

O.A. No. 559/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 1st August 2017.

Heard Shri P.S. Wathore, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondent No.1.

2. The applicant has challenged the impugned order of his transfer dated 29.5.2016 whereby he has been transferred from the post of Police Constable (LCB Branch), Yavatmal to Rural Police Station, Yavatmal. It was subsequently modified on 27.6.2016 and the applicant has been shown to have been transferred from Rural P.S., Yavatmal to LCB Branch, Yavatmal and has been relieved by an order

dated 25.7.2016. All these orders are under challenge in this O.A.

3. It is the case of the applicant that he has not completed his tenure of five years and he has been transferred only because respondent No.3 made false allegations against the applicant and, therefore, requested that the impugned order of his transfer be stayed.

4. It seems that the order dated 29.5.2016 is a general order of transfer whereby number of Police Constables have been transferred. As per the provisions of Section 20 (J)(1)(ii) of the Maharashtra Police Act, 1951, the competent authority has a power to transfer any Constabulary within the district at any time. Under what circumstances transfer order of the applicant is issued that is to be seen on merit for which reply of the respondents is necessary.

5. Hence, issue notice to other respondents returnable within **four weeks.**

6. Shri P.N. Warjekar, the learned P.O. waives notice for the respondent No.1.

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

8. 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.

9. 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.

10. 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.

Vice-Chairman(J)

pdg

O.A. No. 216/2014.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 1st August 2017.

Heard Shri G.G. Bade, the learned counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

2. The applicant was appointed as Police Constable and has retired on superannuation in 2013 i.e. after filing of the O.A. In this O.A., the applicant is claiming deemed date of promotion to the post of Head Constable w.e.f. 1991 and to the post of A.S.I. w.e.f. 2001 with all consequential benefits. It is an admitted fact that, the applicant was never promoted either as Head Constable or as A.S.I. during his life time before retirement. Thus obviously prayer for deemed date

of promotion is not tenable. The deemed date of promotion can be granted to a person who in fact received promotion, but on the subsequent date than the date on which he was entitled to. In spite of the fact that such application is not tenable, application has been filed that too at the fag end of his service and claim pertains to the period from 1991 to 2001 respectively. Knowing full well that the application is not tenable, application has been filed and prima facie it seems that application has been filed with ulterior motive just to take disadvantage. It cannot be said that the applicant was not within the result of his application.

3. Respondent No.4 has filed affidavit in reply and has stated that the applicant is not eligible and in fact he was not entitled to be promoted at all and, therefore, was not promoted.

4. In view of the discussion in foregoing paras, following order is passed:-

ORDER

- (i) The O.A. stands dismissed with cost of Rs.2,000/- to be paid to the Registry of this Tribunal.

Vice-Chairman(J)

pdg

O.A. No. 710/2014.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 1st August 2017.

Heard Shri G.G. Bade, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

Closed for orders.

Vice-Chairman(J)

pdg

O.A. No. 03/2014.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 1st August 2017.

Heard Shri A. Dubey, the learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

Closed for orders.

Vice-Chairman(J)

pdg

O.A. No. 617/2013.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 1st August 2017.

Heard Shri J.C. Shukla, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents 1 to 3. None for R.4.

S.O. 2.8.2017.

To be treated as part heard.

Vice-Chairman(J)

pdg

O.A. No.433 /2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 1st August 2017.

None for the applicant. Shri
A.P.Potnis, the learned P.O. for
the respondents.

S.O. **four weeks.**

Vice-Chairman(J)

pdg

O.A. No. 431/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 1st August 2017.

Heard Shri P.J. Mehta, the
Ld. counsel for the applicant and
Shri A.P.Potnis, the learned P.O.
for the respondents.

At the request of the Ld. P.O.,
S.O. **four weeks** for filing reply
affidavit on behalf of the
respondents.

Vice-Chairman(J)

pdg

O.A. No. 337/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 1st August 2017.

Heard Shri N.D. Thombre, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

The Ld. P.O. has filed affidavit in reply on behalf of R.5, the same is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant.

Since pleadings are complete, O.A. is admitted and fixed for final hearing after **three weeks**.

Shri M.I. Khan, the learned P.O. waives notice for the respondents.

Vice-Chairman(J)

pdg

O.A. No. 450/2015.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 1st August 2017.

Heard Shri A. Deshpande, the Ld. counsel for the applicant and Smt. S.V. Kolhe, the learned P.O. for the respondents.

Closed for orders.

Vice-Chairman(J)

pdg

O.A. No. 300/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 1st August 2017.

Heard Smt. K.N. Saboo, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

The Ld. P.O. has filed affidavit in reply on behalf of R.1 to 3, the same is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant.

S.O. two weeks.

Vice-Chairman(J)

pdg

O.A. No. 139/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 1st August 2017.

Heard Shri G.K. Bhusari, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

At the request of Ld. P.O., S.O. **three weeks** to file affidavit in reply on behalf of the respondents.

Vice-Chairman(J)

pdg

O.A. No. 774/2016.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 1st August 2017.

None for the applicant. Shri A.M.Khadatkar, the learned P.O. for the respondents 1 & 3. Shri Tajne, Adv. for R. 2 & 4.

At the request of Ld. P.O., S.O. **three weeks** to file affidavit in reply on behalf of the respondents.

Vice-Chairman(J)

pdg

O.A. No. 596/2015.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 1st August 2017.

Heard Shri S.D. Malke, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents 1 to 4. None for R.5.

Closed for orders.

Vice-Chairman(J)

pdg

O.A. No. 789/2016.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 1st August 2017.

Heard Shri P.J. Mehta, the Ld. counsel for the applicant and Smt. S.V. Kolhe, the learned P.O. for the respondents 1 & 2. Shri R.P. Malviya, Ld. Adv. for R.3..

Closed for orders.

Vice-Chairman(J)

pdg

O.A. No. 414/2016.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 1st August 2017.

Suresh Suresh Narsapurkar, Adv. holding for Shri N.S. Khandewale, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents 1 to 3. Shri S.M. Nafde, Ld. Adv. for R.4..

At the request of Ld. counsel for the applicant, S.O. **2.8.2017.**

Vice-Chairman(J)

pdg

O.A. No. 612/2016.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 1st August 2017.

Heard Shri G.G. Bade, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

The Ld. P.O. has filed affidavit in reply on behalf of R.4. The same is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant.

The Ld. counsel for the applicant wants to file rejoinder, if necessary.

Ld. P.O. submits that there is no need to file reply of other respondents.

S.O. **two weeks.**

Vice-Chairman(J)

pdg

O.A. No. 73/2016.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 1st August 2017.

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

The Ld. counsel for the applicant submits that the L.Rs of the deceased applicant are not interested in prosecuting the O.A. In view thereof, O.A. stands abated, since L.Rs of the deceased applicant are not brought on record and they are not interested in prosecuting the O.A.

Vice-Chairman(J)

pdg

O.A. No. 121/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 1st August 2017.

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

At the request of the Ld. counsel for the applicant , S.O. **four weeks** for filing rejoinder.

Vice-Chairman(J)

pdg

O.A. No. 736/2015.

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

Dated : 1st August 2017.

R.A. 09/2016.

Heard Shri R.V. Shiralkar, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondent Nos. 1 to 3. Shri B.D. Pandit, Ld. Adv. for R.4.

At the request of the Ld. counsel for the applicant , S.O. **three weeks.**

Vice-Chairman(J)

pdg

O.A. No. 174/2016.

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

Dated : 01st August 2017.

C.A. No. 300/2017:-

Shri A.Bhole, Id. counsel for the applicant. Shri Kulkarni, the learned P.O. for the Respondents.

The Id. P.O. seeks time to file reply affidavit on behalf of Respondent no. 1 & 2. **S.O. four weeks.**

Vice-Chairman(J)

aps

O.A. No. 111/2013.

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

Dated : 01st August 2017.

C.A. No. 297/2017:-

Shri G.K.Bhusari, Id. counsel for the applicant. Shri Pande, the learned P.O. for the Respondents.

The Id. P.O. seeks time to take instructions as to when the D.P.C. is to be conveyed and seeks two weeks time.

S.O. two weeks.

Vice-Chairman(J)

aps

O.A. No. 365/2017.

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

Dated : 01st August 2017.

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

The Id. P.O. seeks time to file reply affidavit. **S.O. two weeks.**

Vice-Chairman(J)

aps

O.A. No. 288/2017.

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

Dated : 01st August 2017.

C.A.No. 363/17:-

Heard S.D.Godshwar, Id.
Counsel for the applicant. Shri Kulkarni,
the learned P.O. for the Respondents.

The application is for grant of stay to the recruitment process of Police Constable. The applicant applied for the post of Police Constable (Police Child) in OBC category. It is stated that 15 candidates were appeared in the category of Police Child for one reserved post. It is further stated that the applicant

obtained highest marks from other candidates. However, instead of selecting the candidate the Respondents issued another advertisement dated 05/05/2017, wherein the reservation for police child is zero. The applicant therefore, submits that his claim is legitimate claim which has been rejected and therefore, he is claiming stay to the recruitment process. In this case the Respondent no. 2 has already filed reply affidavit and therefore, the matter can be heard on merit. Just for one post of the Police child the entire recruitment process cannot be stayed. However, it is made clear that whatever appointment order will be issued will be subject to outcome of this O.A.

The Id. P.O. directed to take instructions, accordingly the C.A. stands disposed of. The matter can be heard on merit. **S.O. two weeks**

Vice-Chairman(J)

aps

O.A. No. 446/2017.

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

Dated : 01st August 2017.

Shri Sudame, Id. Counsel for the applicant. Shri Sainis, the learned P.O. for the Respondents.

The Id. P.O. files reply affidavit on behalf of Respondent no. 1. The same is taken on record. Copy is served to the other side. On the request of both the counsels the matter is admitted and kept for hearing on merit.

Admit.

S.O. tomorrow i.e. 02/08/2017.

Vice-Chairman(J)

aps

O.A. No. 738/2016.

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

Dated : 01st August 2017.

Shri Bharat Kulkarni, Id. Counsel for the applicant. Shri Khadatkar, the learned P.O. for the Respondents.

The Id. P.O. files reply affidavit on behalf of Respondents no. 1 & 2. The same is taken on record. Copy is served to the other side. The Id. Counsel for the applicant wants to go through it. Hence, **S.O. four weeks** for filing rejoinder, if necessary.

Vice-Chairman(J)

aps

O.A. No. 430/2017.

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

Dated : 01st August 2017.

Shri Abhishek Pathak, holding for Shri Sirpurkar, Id. Counsel for the applicant. Shri S.Deo, the learned C.P.O. for the State. R-1 & 2 await service.

The Id. Counsel for the applicant submits that he will file the service in the office working hour i.e. today. The Id. C.P.O. seeks time to file the reply, **S.O. four weeks.**

Vice-Chairman(J)

aps

O.A. No. 814/2016.

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

Dated : 01st August 2017.

Ms.A.M.Gupta, holding for Shri P.B.Patil, Id. Counsel for the applicant. Shri A.P.Potnis, the learned P.O. for the Respondents.

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

Vice-Chairman(J)

aps

O.A. No. 367/2017.

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

Dated : 01st August 2017.

Shri V.U.Waghmare, Id. Counsel for the applicant. Shri S.Deo, the learned C.P.O. for the Respondent no. 1 & 2. Envelop of Respondent no.3, returned back unserved, Postal remark is not claimed.

The Id. C.P.O. seeks time to file the reply affidavit. **S.O. four weeks.**

Vice-Chairman(J)

aps

O.A. No. 437/2017.

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

Dated : 01st August 2017.

Shri P.S.Wathore, holding for Shri P.S.Patil, Id. Counsel for the applicant. Shri A.P.Potnis, the learned P.O. for the Respondent no. 1.

The Id. Counsel for the applicant submits that he will collect the hamdast today itself as per the court order dated 04/07/2017. **S.O. four weeks.**

Vice-Chairman(J)

aps

O.A. No. 188/2017.

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

Dated : 01st August 2017.

None for the applicant. Shri Pande, the learned P.O. for the Respondent no. 1 to 3. None for R-4.

The Id. P.O. seeks time to file the reply affidavit. In the last occasion he was stated that no need to file the reply

affidavit for Respondents no. 1 to 3. **S.O.**
four weeks.

Vice-Chairman(J)

aps

O.A. No. 194/2017.

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

Dated : 01st August 2017.

None for the applicant. Shri Khadatkar, the learned P.O. for the Respondent no. 1 & 2. None for R-3 & 4.

The Id. P.O. seeks time to file the reply affidavit. **S.O. four weeks.**

Vice-Chairman(J)

aps

O.A. No. 225/2017.

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

Dated : 01st August 2017.

Shri Amol Deshpande holding for
Shri R.V.Shiralkar, Id. Counsel for the
applicant. Shri A.M.Ghogre, the learned
P.O. for the Respondents.

At the request of Id. P.O., **S.O.**
next week.

Vice-Chairman(J)

aps

O.A. No. 488/2017.

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

Dated : 01st August 2017.

Shri Patil, Id. Counsel for the
applicant. Shri A.M.Ghogre, the learned
P.O. for the Respondents.

The Id. Counsel for the applicant submits that he has been instructed to withdraw the O.A. and seeks permission for the same. In view thereof the application stands disposed of with no order as to costs.

Vice-Chairman(J)

aps

O.A. No. 13/2016.

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

Dated : 01st August 2017.

Shri G.K.Bhusari, Id. Counsel for the applicant. Shri Pande, the learned P.O. for the Respondents.

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

Vice-Chairman(J)

aps

O.A. No. 122/2016.

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

Dated : 01st August 2017.

Heard Ms.A.Athalye, the learned counsel for the applicant and Shri A.P.Potnis, the learned P.O. for the respondent No.1.

2. The Id. Counsel for the applicant submits that the Respondent no. 2 is not served and therefore fresh notices be issued to newly added Respondent no. 2.

3. Issue notice to respondent No. 2 returnable within **two weeks**.

4. Shri A.P.Potnis, the learned P.O. for waives notice for respondent No.1. Hamdast granted.

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

6. 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.

7. 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.

8. 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.

9. S.O. two weeks.

Vice-Chairman(J)

aps

O.A. No. 122/2016.

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

Dated : 01st August 2017.

Heard Ms.A.Athalye, the learned counsel for the applicant and Shri A.P.Potnis, the learned P.O. for the respondent No.1.

2. The Id. Counsel for the applicant submits that the Respondent no. 2 is not served and therefore fresh notice be issued to newly added Respondent no. 2.

3. Issue fresh notice to respondent No. 2 returnable within **two weeks.**

4. Shri A.P.Potnis, the learned P.O. waives notice for respondent No.1. Hamdast granted.

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

6. 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.

7. 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.

8. 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.

9. S.O. two weeks.

Vice-Chairman(J)

aps

O.A. No. 435/2017.

Coram: Shri J.D. Kulkarni,

Vice-Chairman (J).

Dated : 01st August 2017.

C.A. No. 285/17:-

Heard Shri G.G.Bade, the learned counsel for the applicant and Shri S.A.Deo, the learned C.P.O. for the respondent No.1.

2. For the reasons stated in the application, C.A. is allowed. The applicant are allowed to sue jointly in O.A..

3. On the request of Id. Counsel for the applicant, issue fresh notices to the respondents no. 2 & 3, returnable within **four weeks.**

4. Shri S.A.Deo, the learned C.P.O. waives notice for respondent No.1. Hamdast granted.

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

6. 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.

7. 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.

8. 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.

9. S.O. **four weeks.**

Vice-Chairman(J)

aps

O.A. No. 434/2017.

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

Dated : 01st August 2017.

C.A. No. 286/17:-

Heard Shri G.G.Bade, the learned counsel for the applicant and Shri S.A.Deo, the learned C.P.O. for the respondent No.1.

2. For the reasons stated in the application, C.A. is allowed. The applicant are allowed to sue jointly in O.A..

3. On the request of Id. Counsel for the applicant, issue fresh notices to the respondents no. 2 & 3, returnable within **four weeks.**

4. Shri S.A.Deo, the learned C.P.O. waives notice for respondent No.1. Hamdast granted.

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

6. 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.

7. 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.

8. 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.

9. S.O. **four weeks.**

Vice-Chairman(J)

aps