

O.A. No.48/2017.

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

Dated : 22nd December 2017.

C.A. 284/2017.

Shri S.R. Deshpande, the Ld. counsel for the applicant and Shri H.K. Pande, the Ld. P.O. for the respondents.

At the request of Ld. counsel for the applicant, S.O. **5th January 2018.**

Vice-Chairman(J)

pdg

O.A. No.873/2017.

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

Dated : 22nd December 2017.

Heard Shri D.T. Shinde, the Ld. counsel for the applicant and Shri A.P. Potnis, the Ld. P.O. for the respondent No.1.

2. Issue notice to respondent Nos. 2 and 3 returnable after **four weeks.**

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

4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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 O.A.

6. 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.

7. 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.688/2017.

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

Dated : 22nd December 2017.

None for the applicants. Shri M.I. Khan,
the Ld. P.O. for the respondent Nos. 1 to 3.
None for R. 4 to 7.

S.O. **four weeks.**

Vice-Chairman(J)

pdg

O.A. No.254/2017.

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

Dated : 22nd December 2017.

Mrs. P.S. Zoting, the Ld. counsel for the applicant and Shri S.A. Deo, the Ld. C.P.O. for the respondents.

S.O. **after winter vacation** for filing rejoinder by the applicant.

Vice-Chairman(J)

pdg

O.A. No.358/2009.

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

Dated : 22nd December 2017.

Shri S.P. Palshikar, the Ld. counsel for the applicant and Shri M.I. Khan, the Ld. P.O. for the respondent Nos. 1 to 3. Shri S.S. Pandit, Ld. counsel for respondent No.4 and Shri N.R. Saboo, the Ld. counsel for respondent No.5.

The Ld. counsel for respondent No.5 submits that he has not yet received copies of documents. Ld. P.O undertakes to supply copies to the Ld. counsel for the applicant.

S.O. first week of January 2018.

Vice-Chairman(J)

pdg

O.A. No.839/2012. (S.B.)

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

Dated : 22nd December 2017.

Heard Shri N.R. Saboo, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the Ld. P.O. for respondent Nos. 1 to 3. None for respondent No.4.

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

Vice-Chairman(J)

pdg

O.A. No.224/2017. (S.B.)

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

Dated : 22nd December 2017.

Heard Shri R.V. Shiralkar, the Ld. counsel for the applicant and Shri M.I. Khan, the Ld. P.O. for respondent No.1. Shri R. Tajne, Adv. for R.2. None for respondent No. 3.

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

Vice-Chairman(J)

pdg

O.A. No.42/2017. (S.B.)

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

Dated : 22nd December 2017.

Shri R.S. Sirpurkar, the Ld. counsel for the applicant and Shri sM.I. Khan, the Ld. P.O. for the respondents.

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

Vice-Chairman(J)

pdg

O.A. No.675/2017. (S.B.)

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

Dated : 22nd December 2017.

Shri R.V. Shiralkar, the Ld. counsel for the applicant and Shri M.I. Khan, the Ld. P.O. for the respondents.

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

Vice-Chairman(J)

pdg

O.A. No. 200/2017 (SB)

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

Dated : 22.12.2017

C.A.104/2017

None for the applicant.

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

S.O. four weeks.

Vice Chairman (J)

dnk.

O.A. No. 648/2017 (SB)

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

Dated : 22.12.2017

C.A.No.413/17 in C.A.414/17

None for the applicants.

Shri H.K. Pande, Id. P.O. for the respondent no.1. Await service of R-2&3.

S.O. four weeks.

Vice Chairman (J)

dnk.

O.A. No. 719/2017 (SB)

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

Dated : 22.12.2017

C.A.472/2017

None for the applicants. Shri S.A. Deo, Id. C.P.O. for the Respts.

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.719/17 .

None for the applicants. Shri S.A. Deo, Id. C.P.O. for the State.

At the request of Id. CPO, **S.O. four weeks** for filing reply.

Vice Chairman (J)

dnk.

O.A. No. 726/2017 (SB)

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

Dated : **22.12.2017**

C.A.549/2017

None for the appicnat. Shri P.N. Warjurkar, Id. P.O. for the respondent no. 1. Shri A.S. Deshpande, Id. counsel for R-4. Await service of R-2&3.

The learned P.O. submits that the copy of application for condonation of delay has not supplied to the respondents.

The applicant to take steps to serve the copy of application for condonation of delay to the respondents.

S.O. four weeks.

Vice Chairman (J)

dnk.

O.A. No. 196/2017 (SB)

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

Dated : 22.12.2017

C.A.573/2017

None for the applicant. Shri H.K. Pande, Id. P.O. for the respondents.

The Id. P.O. seeks time to file reply to the amendment application. At his request ,**S.O. four weeks.**

Vice Chairman (J)

dnk.

O.A. No. 896/2017 (SB)

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

Dated : 22.12.2017

Shri P.P. Khaparde, Id. counsel for the applicant and Shri S.A. Deo, Id. P.O. for the respondent no.1. Await service of R-2 to 6.

At the request of Id. counsel for the applicant, **S.O. two weeks** for filing service affidavit of R-2 to 6.

Vice Chairman (J)

dnk.

O.A. No. 42/2017 (SB)

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

Dated : 22.12.2017

Shri Suyash Agrawal, Id. counsel holding for Smt. R.S. Sirpurkar, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

Since the pleadings are complete, the matter is admitted and kept for final hearing.

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

S.O. after two weeks.

Vice Chairman (J)

dnk.

O.A. No. 453/2017 (SB)

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

Dated : 22.12.2017

None for the applicant. Heard Shri M.I. Khan, Id. P.O. for the respondent nos. 1&2. Await service of R-3.

A detailed order was passed on 29/11/2017. The matter has been kept for dismissal today. Today also nobody appeared for the applicant. It seems that the applicant may not be interested in prosecuting the O.A. and therefore the O.A. stands dismissed in default.

Vice Chairman (J)

dnk.

O.A. No. 634/2017 **(SB)**

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

Dated : 22.12.2017

Shri M.V. Samarth, 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.

Vice Chairman (J)

dnk.

O.A. No. 658/2017 (SB)

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

Dated : 22.12.2017

Shri A. Girdekar, 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. three weeks**. for filing reply.

Vice Chairman (J)

dnk.

O.A. No. 666/2017 (SB)

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

Dated : 22.12.2017

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

Since the pleadings are complete, the matter is admitted and kept for final hearing.

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

S.O. four weeks.

Vice Chairman (J)

dnk.

O.A. No. 783/2017 (SB)

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

Dated : 22.12.2017

None for the applicant. Shri S.A. Sainis,
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. 784/2017 (SB)

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

Dated : 22.12.2017

None for the applicant. Shri S.A. Sainis,
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. 854/2017 (SB)

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

Dated : 22.12.2017

Shri D.P. Dapurkar, 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. 22/1/2018**.
for filing reply.

Vice Chairman (J)

dnk.

O.A. No. 855/2017 (SB)

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

Dated : 22.12.2017

Shri D.P. Dapurkar, 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. 22/1/2018**.
for filing reply.

Vice Chairman (J)

dnk.

O.A. No. 895/2017 (SB)

Coram : Hon. Shri J.D.Kulkarni,

Vice-Chairman (J).

Dated : 22.12.2017

None for the applicant.

Shri M.I. Khan, Id. P.O. for R-1&2 and Ms. A. Lanjewar, Id. counsel for R-3.

At the request of Id. P.O. as well as Id. counsel for R-3, **S.O. four weeks** for filing reply.

Vice Chairman (J)

dnk.

O.A. Nos. 87, 113 & 114 of 2013 **(SB)**

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

Dated : 22.12.2017

Heard Shri P.S. Kshirsagar, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. and other P.O. in other matters.

Closed for orders.

Vice Chairman (J)

dnk.

O.A. No. 842/2012 (SB)

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

Dated : 22.12.2017

None for the applicant.

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

S.O. After Vacation.

Vice Chairman (J)

dnk.

O.A. No. 870/2017 (SB)

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

Dated : 22.12.2017

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1&2. None for R-3.

2. The learned counsel for the applicant submits that the applicant has filed representation for transfer since he has completed his tenure in the naxalite affected area / rural area and also on the ground that his wife is also serving in Zilla Parishad, Yavatmal / Panchayat Samiti, Pusad. The representation is filed on 3/6/2017, but no decision has been taken on the said representation. The application therefore can be disposed of if the directions are issued to respondent authorities to take decision on the representation filed by the applicant within a stipulated period.

3. I am satisfied that the application can be disposed of without going into the merits itself directions are issued. Since the applicant has already been relieved from his post, he undertakes to join at the transfer place without prejudice his right. In view thereof the following order :-

ORDER

The O.A. stands disposed of with direction to respondent no.1 to take decision on the representation filed by the applicant on 3/6/2017 on its own merits. Such decision shall be taken within four weeks from the date of this order and shall be communicated to the applicant in writing. The applicant is directed to join at his transfer place within a week. No order as to costs.

Steno copy be supplied to the Id. counsel for the parties.

Vice Chairman (J)

dnk.

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

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

Dated : 22.12.2017

Heard Shri S.M. Puranik, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for the respondents.

2. The learned CPO submits that the matter is being dealt with by Id. P.O. Shri A.M. Ghogre who is not available today for his personal call and therefore the matter be kept After Vacation.

3. The learned counsel for the applicants submits that the applicants are apprehending that there may be possibility of issuance of the promotion orders since the DPC has already been held. The applicants are claiming promotion to the post of Junior Engineer from 20% quota. In the reply-affidavit filed by the respondents, it has been admitted that the applicants are eligible to be promoted from 20% quota in due course as in prescribed Rule 3 (a) (i) of the Recruitment Rules, 1998 for Junior Engineers.

4. The learned counsel for the applicants therefore submits that the matter be adjourned subject to the condition that three seats under 20% quota be kept vacant till decision of this O.A. Since the applicants are eligible to be promoted from 20% quota as stated in the reply-affidavit, there is no reason as to why three posts shall not be kept vacant till next date. Hence, the respondents are directed not to fill up three posts from 20% quota till next date.

5. At the request of Id. CPO, the matter be kept on 1/1/2018.

Steno copy be supplied to the Id. counsel for parties.

Vice Chairman (J)

dnk.

O.A. No. 979/2017 (SB)

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

Dated : 22.12.2017

Heard Shri A. Girdekar, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The applicant a Medical Officer (Group-A) has been transferred from P.H.C., Bhatkuli, District Amravati to P.H.C., Ramthirth, Tq. Daryapur, Dist. Amravati vide order dated 06/12/2017 by the Chief Executive Officer (CEO), Zilla Parishad, Amravati (R/4). The learned counsel for the applicant submits that the applicant is a Group-A Officer of Government of Maharashtra and the CEO has no authority to transfer her. Time and again the Government has issued Circulars prohibiting the CEOs. to issue transfer order in respect of such Officers, but ignoring those G.Rs., the impugned order has been issued. It is stated that the order of transfer is without jurisdiction. The applicant has been relieved, but has not joined at her transfer place since she is on medical leave. In view thereof, the respondents are directed not to force the

applicant to join at P.H.C., Ramthirth till further orders. The Chief Executive Officer (CEO), Zilla Parishad, Amravati (R/4) shall explain as to under what authority the impugned order of transfer has been issued. The learned CPO is directed to take instructions as to whether anybody is posted as on today in place of applicant.

3. Issue notice to R-2 to 4, returnable in **four weeks**. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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 O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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 affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

Vice Chairman (J)

dnk.

O.A. Nos 22,23, 58 & 116 of 2013 **(SB)**

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

Dated : 22.12.2017

None for the applicants.

2. Heard Shri S.A. Sainis, Id. P.O. and other P.Os. in other matters.

3. From the record it seems that the matters were listed on 23/7/2014, 20/12/2017 and 21/12/2017 but nobody appeared for the applicants and the matters are kept today of passing necessary orders.

4. At already stated today also nobody appeared for the applicants and hence the O.As. stand dismissed in default.

Vice Chairman (J)

dnk.

O.A. No. 630/2017 **(SB)**

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

Dated : 22.12.2017

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

2. The learned counsel for the applicant submits that as per the directions issued in O.A. 395/2007 on 5/3/2008, the representation of the applicant was to be considered for deemed date of promotion to the post of Police Inspector. It is the say of the applicant that accordingly the deemed date has been granted for the post of Police Inspector from 9/12/2001. In view of this, the applicant was entitled to be considered for Dy. Superintendent of Police promotion in 2013. However, the applicant has not been considered.

3. The learned P.O. has invited my attention to the reply-affidavit filed on behalf of respondent no.2, i.e, the Director of General of Police, M.S., Mumbai from which it is stated that the applicant's case was considered for Dy. Superintendent of Police post in 2013 also, but the applicant stood at sr.no.448-A. in the seniority list, whereas the Officers upto the seniority list no. 358 were only eligible for promotion and therefore applicant's name junior in the said list, was not considered. However, the applicant has been granted promotion to the post of Dy. Superintendent of Police w.e.f. 9/6/2015. The learned P.O. submits that he will place on record the copy of the promotion order as well as Minutes of the meeting held in 2013. He is permitted to do so provided the copy of documents be supplied to the applicant. The learned P.O. undertakes to supply the copy today itself and hence the matter be kept on 4/1/2018.

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

Vice Chairman (J)

dnk.

O.A. Nos. 119 & 120 of 2014 **(SB)**

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

Dated : 22.12.2017

None for the applicant.

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

2. In these O.As. the applicants have claimed for regularization of their services and extension of benefit of regularization against the post of Laboratory Technician from the date of their initial appointments. The O.As. were subsequently amended and the direction was claimed to regularize the services of the applicants from their initial date of appointments or from the date similarly situated employees, i.e., 8/3/1999 and also for the release of all the benefits by counting the past services of the applicants including the time bound promotion.

3. On 5/4/2017 the learned counsel for the applicants filed rejoinder. It seems that the applicants were appointed as Laboratory Technician vide order dated 17/11/1988 and were sent for training. After completion of the training, they were again appointed vide order dated 5/6/1989 for two months and vide order dated 28/8/1989, they were again appointed. The said appointment was continued, but the applicants were not absorbed and therefore the O.As. were filed.

4. During the pendency of the O.As., the services of the applicants came to be absorbed/regularized vide G.R. dated 30/3/2016. However, the regularization is from the date of issuance of the G.R. and not retrospectively. It is say of the applicants that their previous services from 17/11/1988 till they were absorbed should have been treated as continuous service. On this the learned counsel for the applicants submitted that he will take instructions from their Clients whether to withdraw the O.As. and to file fresh O.As. challenging the G.R. dated 30/3/2016. Two weeks time was sought for that purposes and the matters were adjourned to 20/12/2017. On 20/12/2017, Shri P.V. Thakre, Id. counsel holding for Shri V.B. Bhise, Id. counsel for the applicants sought time and therefore the matters were kept today. Today none appeared for the applicants. From which it seems

that the applicants may not be interested in prosecuting the matters.

5. However, in the interest of justice, the matters be kept on **4/1/2018** for passing necessary orders.

Vice Chairman (J)

dnk.