

The Id. P.O. seeks time to file reply affidavit. However, almost six months are granted for filing reply and no reply yet filed. As a last chance the matter be kept for 31 Oct., 2017, if the reply is not filed on that day heavy cost will be saddled.

S.O. 31 Oct., 2017

Vice Chairman (J)

aps.

O.A. No. 376/2016 (S.B.)

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

Dated : 12.10.2017.

Shri Khaparde holding for Shri R.V.Shiralkar, Id. counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the Respondents.

At the request of Id. counsel for the applicant, **S.O. After Diwali Vacation.**

Vice Chairman (J)

aps.

O.A. No. 376/2016 (S.B.)

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

Dated : 12.10.2017.

Shri Khaparde holding for Shri R.V.Shiralkar, Id. counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the Respondents.

At the request of Id. counsel for the applicant, **S.O. After Diwali Vacation.**

Vice Chairman (J)

aps.

O.A. No. 779 of 2017.

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

Dated : 12th October, 2017.

Heard Shri Jibhkate, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the State.

2. The applicant has been appointed as a Medical Officer and was firstly posted in Nagpur Medical College in medicine department as an Associate Professor in 2011. After completion of three years at that post the applicant was transferred to Akola in 2014, however the said order was modified and the applicant was posted in Super Speciality Hospital, Nagpur in Cardiology Department since the applicant acquired qualification in Cardiology. The applicant, therefore, continued to work at Nagpur, firstly in Medical College and thereafter in Super Speciality Hospital from 2008.

3. In the mean time the applicant was promoted as a Professor on ad-hoc basis for 360 days and was posted in the same

Government Medical College for 360 days vide order dated 20/03/2017. However, before completion of that 360 days the applicant has been transferred vide order dated 09/08/2017 to Gondia. The Id. counsel for the applicant submits that the said order has been passed only with intention to accommodate to Respondent No. 4 i.e. Dr. Yogendra Bansod. Since Dr. Yogendra Bansod was transferred in applicant's place vide order dated 13/07/2017.

4. The Id. counsel for the applicant has referred to communication dated 18/09/2017 wherein there is a reference to the telephonic talk between the Dean and the Secretary, Medical Education and Drugs Department. In the communication it is mentioned that the Director shall take action on the posting of the applicant in the vacant place due to of Dr. Agrawal, who died on 05/09/2017. The applicant submits that though the applicant has been relieved, she may not forced to join at Gondia since her transfer at Nagpur is under process.

5. The impugned letter dated 18/09/2017 clearly shows that the applicant was already relieved on 16/08/2017 for joining at Gondia. There is absolutely no reasons as to why the applicant shall not joined at Gondia, since she is relieved. The Id. counsel for the applicant submits that it is because of representation made by the applicant the impugned communication dated 18/09/2017 is issued. If so is the fact there should have been a reference to that effect in the letter and the Secretary might have directed the competent authority not to relieve the applicant or not to force her to join at Gondia. If the applicant's transfer at Gondia is illegal it may be quashed and set aside at the time of disposal of Original Application after giving opportunity of hearing to the Respondents. Only because of the applicant transfer is under process, she cannot avoid to join at the place of posting. Ld. P.O. is also directed to take instruction from Respondent no. 1, as to what is the status of direction given by the Secretary to the Director as regards transfer of the applicant at Nagpur.

6. Issue notices to respondent Nos. 2 to 4 returnable within **four weeks.**

7. Shri M.I.Khan, the learned P.O. for waives notice for respondent No.1. Hamdast granted.

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

9. 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.

10. 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.

11. 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.

12. S.O. four weeks.

Vice Chairman (J)

aps.

O.A.42/2017 (S.B.)

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

Dated : 12.10.2017.

Mrs. Pathan, Id. counsel holding for Shri R.S. Sirpurkar, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. After Vacation.**

Vice Chairman (J)

dnk.

O.A.554/2004 (D.B.)

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

Dated : 12.10.2017.

C.A.399/15 in C.P.St.1699/15

Shri S.P. Palshikar, Id. counsel holding for Shri J.C. Shukla, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. The learned P.O. submits that the order of the Tribunal has been complied. Shri Palshikar, Id. counsel submits that Shri Shukla, Id. counsel for the applicant is out of station and he seeks further time. At his request, **S.O. After Vacation.**

Vice Chairman (J)

dnk.

O.A.8/2015 (D.B.)

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

Dated : 12.10.2017.

C.A.271/17 in C.P.St.1055/2016

Shri S.P. Palshikar, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1 and Shri R.G. Agrawal, Id. counsel for R-2.

At the request of Id. counsel for the applicant, **S.O. After Vacation.**

Vice Chairman (J)

dnk.

O.A.804/2011 (D.B.)

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

Dated : 12.10.2017.

C.A.310/2017 in C.P. St.944/2017

None for the applicant.

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

The learned P.O. submits that entire amount except interest has been paid to the applicant. The order to that effect is placed on record and marked Exh-X for the purposes of identification. He seeks one week's time to comply remaining part of the order.

S.O. After Vacation.

Vice Chairman (J)

dnk.

O.A.69/2005 (D.B.)

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

Dated : 12.10.2017.

C.A.489/2017 in C.P.St.2676/17

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. Notice on application to R-2 to 4 be issued returnable in **four weeks**.

3. Shri A.M. Ghogre the learned P.O. waives notice for respondent no.1. Hamdast granted.

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 the O.A.

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 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.

8. **S.O. four weeks.**

Vice Chairman (J)

dnk.

O.A.703/2016 (D.B.)

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

Dated : 12.10.2017.

C.A.473/2017

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

For the reasons stated in the application, the C.A. for early hearing. Is allowed.

O.A.703/2016 –

With consent of learned counsel for the parties, the matter be kept for final hearing.

S.O. 2/11/2017.

Vice Chairman (J)

dnk.

Rev. App. 17/17 in O.A.96/2016 (D.B.)

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

Dated : 12.10.2017.

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

At the request of Id. P.O., **S.O. After Vacation** for filing reply.

Vice Chairman (J)

dnk.

O.A.91/2017 (D.B.)

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

Dated : 12.10.2017.

None for the applicant.

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

Fresh Vakalatnama is not filed by the
applicant.

S.O. After Vacation for dismissal.

Vice Chairman (J)

dnk.

O.A.92/2017 (D.B.)

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

Dated : 12.10.2017.

Shri D.R. Upadhyay, Id. counsel holding for Shri A.M. Haque, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1 to 3 and Ms. Archana Lanjewar, Id. counsel holding for Shri P.D. Meghe, Id. counsel for R-4.

At the request of Id. P.O. as well as Id. counsel for R-4, **S.O. After Vacation** for filing reply.

Vice Chairman (J)

dnk.

O.A.Nos. 260 & 262 of 2017 (D.B.)

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

Dated : 12.10.2017.

Shri G.N. Khanzode, Id. counsel for the applicants and Shri A.P. Potnis, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. After Vacation** for filing reply.

Vice Chairman (J)

dnk.

O.A.203/16 with C.A.429/17 (D.B.)

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

Dated : 12.10.2017.

Shri S.N. Gaikwad, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O.**
13/10/2017.

Vice Chairman (J)

dnk.