

O.A. No. 417/2013 (S.B.)

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

Dated : 16th Nov. 2017.

M.C.A.No.52 & 53/2017:-

Shri S.N.Gaikwad holding for Shri P.Mahagaonkar, Id. counsel for the applicant. Shri M.I.Khan, the learned P.O. for the Respondents.

At the request of Id. counsel for the applicant, **S.O. Tomorrow i.e. 17.11.2017.**

Vice-Chairman(J)

aps

O.A. No. 812/2016 (S.B.)

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

Dated : 16th Nov. 2017.

Shri S.N.Gaikwad, Id. counsel for the applicant. Shri M.I.Khan, the learned P.O. for the Respondents no. 1 to 3. None for Respondent no. 4.

The Id. counsel for the applicant submits that he will service affidavit during the course of the day. The Id. P.O. seeks time to file reply-affidavit. **S.O. Four Weeeks.**

Vice-Chairman(J)

aps

O.A. No. 777/2017 (S.B.)

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

Dated : 16th Nov. 2017.

Shri P.P.Khaparde, Id. counsel for the applicant. Shri M.I.Khan, the learned P.O. for the State. Await service of respondents no. 2 & 3.

The Id. counsel for the applicant submits that he will service affidavit tomorrow. The Id. P.O. seeks time to file reply-affidavit. **S.O. Four Weeeks.**

Vice-Chairman(J)

aps

O.A. No. 790/2017 (S.B.)

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

Dated : 16th Nov. 2017.

None for the applicant. Shri M.I.Khan,
the learned P.O. for the State. Await service
of respondents no. 2 to 4.

S.O. Four Weeeks for filing service
affidavit.

Vice-Chairman(J)

aps

O.A. No. 794/2017 (S.B.)

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

Dated : 16th Nov. 2017.

Shri T.S.Dadhe, Id. counsel for the applicant. Shri M.I.Khan, the learned P.O. for the State. Await service of respondents no. 2 to 6.

S.O. Four Weeeks for filing service affidavit.

Vice-Chairman(J)

Aps

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

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

Dated : 16th Nov. 2017.

There is a leave note of Shri S.P.Palshikar, Id. counsel for the applicant. Shri M.I.Khan, the learned P.O. for the respondents.

S.O. Four Weeeks for filing rejoinder.

Vice-Chairman(J)

aps

O.A. No. 138/2017 (S.B.)

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

Dated : 16th Nov. 2017.

Shri A.P.Tathod, Id. counsel for the applicant. Shri S.A.Sainis, the learned P.O. for the respondents.

Since the pleadings are almost all completed, the matter be admitted and kept for final hearing. In the meantime, the applicant will be at liberty to file rejoinder, if any.

S.O. in due course.

Vice-Chairman(J)

aps

O.A. No. 576/2017 (S.B.)

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

Dated : 16th Nov. 2017.

Mrs.K.N.Saboo, Id. counsel for the applicant. Shri Khadatkar, the learned P.O. for the respondents.

S.O. Two Weeks for filing reply.

Vice-Chairman(J)

Aps

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

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

Dated : 16th Nov. 2017.

Shri N.D.Thombre, Id. counsel for the applicant. Shri V.A.Kulkarni, the learned P.O. for the respondents.

The Id. P.O. has filed the reply affidavit on behalf of the respondent nos. 2 to 4. The same is taken on record. Copy is served to the applicant.

S.O. Four Weeks.

Interim relief to continue till then.

Vice-Chairman(J)

aps

O.A. No. 498/2017 (S.B.)

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

Dated : 16th Nov. 2017.

Shri N.D.Thombre, Id. counsel for the applicant. Shri V.A.Kulkarni, the learned P.O. for the respondents.

The Id. P.O. submits that he will file the reply-affidavit during the course of the day, **S.O. Four Weeks.**

Interim relief to continue till then.

Vice-Chairman(J)

aps

O.A. No. 291/2017 (S.B.)

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

Dated : 16th Nov. 2017.

Heard Shri N.D.Thombre, Id. counsel for the applicant and Shri S.A.Sainis, the learned P.O. for the respondent nos. 1 to 5. None for R-6.

After hearing the matter for a considerable time, the Id. counsel for the applicant submits that as per the provisions of Section 6 of the Maharashtra Government Servants Regulation of Transfers & Prevention of Delay In Discharge of Official Duties Act, 2005, there is a table provided for a Group of the Government Servants and Competent Transferring Authorities. Since the applicant is in the pay scale of Rs. 15, 600 - 39,100/- he comes under Group-A and the Competent Authority to transfer the applicant is the Chief Minister and, therefore, the order passed by the Collector or Civil Surgeon is not legal.

The Id. P.O. invited my attention to one G.R. dated 30/11/2016 from which it seems that the Departments are delegated the power for transfer of Group-A officer in the committee headed by the District

Collector. The Id. counsel for the applicant further submits that these G.Rs. have been modified by further Notification dated 17/04/2017 and the Civil Service Board (1) has been established. The reply is silent as regards delegation of power to any Authorities. The Id. P.O. is therefore, directed to file a short affidavit stating as to whether the transferring powers have been delegated as per G.R. dated 17/04/2017 or 30/11/2016 to the Collector. He shall also place on record the Minutes of meeting by which the applicant has been transferred.

S.O. Two Weeks.

The matter be treated as P.H.

Vice-Chairman(J)

aps

O.A. No. 445/2017 (S.B.)

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

Dated : 16th Nov. 2017.

Heard Shri D.M.Kakani, Id. counsel for the applicant, Shri M.I.Khan, the learned P.O. for the respondent no. 1 & Shri S.N.Gaikwad, Id. counsel for respondent no. 2.

The applicant is a Block Development Officer and was working at Ramtek, Dist. Nagpur. Vide impugned order dated 26/05/2017 the applicant has been transferred from Ramtek, Dist. Nagpur to Bhamragad, Distt. Gadchiroli. The applicant has already worked in Tribal area for more than Three years and now again he is transferred to Bhamragad which comes under Tribal area. The Id. counsel for the applicant submits that as per the G.R. dated 06/08/2002, the applicant is entitled to choice posting and he has given choice to Nagpur, Bhiwapur & Kuhi and also filed representation for the same.

From the reply-affidavit it seems that the representation of the applicant is under consideration. The respondent no. 1 also admits that the representation before the

Competent Authority is to reduce the number of Court cases. In such circumstances, the Id. P.O. is requested to take instructions as to what is the status of the applicant's representation and within how many days the same will be decided.

S.O. 21/11/2017

The matter be treated as P.H.

Steno copy be granted.

Vice-Chairman(J)

aps

O.A. No. 89/2010 (S.B.)

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

Dated : 16th Nov. 2017.

None for the applicant, Shri Pandey,
the learned P.O. for the respondents.

The matter was taken on Board yesterday for final hearing when the Id. P.O. placed on record the order (Exh-X) from which it seems that the applicant has been retired compulsorily in view of the departmental enquiry initiated against him.

In the present case the applicant has claimed that his suspension period from 06/10/2007 to 04/06/2008 be treated as duty period. The said prayer has become infructuous, since vide the order Exh-X, dated 25/10/2017, the suspension period has been treated as suspension as such. If the applicant is aggrieved by the order dated 25/10/2017, he will be at liberty to challenge such order. In view of this, the O.A. has become infructuous and, therefore, it stands dismissed with no order as to costs.

Vice-Chairman(J)

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

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

Dated : 16th Nov. 2017.

Shri S.B.Tiwari, Id. counsel for the applicant, Shri V.A.Kulkarni, the learned P.O. for the respondents.

The Id. P.O. seeks time to file reply,

S.O.Three Weeks.

Vice-Chairman(J)

aps

O.A. No. 216/2017 (S.B.)

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

Dated : 16th Nov. 2017.

Shri S.M.Khan, 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 nos. 3 & 4. The same is taken on record. Copy is served to the applicant.

The Id. P.O. seeks time to file reply-affidavit on behalf of the respondent no. 2,
S.O. Four Weeks.

Vice-Chairman(J)

aps

O.A. No. 594/2017 (S.B.)

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

Dated : 16th Nov. 2017.

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

The Id. counsel for the applicant submits that the matter be kept with **O.A.689/2017**. On his request the matter be tagged with the same.

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

Vice-Chairman(J)

aps

O.A. No. 641/2017 (S.B.)

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

Dated : 16th Nov. 2017.

Shri N.D.Thombre, Id. counsel for the applicant, Shri P.N.Warjurkar, the learned P.O. for the respondent nos. 1 to 4. None for respondent no. 5.

The Id. P.O. seeks time to file reply-affidavit, **S.O. One Week.**

Vice-Chairman(J)

aps

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

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

Dated : 16th Nov. 2017.

Shri S.M.Khan holding for Shri P.C.Marpakwar, Id. counsel for the applicant, Shri M.I.Khan, the learned P.O. for the respondent nos. 1 to 3. None for respondent no. 4.

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

Vice-Chairman(J)

aps

O.A. No. 734/2017 (S.B.)

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

Dated : 16th Nov. 2017.

Mrs.K.N.Saboo, Id. counsel for the applicant. Shri P.N.Warjurkar, the learned P.O. for the respondent nos. 1 & 2. Shri A.P.Tathod, Id. counsel for respondent no. 3. None for respondent no. 4.

The Id. P.O. seeks time to file reply-affidavit, **S.O. Three Weeks.**

Vice-Chairman(J)

aps

O.A. No. 791/2017 (S.B.)

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

Dated : 16th Nov. 2017.

Shri Bharat Kulkarni, Id. counsel for the applicant. Shri Khadatkar, the learned P.O. for the respondent no. 1. Shri V.G.Palshikar, Id. counsel for respondent nos. 2 to 4.

The Id. counsel for the respondent nos. 2 to 4 submits that today itself he will vakalatnama on behalf of the said respondents. The Id. P.O. seeks time to file reply-affidavit, **S.O. Four Weeks.**

Vice-Chairman(J)

aps

O.A. No. 175/2010 (S.B.)

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

Dated : 16th Nov. 2017.

Ms. Bhagyashree holding for Shri A.R.Patil, Id. counsel for the applicant. Shri Pandey, the learned P.O. for the respondents.

The Id. P.O. seeks time to file the concerned Judgments delivered in the similar matters.

S.O. Next Week.

The matter be treated as P.H.

Vice-Chairman(J)

Aps

O.A. No. 114/2017 (S.B.)

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

Dated : 16th Nov. 2017.

Mrs.K.N.Saboo, Id. counsel for the applicant and Shri S.A.Sainis, the learned P.O. for the respondent nos. 1 to 3. None for the respondent no. 4.

The Id. P.O. has filed the reply on behalf of the respondent no. 3. The same is taken on record. Copy is served to the applicant.

In view thereof, since the pleadings are now completed, the matter be admitted and kept for final hearing.

S.O. Four Weeks.

Vice-Chairman(J)

aps

O.A. No. 798/2016 (S.B.)

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

Dated : 16th Nov. 2017.

Mrs.K.N.Saboo, Id. counsel for the applicant and Shri S.A.Sainis, the learned P.O. for the respondent nos. 1 to 3. Shri R.Tajne, Id. counsel for the respondent no. 4.

Since the pleadings are now completed, the matter be admitted and kept for final hearing.

S.O. Four Weeks.

Vice-Chairman(J)

aps

O.A. No. 121/2017 (SB)

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

Dated : 16.11.2017

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

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

Vice Chairman (J)

dnk.

O.A. No. 647/2017 (SB)

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

Dated : 16.11.2017

Shri S. Malokar, Id. counsel holding for Shri M.M. Sudame, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondent nos. 1 to 5. None for R-6.

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

Vice Chairman (J)

dnk.

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

Dated : 16.11.2017

1. Heard Shri P.V. Thakre, Id. Advocate for the applicant and Shri H.K. Pande, 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.

C.P. 07/17 in O.A. No. 270/17 **(DB)**

Coram : Hon. Shri J.D.Kulkarni,

Vice-Chairman (J).

Dated : 16.11.2017

Shri G.N. Khanzode, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1.

2. The learned counsel for the applicant undertakes to supply the copy of contempt application to the learned P.O.

3. The learned P.O. seeks time to file reply. At his request, **S.O. four weeks.**

Vice Chairman (J)

dnk.

O.A. No. 173/2006 **(DB)**

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

Dated : 16.11.2017

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

Closed for orders.

Vice Chairman (J)

dnk.

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

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

Dated : 16.11.2017

Shri P.B. Patil, 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. Next week.**

Vice Chairman (J)

dnk.

O.A. No. 679/2017 **(DB)**

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

Dated : 16.11.2017

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

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

Vice Chairman (J)

dnk.

O.A. No. 655/2017 **(DB)**

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

Dated : 16.11.2017

Shri D.M. Surjuse, 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. two weeks** for filing reply.

Vice Chairman (J)

dnk.

O.A. No. 614/2017 **(DB)**

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

Dated : 16.11.2017

Shri R.V. Shiralkar, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1&2 and Shri N.B. Rathod, Id. counsel for R-3.

2. As per the order passed in W.P. no.6099/2017, the Hon'ble High Court remanded back the matter for fresh consideration on the point of condonation of delay.

3. In view thereof, the learned P.O. seeks time to file reply-affidavit on behalf of R-1&2 on the application for condonation of delay. The respondent no.3 has already filed the reply.

S.O. four weeks.

Vice Chairman (J)

dnk.

O.A. No. 417/2017 **(DB)**

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

Dated : 16.11.2017

Shri S. Pawar, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. two weeks** for filing Rejoinder.

Vice Chairman (J)

dnk.

O.A. No. 281/2017 (DB)

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

Dated : 16.11.2017

Shri D.M. Surjuse, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

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

Vice Chairman (J)

dnk.

O.A. No. 791/2016 **(DB)**

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

Dated : 16.11.2017

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

2. Since the pleadings are complete, with the consent of learned counsel for parties, the matter is admitted and kept for final hearing.

3. The learned P.O. waives notice for the respondents.

S.O. in due course.

Vice Chairman (J)

dnk.

O.A. No. 253/2016 (DB)

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

Dated : 16.11.2017

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondent nos. 1 to 3. None for R-4&5.

2. Since the pleadings are complete, with the consent of learned counsel for parties, the matter is admitted and kept for final hearing.

3. The learned P.O. waives notice for the respondent nos. 1 to 3.

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A. No. 800/2017 (DB)

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

Dated : 16.11.2017

None for the applicant.

Shri S.A. Deo, Id. CPO for R-1.

Await service of R-2&3.

The applicant to file service affidavit
of R-2&3.

S.O. four weeks.

Vice Chairman (J)

dnk.

O.A. No. 700/2017 **(DB)**

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

Dated : 16.11.2017

Shri S.B. Tiwari, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1. Await service of R-2 to 6.

The learned counsel for the applicant seeks time to file service affidavit of R-2 to 6. At his request ,S.O. **four weeks**.

Vice Chairman (J)

dnk.

O.A. No. 755/2017 (DB)

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

Dated : 16.11.2017

C.A. 509/2017

Heard Shri S.M. Puranik, learned counsel for the applicants, Shri A.M. Ghogre, Id. P.O. for the respondents and Shri J.C. Shukla, Id. counsel for Intervener.

2. On the last date, i.e., on 31/10/2017 the matter was adjourned as the learned counsel for Intervener seeks time to take instructions as regards withdrawal of C.A. The learned counsel submits that his client has directed not to withdraw the Intervener application.

3. The C.A. No.509/2017 has been filed by the Intervener whereby he is seeking permission to intervene to the O.A. filed by the original applicants Shri Ajay Patil & Ors. In the original O.A., the applicants have challenged the order of reversion dated 27/9/2017 at Annex-A-22. The Intervener submits that he is also reverted by this order and therefore he may be allowed to intervene. However, he is not seeking any relief against the applicant nor the applicant has claimed any relief against the Intervener. At the most the application could have been accepted had it been for sue

jointly. If the intervener is aggrieved by his order of reversion, he is at liberty to file separate O.A. for the said cause and therefore the application for intervention is rejected. No order as to costs.

O.A.755/2017 –

The learned P.O. submits that he seeks time to file reply of R-1. At his request, **S.O. 5/12/2017**.

Vice Chairman (J)

dnk.

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

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

Dated : **16.11.2017**

C.A.537/2017 -

Heard Shri N.S. Badhe, Id. counsel for the applicants and Shri A.P. Potnis, Id. P.O. for the respondent no.3.

For the reasons stated in the application, the applicant is allowed to delete respondent nos. 1&2.

C.A.512/2017 in C.P.St.2788/2017

The learned P.O. seeks time to file reply. At his request, **S.O. two weeks**.

Vice Chairman (J)

dnk.