

O.A.No. 439/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 01.08.2018.

Shri A.P.Tathod, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the State. Await services of respondent nos. 2 and 3.

The Id. counsel for the applicant submits that he will file the service affidavit today only and desires that early reply should be submitted. The Id. P.O. desires two weeks time, however, considering the urgency of the transfer matter, one week time is given for filing reply.

At the request of Id. P.O., **S.O. one week** for filing affidavit-in-reply.

Member (A)

aps.

O.A.No. 57/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 01.08.2018.

C.A.No. 357/17 :-

Heard Shri R.A.Haque, Id. counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the respondent no. 2. Await service of respondent no. 1.

The Id. Counsel for the applicant submits that alongwith the Health problem, he has Financial problem too and he has Annexed the document for selling the property for getting Financial viable to get legal redressal. In view of this, condonation of application is allowed.

The Id. P.O. has submitted the Judgment of Hon'ble Supreme Court, **(1996) 7 Scale 179/(1996) 7 Supreme 512/(1996) 3 SCJ 295/ (1997) 1 LL.J 640/ (1996) 6 SCC 267, State of Karnataka Vs. S.M.Kotrayya .**

It is taken on record and marked Exh. "X" for the purpose of identification.

S.O. two weeks.

Member (A)

aps.

O.A.No. 809/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 01.08.2018.

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

Since the reply from Government is yet to be filed on record. As suggested by Id. C.P.O. and pleading by Id. Counsel for the applicant also four weeks time is given for affidavit-in-reply.

S.O. four weeks as a last chance for filing affidavit-in-reply.

Put up this matter alongwith the O.As.810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821 & 822 of 2017.

Member (A)

aps.

O.A.No. 810/2017 (S.B.)

Coram : Hon. Shri Shree Bhagwan,

Member (A)

Dated : 01.08.2018.

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

Since the reply from Government is yet to be filed on record. As suggested by Id. C.P.O. and pleading by Id. Counsel for the applicant also four weeks time is given for affidavit-in-reply.

S.O. four weeks as a last chance for filing affidavit-in-reply.

Put up this matter alongwith the O.As.809, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821 & 822 of 2017.

Member (A)

aps.

O.A.No. 811/2017 (S.B.)

Coram : Hon. Shri Shree Bhagwan,

Member (A)

Dated : 01.08.2018.

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

Since the reply from Government is yet to be filed on record. As suggested by Id. C.P.O. and pleading by Id. Counsel for the applicant also four weeks time is given for affidavit-in-reply.

S.O. four weeks as a last chance for filing affidavit-in-reply.

Put up this matter alongwith the O.As.809, 810, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821 & 822 of 2017.

Member (A)

aps.

O.A.No. 812/2017 (S.B.)

Coram : Hon. Shri Shree Bhagwan,

Member (A)

Dated : 01.08.2018.

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

Since the reply from Government is yet to be filed on record. As suggested by Id. C.P.O. and pleading by Id. Counsel for the applicant also four weeks time is given for affidavit-in-reply.

S.O. four weeks as a last chance for filing affidavit-in-reply.

Put up this matter alongwith the O.As.809, 810, 811, 813, 814, 815, 816, 817, 818, 819, 820, 821 & 822 of 2017.

Member (A)

aps.

O.A.No. 813/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 01.08.2018.

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

Since the reply from Government is yet to be filed on record. As suggested by Id. C.P.O. and pleading by Id. Counsel for the applicant also four weeks time is given for affidavit-in-reply.

S.O. four weeks as a last chance for filing affidavit-in-reply.

Put up this matter alongwith the O.As.809, 810, 811, 812, 814, 815, 816, 817, 818, 819, 820, 821 & 822 of 2017.

Member (A)

aps.

O.A.No. 814/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 01.08.2018.

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

Since the reply from Government is yet to be filed on record. As suggested by Id. C.P.O. and pleading by Id. Counsel for the applicant also four weeks time is given for affidavit-in-reply.

S.O. four weeks as a last chance for filing affidavit-in-reply.

Put up this matter alongwith the O.As.809, 810, 811, 812, 813, 815, 816, 817, 818, 819, 820, 821 & 822 of 2017.

Member (A)

aps.

O.A.No. 815/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 01.08.2018.

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

Since the reply from Government is yet to be filed on record. As suggested by Id. C.P.O. and pleading by Id. Counsel for the applicant also four weeks time is given for affidavit-in-reply.

S.O. four weeks as a last chance for filing affidavit-in-reply.

Put up this matter alongwith the O.As.809, 810, 811, 812, 813, 814, 816, 817, 818, 819, 820, 821 & 822 of 2017.

Member (A)

aps.

O.A.No. 816/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 01.08.2018.

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

Since the reply from Government is yet to be filed on record. As suggested by Id. C.P.O. and pleading by Id. Counsel for the applicant also four weeks time is given for affidavit-in-reply.

S.O. four weeks as a last chance for filing affidavit-in-reply.

Put up this matter alongwith the O.As.809, 810, 811, 812, 813, 814, 815, 817, 818, 819, 820, 821 & 822 of 2017.

Member (A)

aps.

O.A.No. 817/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 01.08.2018.

Ms. M.Iyer, Id. counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the respondent

nos. 1 & 2. Shri H.D.Marathe, holding for Shri V.G.Palshikar, Id. Counsel for the respondent no. 3.

Since the reply from Government is yet to be filed on record. As suggested by Id. C.P.O. and pleading by Id. Counsel for the applicant also four weeks time is given for affidavit-in-reply.

S.O. four weeks as a last chance for filing affidavit-in-reply.

Put up this matter alongwith the O.As.809, 810, 811, 812, 813, 814, 815, 816, 818, 819, 820, 821 & 822 of 2017.

Member (A)

aps.

O.A.No. 818/2017 (S.B.)

Coram : Hon. Shri Shree Bhagwan,

Member (A)

Dated : 01.08.2018.

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

Since the reply from Government is yet to be filed on record. As suggested by Id. C.P.O. and pleading by Id. Counsel for the applicant also four weeks time is given for affidavit-in-reply.

S.O. four weeks as a last chance for filing affidavit-in-reply.

Put up this matter alongwith the O.As.809, 810, 811, 812, 813, 814, 815, 816, 817, 819, 820, 821 & 822 of 2017.

Member (A)

aps.

O.A.No. 819/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 01.08.2018.

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

Since the reply from Government is yet to be filed on record. As suggested by Id. C.P.O.

and pleading by Id. Counsel for the applicant also four weeks time is given for affidavit-in-reply.

S.O. four weeks as a last chance for filing affidavit-in-reply.

Put up this matter alongwith the O.As.809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 820, 821 & 822 of 2017.

Member (A)

aps.

O.A.No. 820/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 01.08.2018.

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

Since the reply from Government is yet to be filed on record. As suggested by Id. C.P.O. and pleading by Id. Counsel for the applicant

also four weeks time is given for affidavit-in-reply.

S.O. four weeks as a last chance for filing affidavit-in-reply.

Put up this matter alongwith the O.As.809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 821 & 822 of 2017.

Member (A)

aps.

O.A.No. 821/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 01.08.2018.

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

Since the reply from Government is yet to be filed on record. As suggested by Id. C.P.O. and pleading by Id. Counsel for the applicant also four weeks time is given for affidavit-in-reply.

S.O. four weeks as a last chance for filing affidavit-in-reply.

Put up this matter alongwith the O.As.809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820 & 822 of 2017.

Member (A)

aps.

O.A.No. 822/2017 (S.B.)

Coram : Hon. Shri Shree Bhagwan,

Member (A)

Dated : 01.08.2018.

Ms. M.Iyer, Id. counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the respondent nos. 1 & 2. Shri H.D.Marathe, holding for Shri V.G.Palshikar, Id. Counsel for the respondent no. 3.

Since the reply from Government is yet to be filed on record. As suggested by Id. C.P.O. and pleading by Id. Counsel for the applicant also four weeks time is given for affidavit-in-reply.

S.O. four weeks as a last chance for
filing affidavit-in-reply.

*Put up this matter alongwith the
O.As.809, 810, 811, 812, 813, 814, 815, 816,
817, 818, 819, 820 & 821 of 2017.*

Member (A)

aps.

O.A.No. 247/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 01.08.2018.

Shri G.G.Bade, Id. Counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the State. Await service of respondent no. 2. None for respondent no. 3.

At the request of Id. Counsel for the applicant, he submits that he will file service affidavit in the week time. Though the matter is very much old and the Id. Counsel for the applicant decides to consult his client. At his request, **S.O. two weeks.**

Member (A)

aps.

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

Coram : Hon. Shri Shree Bhagwan,
Member (A)

Dated : 01.08.2018.

Shri I.G.Meshram, Id. Counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the

respondent nos. 1 & 3. Await service of respondent no. 2 & 4.

The Id. Counsel for the applicant submits that he wants to delete the respondent no. 4. He is allowed to delete the same. The matter is **admitted** and kept for final hearing, **S.O. second week of August.**

Member (A)

aps.

O.A.No. 308/2018 (S.B.)

Coram : Hon. Shri Shree Bhagwan,
Member (A)

Dated : **01.08.2018.**

None for the applicant. Shri S.A.Deo, Id. C.P.O. for the State. Await service of respondent nos. 2 to 5.

The matter will be listed after service.

S.O. in due course.

Member (A)

aps.

O.A.No. 120/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 01.08.2018.

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

In the last hearing i.e. 09/07/2018, the respondent no. 3 was directed to take immediate action as per the order passed by respondent no. 2 by order dated 02/06/2018. In that order, last para i.e. on Pg. No. 126 it has been clearly mentioned that applicant should be given consequential benefits also as per the report.

The respondent no. 3 on Pg. No. 136 dated & c@ep l ¼; ½@vklF#ed{A&8@1769@18&19 (Annexure-B) dated 16/07/2018 as given benefits of seniority as shown on Pg.No. 137 as 27/04/2017. However, as per order of respondent no. 2, the consequential benefits are to be also given. The respondent nos. 2 and 3 are now directed to take necessary

steps, so that as per the seniority date to 27/04/2017 in present para, the applicant consequential benefit should also be given. Since, the whole process should be completed within three months from the date of this order.

Hence the O.A. is disposed off with no order as to costs.

Member (A)

aps.

O.A.No. 254/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 01.08.2018.

None for the applicant. Shri
A.M.Khadatkar, Id. P.O. for the respondents.

The Id. P.O. has filed the affidavit-in-
reply on behalf of the respondent no. 2. The
same is taken on record. He submits that he
will serve the copy to the other side.

On the last date also nobody appears
for the applicant. It seems that the applicant is
not interested in proceeding the O.A.
However, matter is **admitted** and kept for
final hearing.

S.O. one week for final disposal of the
O.A.

Member (A)

aps.

O.A.No. 347/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 01.08.2018.

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

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

Member (A)

aps.

O.A.No. 375/2018 (S.B.)

Coram : Hon. Shri Shree Bhagwan,

Member (A)

Dated : 01.08.2018.

Shri A.P.Sadavarte, Id. Counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the respondents.

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

In order dated 08/06/2018 in para no. 2- *"The transferring authority i.e., S.D.O. Karanja (R-2) has transferred the applicant as per the order of Pg. No. 38. The Id. Counsel for the applicant pointed out that, out of choices given by the applicant, the choice at Sr. No. 2 is vacant for last two years. The transferring authority should have considered the choice given by the applicant i.e. at Sr. No. 2 as the said post is vacant since last two years. In view of this, the impugned order dated 31/05/2018 (Annex-A-5) is stayed till the next date of hearing".*

The above same order is continued till next date of hearing.

S.O. two weeks.

Member (A)

aps.

O.A.No. 580/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 01.08.2018.

Heard Shri S.P.Palshikar, Id. Counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the State.

2. The Id. Counsel for the applicant pleaded that the applicant will lose his chance for further promotion.

3. In view of the above para issue notice to respondent no. 2 returnable 07/08/2018 and matter will be listed on 07/08/2018.

4. Issue notice to R-2, returnable on 07-08-2018. Learned C.P.O. waives notice for R-1. Hamdast allowed.

5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall 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. Respondent is put to notice that the case

would be taken up for final disposal at the stage of admission hearing.

7. 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.

8. 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.

9. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

10. **S.O. 07-08-2018.**

Member (A)

aps.

O.A.No. 987/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 01.08.2018.

None for the applicant and Shri V.A.Kulkarni, Id. P.O. for the State. Await service of respondent no. 2 to 4.

At the request of Id. P.O. services are yet to be file. **S.O. in due course.**

Member (A)

aps.

Member (A)

aps.

O.A.No. 987/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 01.08.2018.

None for the applicant and Shri V.A.Kulkarni, Id. P.O. for the State. Await service of respondent no. 2 to 4.

At the request of Id. P.O. services are yet to be file. **S.O. in due course.**

Member (A)

aps.

O.A. 866/2012 (D.B.)

**Coram: J.D. Kulkarni,
Vice-Chairman(J) and
Shree Bhagwan,Member(A)**

Dated : 01/08/2018

C.A.190/2018 -

None for the applicant.

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

The applicant is claiming for early hearing. The matter is of the year 2012. Hence, the C.A. for early hearing is allowed.

O.A.866/2012 –

S.O. Next week in the weekly hearing parties board.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 579/2018 (D.B.)

Coram: J.D. Kulkarni,
Vice-Chairman(J) and
Shree Bhagwan,Member(A)

Dated : 01/08/2018

C.A.193/2018 -

Heard Shri D.M. Kakani, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the State.

2. 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. stands disposed of accordingly.

O.A.579/2018 -

Heard Shri D.M. Kakani, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the State.

2. Issue notice to R-2 and 3, 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. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to

Tribunal and papers be consigned to record.

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

Member(A) Vice-Chairman(J)

dnk.

O.A. 485/2018 (D.B.)

**Coram: J.D. Kulkarni,
Vice-Chairman(J) and
Shree Bhagwan,Member(A)**

Dated : 01/08/2018

None for the applicant.

Shri H.K. Pande, Id. P.O. for R-
1. Await service of R-2&3.

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

S.O. in due course.

Member(A) Vice-Chairman(J)

dnk.

O.A. Nos. 236/15 & 479/15 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 01/08/2018

Heard Shri S.P. Palshikar, Id. counsel for the applicants and Shri P.N. Warjurkar, Id. P.O. (in O.A.236/15) and Shri H.K. Pande, Id. P.O. (in O.A.479/15) for the respondents.

Heard. Admit.

The learned P.Os. waive notices for the respondents.

S.O. in due course.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 274/15 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 01/08/2018

None for the applicant.

Heard Shri M.I. Khan, Id. P.O. for
R-1. None for R-2 to 6.

Heard. Admit.

The learned P.O. waives notice for
R-1.

S.O. in due course.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 390/15 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 01/08/2018

None for the applicant.

Heard Shri V.A. Kulkarni, Id. P.O.
for the respondents.

Heard. Admit.

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

S.O. in due course.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 38/2018 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 01/08/2018

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

The learned P.O. files reply-affidavit on behalf of R-1 to 3. It is taken on record. Copy is given to the applicant.

S.O. four weeks for filing rejoinder, if any.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 225/2018 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 01/08/2018

None for the applicant.

Shri M.I. Khan, Id. P.O. for the respondents.

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

Member(A)

Vice-Chairman(J)

dnk.

O.A. 882/2012 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 01/08/2018

Shri M.R. Khan, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 13/08/2018** for filing necessary documents.

Member(A) Vice-Chairman(J)

dnk.

O.A. 881/2009 (D.B.)

**Coram: J.D. Kulkarni,
Vice-Chairman(J) and
Shree Bhagwan,Member(A)**

Dated : 01/08/2018

None for the applicant.

Shri M.I. Khan, Id. P.O. for the respondents.

S.O. 03/08/2018.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 858/2009 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 01/08/2018

Shri Bharat Kulkarni, Id. counsel
for the applicant and Shri P.N. Warjurkar,
Id. P.O. for R-1 to 3. None for R-4 to 8.

At the request of learned counsel
for the applicant, **S.O. 02/08/2018.**

Member(A)

Vice-Chairman(J)

dnk.

**O.A. Nos. 572, 573,574, 575 & 846 of 2017
(D.B.)**

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 01/08/2018

O.A.572/17 with C.As. 514/17 & 127/18,

O.A.573/17 with C.As.516/17 & 129/18,

O.A.574/17 with C.As. 518/17 & 131/18,

O.A.575/17 with C.As.520/17 & 133/18,

O.A.846/17 with C.A.No.135/18

Heard Shri D.T. Shinde, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the respondents.

2. As per the order dated 19/06/2018 it was clearly stated that the question whether candidates will have to appear for examination every time whenever the posts are available is to be considered in this matter and the applicants were given opportunity even to appear for the examination under protest. The learned counsel for the applicants submits that the applicants are not ready for appearing for the examination. The learned P.O. was directed to take instructions as to within how many days the entire process of regular promotion will be completed including fresh examination. It is stated that it may take 3-4 months time. He was also directed to take instructions as to whether the applicants can be continued on promotional post on ad-hoc basis till regular promotions are carried out on which the learned P.O. submits that in another O.A. before the Principal Bench of this Tribunal, the respondents have been directed not to fill up the posts on Ad-hoc basis and therefore the posts

cannot be filled up. From the reversion order dated 28/07/2017, it seems that the applicants were reverted on 28/07/2017 and on 3/8/2017 these O.As. are filed. The applicants have been relieved on 21/08/2017. It is stated that during pendency of the O.As. the applicants have been relieved and therefore the position is anti subjudice. Since the reversion

order has already been served and the applicants have already been relieved and in view of the fact that no ad-hoc promotions are to be given and therefore the applicants will not be entitled to any relief in the form of restoration of promotional posts. If on merits the applicants are found to be entitled to promotions, they can claim retrospective deemed date of promotion and therefore the matters will have to be decided on merits. The learned P.O. submits that the respondent wants to file reply-affidavit to the amended O.A. He will be

at liberty to file such reply-affidavit in advance. The matters are therefore admitted and it be taken in due course.

3. In view of above observations, the C.As. for direction stands disposed of and the C.As. for interim relief also stands rejected accordingly.

O.A. Nos. 572, 573,574, 575 & 846 of 2017

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Heard Shri D.T. Shinde, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the respondents.

Heard. Admit.

The learned P.O. waives notices for the respondents.

S.O. in due course.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 877/2009 (D.B.)

**Coram: J.D. Kulkarni,
Vice-Chairman(J) and
Shree Bhagwan,Member(A)**

Dated : 01/08/2018

None for the applicant. Shri M.I.
Khan, Id. P.O. for the respondents.

S.O. 02/08/2018.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 790/2009 (D.B.)

**Coram: J.D. Kulkarni,
Vice-Chairman(J) and
Shree Bhagwan,Member(A)**

Dated : 01/08/2018

None for the applicant. Shri A.M.Khadatkar, Id. P.O. for the respondents.

2. From the record, it appears that on the earlier occasion, i.e., on 3/7/2018 the matter was listed for hearing. On that date, the applicant and his counsel were absent and therefore matter is kept for dismissal today. Today also none appeared for the applicant. With a view to afford one more opportunity, the

matter be kept for dismissal on
03/08/2018.

Member(A) Vice-Chairman(J)

dnk.

O.A. 16/2010 (D.B.)

**Coram: J.D. Kulkarni,
Vice-Chairman(J) and
Shree Bhagwan,Member(A)**

Dated : 01/08/2018

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

Closed for orders.

Member(A) Vice-Chairman(J)

dnk.

O.A. 688/2009 (D.B.)

**Coram: J.D. Kulkarni,
Vice-Chairman(J) and
Shree Bhagwan,Member(A)**

Dated : 01/08/2018

None for the applicant.

Shri A.M. Ghogre, Id. P.O. for R-
1. None for R-2&3.

S.O. 02/08/2018 along with
O.A.931/2012.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 931/2012 (D.B.)

**Coram: J.D. Kulkarni,
Vice-Chairman(J) and
Shree Bhagwan,Member(A)**

Dated : 01/08/2018

None for the applicant.

Shri V.A. Kulkarni, Id. P.O. for the
respondents.

S.O. 02/08/2018 along with
O.A.688/2009.

Member(A)

Vice-Chairman(J)

dnk.

O.A. Nos. 675, 693 & 694 of 2009 (D.B.)

**Coram: J.D. Kulkarni,
Vice-Chairman(J) and
Shree Bhagwan,Member(A)**

Dated : 01/08/2018

Shri Amol Deshpande, Id. counsel appears on behalf of the applicants and submits that he will file Vakalatnama on behalf of the applicants during the course of day.

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

At the request of learned counsel for the applicants, **S.O. 06/08/2018.**

Member(A)

Vice-Chairman(J)

dnk.

O.A. 640/2009 (D.B.)

**Coram: J.D. Kulkarni,
Vice-Chairman(J) and
Shree Bhagwan,Member(A)**

Dated : 01/08/2018

Shri A.R. Sharma, Id. counsel holdingfor Shri A. Mardikar, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1 to 3. None for R-4 to 6.

2. Shri S.U. Nemade, Id. counsel submits that Shri A. Mardikar, Id. counsel has already filed Vakalatnama in this matter. He therefore requests that his name may be deleted in this matter. His request is accepted.

3. At the request of Shri Sharma, Id. counsel for the applicant, the matter be kept on **02/08/2018**.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 472/2009 (D.B.)

**Coram: J.D. Kulkarni,
Vice-Chairman(J) and
Shree Bhagwan,Member(A)**

Dated : 01/08/2018

Heard Shri S.U. Nemade, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1 to 3. None for R-4.

2. The learned counsel for the applicant submits that he has received information that the applicant died in the year 2012 itself and therefore the application may be abated. In view thereof, the O.A. stands disposed of as abated. No order as to costs.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 112/2008 (D.B.)

**Coram: J.D. Kulkarni,
Vice-Chairman(J) and
Shree Bhagwan,Member(A)**

Dated : 01/08/2018

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Shri P.N. Warjurar, Id. P.O. for the respondents.

2. After hearing the matter for considerable time, it has been brought to our notice that the Judgment was delivered on similar issue in O.A.Nos.58,

566 & 599 of 2008 by the Aurangabad Bench of this Tribunal and in the said Judgment the Tribunal observed in para no.16 as under :-

“(16) For an interpretation against Zonal Tournaments being All India University Tournaments, except the fact that there are instances when the Directorate or its District representative have held these Zonal Tournaments as not attracting the description “All India University Tournaments”, there is no other material on record.

In the light of above factors weighing in favour of and against the interpretation that Zonal Tournaments are / are not All India University Tournaments, the interpretation in favour the applicants will have to be accepted, at least till the time respondents streamline the procedure of issuing certificates, procedure for verification, and even the language of the certificates, in the light of suggestions in the earlier part of this order made upon noticing patent loop-holes. This is because fate of thousands of candidates must have been already determined with the present procedure.”

3. In view of the aforesaid observations, the learned P.O. is requested to take instructions as to whether the rules for recruitment of Police Constable have been amended

after 2006 and if yes, the same shall be placed on record.

S.O. 03/08/2018. (P.H.)

Steno copy is granted.

Member(A) Vice-Chairman(J)

dnk.

O.A. Nos. 750 & 751 of 2009 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 01/08/2018

Shri Bharat Kulkarni, Id. counsel for the applicants, Shri S.A. Sainis, Id. P.O. for R-1&2 and Shri Marathe, Id. counsel holding for Shri V.G. Palshikar, Id. counsel for R-3.

2. It is stated that the Mumbai Bench of this Tribunal has already delivered the Judgment in O.A.368/2007 on 16/04/2008 (Annex-A-RIII, P-187) in

which the similar point has been decided. It is stated that the said Judgment has been challenged before the Hon'ble High Court Bench at Bombay in the Writ Petition No.7486/2008 in which an order has been passed on 17/11/2008 that the promotions made will be subject to outcome of this writ petition. The copy of the said order is placed on record and marked Exh-X for the purposes of identification. The learned counsel for the applicant therefore submits that he will take instructions from his client as to what step shall be taken. In view thereof, the matter be kept on **03/08/2018**.

Matter be treated as **P.H.**

Member(A)

Vice-Chairman(J)

dnk.