

O.A. No.445 /2010.

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

Dated : 27th March 2017.

Heard Shri R.V. Shiralkar, the learned counsel for the applicants and Shri P.N. Warjekar, the learned P.O. for respondents.

Place this matter before the regular D.B. when it is available.

Vice-Chairman(J)

pdg.

O.A. No.186 /2015.

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

Dated : 27th March 2017.

C.A. No.339/2016.

Heard Shri S.P. Palshikar, the learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for respondents 1 & 2. None for R.3.

2. With the consent of parties, matter is heard and can be disposed of by this order.

3. The applicant is claiming direction to the respondents to consider his case for promotion to the post of Chief Drilling Engineer. The learned counsel for the applicant submits that the posts are vacant from 1.4.2016 and he may be permitted to file representation which can be considered in the coming meeting of D.P.C. The learned counsel for the applicant submits that the application can be disposed of with this direction. The Ld. P.O. submits that it is not possible to dispose of the representation within 3-4 weeks, but the same can be considered on merit in the D.P.C. In view thereof, following order is passed:

- (i) O.A. No. 186/2015 as well as C.A.NO. 339/2016 stand disposed of with the following directions.
- (ii) The applicant is allowed to make comprehensive representation as regards his promotion.
- (iii) Representation be filed within two weeks from the date of receiving representation and the same may be kept before the next D.P.C. and it be considered according to its own merit.
- (iv) The respondent No.2 is directed to consider the representation, according to law, as early as possible preferably within six months from the date of this order.
- (v) C.A. as well as the O.A. stand disposed of.

Vice-Chairman(J)

O.A. No.531/2016.

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

Dated : 27th March 2017.

C.A. No.45/2017.

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

The learned counsel for the applicant submits that the C.A No. 45/2017 has been wrongly attached with this O.A. and, therefore, it is necessary to segregate the same from O.A. NO. 531/2016.

The Registrar of this Tribunal to verify that the C.A. can be segregated from the O.A. and it be attached to the relevant O.A.

O.A. No.531/2016.

Since pleadings are complete, matter is admitted and kept for final hearing before the regular D.B. whenever it is available.

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

Vice-Chairman(J)

pdg.

O.A. No.91/2017.

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

Dated : 27th March 2017.

Heard Shri Ankit Dighe, Adv. holding for Shri S.Y. Deopujari, the learned counsel for the applicants and Shri A.P. Potnis, the learned P.O. for the respondents.

The learned counsel for the applicants submits that he has filed service affidavit in the office. The learned P.O. seeks time to file reply affidavit on behalf of the respondents.

S.O. four weeks.

Vice-Chairman(J)

pdg.

O.A. Nos.191, 192 & 193 of 2016.

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

Dated : 27th March 2017.

Heard Shri S.S. Shingane, Adv. holding for Shri V.G. Wankhede,, the learned counsel for the applicants and Shri H.K.Pande,, the learned P.O. for the respondents.

S.O. **four weeks** for filing reply.

Vice-Chairman(J)

pdg.

O.A. No. 85 /2012.

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

Dated : 27th March 2017.

C.A. No.73/2017.

Heard Shri N.R. Saboo, the learned counsel for the applicants and Shri A.M. Ghogre,, the learned P.O. for the respondents.

Closed for orders.

Vice-Chairman(J)

pdg.

O.A. No. 777/2016.

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

Dated : 27th March 2017.

Shri K.S. Motwani, the learned counsel for the applicants and Shri M.I. Khan, the learned P.O. for the respondents 1 to 3. None for R.4.

Ld. P.O. seeks time to file reply affidavit.

S.O. **four weeks.**

Vice-Chairman(J)

pdg.

O.A. Nos. 657 & 690 of 2016.

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

Dated : 27th March 2017.

Heard Shri S.R. Renu, the learned counsel for the applicants and Shri A.M. Ghogre, the learned P.O. for the respondents.

In these O.As., the applicants are claiming declaration that the services of the applicants cannot be substituted by any *ad hoc* appointee including bonded candidate and to allow the applicants to work on the post of Assistant Professor / Lecturer in Dentistry with respondent No.3. They seek declaration that the applicants are entitled for the post of Assistant Professor / Lecturer. The Ld. P.O. has placed on record a communication dated 10.1.2017 alongwith some documents, showing appointment orders of regularly posted candidates in place of the applicants by the M.P.S.C. The said communication is taken on record and marked for identification. From the said communication, it is now clear that the posts where applicants were working, have been substituted by regular candidates appointed by M.P.S.C. In view thereof, nothing survives in these O.As. Hence, the following order:-

The O.As are disposed of accordingly with no order as to costs.

Vice-Chairman(J)

pdg.

O.A. No. 141,158 & 159 of 2017.

Coram: Shri J.D. Kulkarni,

Vice-Chairman (J).

Dated : 27th March 2017.

Heard Shri A.S. Chakotkar, the learned counsel for the applicants and Shri S.A. Deo, the learned C.P.O. for the respondents.

The applicants have prayed for quashing and setting aside the impugned clause Nos. 4.1, 4.3, 4.4, 4.5 and 4.7 of the G.R. dated 7.8.2012. The learned counsel for the applicants has placed on record a copy of order passed by this Tribunal in O.A. No. 84/2017 dated 16.2.2017 in which the operation of the G.R. dated 7.8.2012 has been stayed. The Ld. CPO agrees that in many other matters, operation of the said G.R. has been stayed. In view thereof, the relief claimed by the applicants and the operation of the clause of the G.R. as mentioned in para G of the prayer clause is stayed till further orders. Ld CPO seeks time to file affidavit in reply in the O.A.

S.O. four weeks.

Vice-Chairman (J)

pdg.

O.A.713/2015

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

Dated : 27.03.2017.

Shri R.V.Shiralkar, Id. counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for R-1&2. Shri N.R.Saboo, Id. counsel for R-3. None for R-4.

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

Vice Chairman (J)

dnk.

O.A.462/2012

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

Dated : 27.03.2017.

Shri S. Pathak, Id. counsel holding for Shri A.R. Patil, Id. counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the Respts.

At the request of learned counsel for the applicant, **S.O. Next week.**

Vice Chairman (J)

dnk.

O.A.184/2016

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

Dated : 27.03.2017.

Shri M.R. Khan, Id. counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the respondents.

The learned counsel for the applicant seeks time to file rejoinder.

Since the pleadings are complete, the matter is admitted and in the meantime the applicant is allowed to file rejoinder.

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

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A.513/2008

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

Dated : 27.03.2017.

C.A.83/2017 -

Heard Shri S.A. Pathak, Id. counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for the respondents.

The applicant wants to place on record some developments which had taken place during the pendency of the O.A. and therefore he has moved this application. It seems vide order dated 16/02/2017 the applicant was allowed to file amendment application. No relief is being changed by the C.A. for amendment. The respondents will get an opportunity to file additional affidavit-reply in view of the amended O.A. In view thereof, the C.A. for amendment is allowed. Amendment be carried out within one week and copy of amended be supplied to the Id. P.O.

S.O. one week.

Vice Chairman (J)

dnk.

O.A.632/2016

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

Dated : 27.03.2017.

C.A.93/2017 -

None for the applicant.

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

At the request of Id. P.O., **S.O. four weeks** along with other connected matters.

Vice Chairman (J)

dnk.

O.A.633/2016

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

Dated : 27.03.2017.

C.A.94/2017 -

None for the applicant.

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

At the request of Id. P.O., **S.O. four weeks** along with other connected matters.

Vice Chairman (J)

dnk.

O.A.634/2016

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

Dated : **27.03.2017.**

C.A.95/2017 -

None for the applicant.

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

At the request of Id. P.O., **S.O. four weeks** along with other connected matters.

Vice Chairman (J)

dnk.

O.A.02/2017

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

Dated : 27.03.2017.

Heard Shri V.A. Kothale, Id. counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the Respts.

2. The learned counsel for the applicant files on record the communication dated 27/01/2017 and submits that the applicant's prayer for transfer may be considered during the forthcoming general annual transfers of the year,2017 and therefore the O.A. be disposed of

accordingly. The learned counsel for the applicant agreed for the same. In view thereof the following order.

ORDER

The O.A. is disposed of with a direction to the respondents to consider the applicant's prayer for posting at Amravati in the general annual transfers of the year, 2017, if the post is available. No order as to costs.

Vice Chairman (J)

dnk.

O.A.74/2017

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

Dated : 27.03.2017.

Shri G.G. Bade, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1. Await service of R-2.

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

Vice Chairman (J)

dnk.

O.A. St.No. 512/2017

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

Dated : 27.03.2017.

C.A.No.99/2017 -

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

2. The relief claimed by the applicants is similar. They have challenged the impugned order of demotion dated 23/03/2017. For the reasons stated in the application, application for sue jointly is allowed.

O.A.St.No.512/2017 .

Heard Shri S.D. Kotkar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1.

2. The applicants who were appointed as Forest Guards since 2007 in the handicapped category,

were promoted as Forester vide order dated 24/05/2015 by the respondents. They were accordingly serving on the promotional cadre of Forester since the date of promotion. The learned counsel for the applicant submits that suddenly on 23/03/2017 the promotion order of the applicants has been cancelled by the Chief Conservator of Forest, Amravati (Territorial), Amravati (R/3) and it is stated that the order regarding the posting of the applicants will be issued in due course. It is stated that the applicants have not yet been relieved from their posts of Forester. Prima facie it seems that the applicants' promotion has been cancelled without giving opportunity to the applicants and even the show cause notice also not served on the applicants.

3. Subsequently vide order dated 23/03/2017 the applicants have been posted as Forest Guard at various places mentioned in the order which is at page no.18 of P.B. It is stated that the applicants have not yet joined on the post of Forest Guard as per the order dated 23/03/2017 and still working as Forester.

4. In view thereof, the impugned order dated 23/03/2017 passed by the Chief Conservator of Forest, Amravati (Territorial), Amravati (R/3) and consequent order of applicants' posting on the same date is stayed till reply-affidavit is filed by the respondents.

5. Issue notice to R-2 & 3 returnable in two weeks. Learned P.O. waives notice for R-1.

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

7. 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.

8. 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.

9. 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.

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A.97/2017

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

Dated : 27.03.2017.

Heard Shri S.S. Shingane, Id. counsel for the applicant and Shri A.M. Khadatkar Id. P.O. for R-1. Await service of R-2&3.

2. The applicant has claimed direction to the respondents to consider and allow his representation dated 05/01/2017 in view of the G.R. dated 06/08/2002. The learned P.O. is therefore directed to take instructions as to within how many days said representation will be decided. The decision will be taken on the such representation. The learned P.O. seeks one week time. At his request, **S.O. Next week.**

Vice Chairman (J)

dnk.

O.A.426/2016

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

Dated : 27.03.2017.

None for the applicant. Shri P.N. Warjurkar, Id. P.O. for the respts.

Learned P.O. files reply on behalf of R-2&3 and R-4 separately. It is taken on record.

S.O. four weeks.

Vice Chairman (J)

dnk.

O.A.515/2016

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

Dated : 27.03.2017.

Heard Shri S.S. Dhengale, Id. counsel for
the applicant and Shri A.M. Khadatkhar, Id. P.O.
for the respondents.

Closed for orders.

Vice Chairman (J)

dnk.

O.A.774/2016

Coram : Hon. Shri J.D.Kulkarni,

Vice-Chairman (J).

Dated : 27.03.2017.

None for the applicant.

Shri H.K. Pande, Id. P.O. for R-1&3
and Shri Tajne, Id. counsel for R-2&4.

Learned P.O. as well as Id. counsel for R-
2&4 seek time to file reply. Time is granted.

S.O. four weeks.

Vice Chairman (J)

dnk.

O.A.778/2016

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

Dated : 27.03.2017.

Shri S.B. Tiwari, Id. counsel for the applicant and S.A. Sainis, Id. P.O. for R-1&2 and Shri Pande, Id. counsel for R-3.

Learned P.O. submits that he will file reply of R-2 during the course of day. The learned counsel for the applicant seeks time to file rejoinder.

S.O. four weeks.

Vice Chairman (J)

dnk.

O.A.30/2017

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

Dated : 27.03.2017.

Shri V.A. Kothale, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the Respts.

The learned CPO files reply on behalf of R-2&3 and submits that the impugned order of suspension dated 14/03/2015 has been revoked and in view thereof nothing survives in the O.A. The copy of the reply is taken on record and also served to the Id. counsel for the applicant. The learned counsel for the applicant seeks time to take instructions. Hence, **S.O. one week.**

Vice Chairman (J)

dnk.

O.A.44/2017

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

Dated : 27.03.2017.

Shri S.P. Palshikar, Id .counsel for the applicant and Shri S.A. Deo, Id. CPO for the Respts.

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

Vice Chairman (J)

dnk.

O.A.55/2017

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

Dated : 27.03.2017.

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

The learned P.O. files reply on behalf of R-2. It is taken on record. Copy of the same is served to the Id. counsel for the applicant.

Closed for orders.

Vice Chairman (J)

dnk.

O.A.758/2013

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

Dated : 27.03.2017.

Shri V.A.Kothale, Id. counsel holding for
Shri P.S. Patil, Id. counsel for the applicant and
Shri M.I. Khan, Id. P.O. for the Respts.

S.O. 1st week of April, 2017.

Put up along with other connected
matters.

Vice Chairman (J)

dnk.

O.A.761/2013

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

Dated : 27.03.2017.

Shri V.A.Kothale, Id. counsel holding for Shri P.S. Patil, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the Respts.

Learned P.O. files reply on behalf of R-1&2. It is taken on record. Copy is served to the Id. counsel for the applicant.

At the request of Id. counsel for the applicant, **S.O. 1st week of April, 2017.**

Put up along with other connected matters.

Vice Chairman (J)

dnk.

O.A.762/2013

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

Dated : 27.03.2017.

Shri V.A.Kothale, Id. counsel holding for
Shri P.S. Patil, Id. counsel for the applicant and
Shri P.N. Warjurkar, Id. P.O. for the Respts.

Learned P.O. files reply on behalf of R-
1&2. It is taken on record. Copy is served to the
Id. counsel for the applicant.

At the request of Id. counsel for the
applicant, **S.O. 1st week of April, 2017.**

Put up along with other connected
matters.

Vice Chairman (J)

dnk.

O.A.366/2015

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

Dated : 27.03.2017.

Heard Shri S.R. Charpe, Id. counsel for
the applicant and Smt. M.A. Barabde, Id. P.O. for
the Respts.

Closed for orders.

Vice Chairman (J)

dnk.

O.A. Nos. 673,674 & 675 of 2015

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

Dated : 27.03.2017.

None for the applicants.

Shri V.A. Kulkarni, Id. P.O. for respondent nos.1&2. None for R-3.

The earlier learned counsel for the applicants has given no instructions pursis which was filed before the Tribunal and in view of no instructions pursis it was directed that the notices be served on the applicants. Accordingly, the notices have been served on the applicants. Today none appeared for the applicants. In view thereof, it seems that the applicants may not be interested in prosecuting the O.As. Hence, the O.As. stands dismissed in default with no order as to costs.

Vice Chairman (J)

dnk.

O.A.322/2016

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

Dated : 27.03.2017.

None for the applicant. Smt. S.V. Kolhe,
Id. P.O. for the Respts.

S.O. four weeks.

Vice Chairman (J)

dnk.

O.A. 621/2016

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

Dated : 27.03.2017.

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. 664/2016

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

Dated : 27.03.2017.

Shri A.K. Madane, Id. counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the respondents.

Closed for orders.

Vice Chairman (J)

dnk.

O.A. 829/2014

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

Dated : 27.03.2017.

MCA 17/2017

Heard Smt. S.V. Kolhe, Id. P.O. for the applicant (Org. respondent no.4). None for the respondent (Org. applicant).

2. Notice on application be issued to respondent (Org. applicant) returnable in **two weeks**. 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 (Org. Respondent) is authorized and directed to serve on Respondents (Org. applicant) intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of the O.A.

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 an affidavit of compliance in the Registry as far as possible once week before the

date fixed by this Tribunal. Applicant is directed to file Affidavit of compliance and notice.

7. **S.O. two weeks.**

Vice Chairman (J)

dnk.

O.A. 311/2016

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

Dated : 27.03.2017.

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the Respts.

2. The applicant a Police Inspector vide impugned order dated 24/05/2016 has been transfer from Police Station, Bhandara to Nagpur City Police Station. The said order has been states that in view of the status-quo order passed on 31/05/2016 and admittedly the applicant is now at his place of posting at Bhandara. The learned counsel for the applicant submits that normal tenure of Police Inspector in the district as per section 22 N (1) (c) of the Maharashtra Police Act is of four years and the applicant was transferred without completion of such tenure. The learned counsel for the applicant submits that since the order of transfer is mid-term and as such the approval of highest authority i.e. Government was necessary.

3. The learned counsel for the applicant has placed reliance the Judgment delivered on 06/10/2016 by this Tribunal in O.A.No.309/2016 in the case of **Pradeep Vasant Pullarwar Vs. State of Maharashtra & 2 Ors.** It is stated that vide said order the Tribunal was pleased to quash and set aside the impugned order dated 24/05/2016 in respect of some employees and therefore the order is illegal.

4. The learned counsel for the applicant admits that the applicant is going to complete normal tenure of four years in Bhandara district

in the month of April,2017 and he is due for transfer in the general annual transfers of 2017. He submits that the status-quo order may be continued till the annual general transfers of 2017.

5. The Id. P.O. submits that the applicant was transferred to Bhandara district (Administration) vide order dated 17/10/2012 and therefore he has completed four years tenure in Bhandara district.

6. I have perused the various documents placed on record and affidavit-reply and the Judgment in O.A.No.309/2016 on which the learned

counsel for the applicant has placed reliance. In my opinion the application can be disposed of without going into the merit of the case, if certain directions are given to the respondents/ authority. I therefore pass the following order.

ORDER

The O.A. stands disposed of with following directions :-

(i) The respondents are directed to allow the applicant to work as Police Inspector at Police Station, Bhandara till the annual general

transfers of 2017. The respondents will be liberty to consider the applicant as due for transfer in the general annual transfers of 2017 and make transfer the applicant according to rules. No order as to costs.

Vice Chairman (J)

dnk.