

O.A. No. 673/2013.

**Coram : The Hon'ble Shri Justice A.H. Joshi,
Chairman**

Dated : 27th July 2017.

C.A. No.159/2016 in C.P.(St.)No.634/2016

None for the applicant. Smt. M.A.
Barabde, the learned P.O. for the respondents.

S.O. 3rd August 2017.

Chairman

pdg

O.A. No. 61/2010.

**Coram : The Hon'ble Shri Justice A.H. Joshi,
Chairman**

Dated : 27th July 2017.

C.A. No.270/2016 in C.P.(St.)No.1057/2016

Heard Shri Bharat Kulkarni, the learned Advocate for the applicant and Shri P.N. Warjekar, the learned P.O. for respondent Nos. 1 and 2. None for respondent No.3.

S.O. 3rd August 2017

Chairman

pdg

O.A. No. 08/2015.

**Coram : The Hon'ble Shri Justice A.H. Joshi,
Chairman**

Dated : 27th July 2017.

C.A. No.271/2016 in C.P.(St.)No.1055/2016

Shri S.P. Palshikar, the learned Advocate for the applicant has filed leave note. Shri P.N. Warjekar, the learned P.O. for respondent No.1. None for respondent No.2.

In view of leave of Adv. Shri S.P. Palshikar, **S.O. 24.8.2017.**

Chairman

pdg

O.A. No. 98/2016.

**Coram : The Hon'ble Shri Justice A.H. Joshi,
Chairman**

Dated : 27th July 2017.

C.A. No.31/2017 in C.P.(St.)No.193/2017.

Heard Shri S.R. Charpe, the learned Advocate for the applicants and Shri H.K. Pande, Ghogre, the learned P.O. for the respondents.

At the request of Ld. P.O. **S.O. 28th July 2017.**

Chairman

pdg

O.A. No. 259/2003.

**Coram : The Hon'ble Shri Justice A.H. Joshi,
Chairman**

Dated : 27th July 2017.

C.A. No.78/2017 in C.P.(St.)No.417/2017

Heard Shri S.S. Ghate, the learned Advocate for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

Affidavits-in-reply are filed on behalf of R. 1 and 2 separately, They are taken on record and copies thereof are supplied to the learned Advocate for the applicant.

S.O. 28,7,2017.

Chairman

pdg

O.A. No. 806/2014.

**Coram : The Hon'ble Shri Justice A.H. Joshi,
Chairman**

Dated : 27th July 2017.

C.A. No.335/2017 in C.P.(St.)No.665/2017

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

It has transpired that the applicant has failed to serve notice for filing of application for action for contempt.

Applicant's Advocate prays for leave and liberty to withdraw this C.A. and then serve a personal notice and if necessary file fresh application.

With leave and liberty as prayed, present C.A. and C.P. are disposed of.

Chairman

pdg

O.A. No. 482/2017.

**Coram : The Hon'ble Shri Justice A.H. Joshi,
Chairman**

Dated : 27th July 2017.

Shri N.D. Thombre, the learned Advocate for the applicant and Shri A.M. Ghogre, the learned P.O. for respondent Nos. 1 to 3. None for respondent No.4.

At the request of the learned Advocate for the applicant, **S.O. 28th July 2017.**

Chairman

pdg

O.A. No. 75/2016.

**Coram : The Hon'ble Shri Justice A.H. Joshi,
Chairman**

Dated : 27th July 2017.

C.A. No.63/2017 in C.P.(St.)No.248/2017

Heard Shri Katkar, Advocate holding for Shri N.R. Saboo, the learned Advocate for the applicant and Smt. M.A. Barabde, the learned P.O. for the respondent Nos.1 to 3. None for respondent No.4.

S.O. 31st August 2017.

Chairman

pdg

O.A. No. 42/2016.

**Coram : The Hon'ble Shri Justice A.H. Joshi,
Chairman**

Dated : 27th July 2017.

C.A. No.64/2017 in C.P.(St.)No.246/2017

Heard Shri Katkar, Adv. holding for Shri N.R. Saboo, the learned Advocate for the applicant and Smt. M.A. Barabde the learned P.O. for the respondent Nos.1 to 3. Shri S. S. Shinde, Advocate for respondent No.4.

S.O. 31st August 2017.

Chairman

pdg

O.A. No. 386/2016.

**Coram : The Hon'ble Shri Justice A.H. Joshi,
Chairman**

Dated : 27th July 2017.

C.A. No.109/2017 in C.P.(St.)No.568/2017

Heard Shri A.S. Chakotkar, the learned Advocate for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

At the requests of Ld. P.O., S.O.
28.7.2017.

Chairman

pdg

O.A. No. 849/2014.

**Coram : The Hon'ble Shri Justice A.H. Joshi,
Chairman**

Dated : 27th July 2017.

C.P.No.02/2017

Oral order

Heard Shri P.C. Marpakwar, the learned Advocate for the applicant and Shri H.K. Pande, the learned P.O. for the respondents.

2. Learned P.O. has tendered affidavit affirmed by Shri Pradeep Vyas, IAS, Principal Secretary, Public Health Department.

3. Affidavit is taken on record.

4. In his affidavit, Shri Vyas has stated that he has taken charge of the post of Secretary, Public Health Department on 10.7.2017 and he wants time of six weeks for compliance and that out of which five days time is required for sending proposal to G.A.D. seeking the approval of that department.

5. Thus that Public Health Department should complete the step of forwarding complete proposal in all respects, within 5 days from today, without fail.

6. Thereafter after, onshowing order passed in O.A., the Public Health Department should get completed all steps needed at the end of other departments, and ensure that total compliance is done and is reported on or before 31.8.2017.

7. In case compliance is not done before 31.8.2017, Shri Pradeep Vyas should personally remain present

before this Tribunal, on 31.8.2017 at 11.00 A.M. and continue to remain in attendance till he is discharged.

8. Shri Pradeep Vyas is further directed that he shall file affidavit stating what procedure would he devise, to ensure that the orders of this Tribunal / Courts are punctually attended / implemented within time fixed by this Tribunal, or are punctually challenged if the Government decides or not to acquiesce thereto.

9. S.O. to **31.8.2017**.

10. Steno copy and hamdast is allowed.

11. P.O. is directed to communicate this order to the respondent authorities.

(Justice A.H. Joshi)

Chairman

pdg

O.A. No. 499/2014.

**Coram : The Hon'ble Shri Justice A.H. Joshi,
Chairman**

Dated : 27th July 2017.

C.P.No.05/2017

Heard Shri M.V. Mohokar, the learned Advocate for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

At the request of Ld. P.O., S.O. **28.7.2017.**

Chairman

pdg

O.A. 591/2015

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

Dated : 27.07.2017.

Shri D.S. Walthare, Id. counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the respondents.

2. The learned counsel for the applicant submits that the documents are received are not legible.

3. The learned P.O. submits that she will supply the copies to the applicant. The learned counsel for the applicant therefore seeks time to file rejoinder.

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A. 234/2014

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

Dated : 27.07.2017.

None for the applicant.

Heard Shri V.A. Kulkarni, Id. p.O. for R-1&2 and Shri J.S.Mokadam, Id. counsel for R-3.

The matter is heard on merits and closed for orders.

Vice Chairman (J)

dnk.

O.A. 392/2017

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

Dated : 27.07.2017.

None for the applicant.

Shri S.A. Deo, Id. CPO for the respondents.

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

Vice Chairman (J)

dnk.

O.A. 343/2017

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

Dated : 27.07.2017.

Shri S.M. Pande, Id. counsel fo the applicant and Shri S.A. Deo, Id. CPO for the respondents.

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

Vice Chairman (J)

dnk.

O.A. 341/2017

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

Dated : 27.07.2017.

None for the applicant.

Shri V.A.Kulkarni, Id. PO for the respondents.

At the request of Id. PO, **S.O. one week.**

Vice Chairman (J)

dnk.

O.A. 317/2017

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

Dated : 27.07.2017.

Shri S.K. Verma, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for the respondents.

At the request of Id. CPO, **S.O. one week**
for filing reply.

Put up along with O.A.362/2017.

Vice Chairman (J)

dnk.

O.A. 362/2017

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

Dated : 27.07.2017.

Shri S.K. Verma, Id. counsel for the
applicants and Shri S.A. Deo, Id. CPO for the
respondents.

At the request of Id. CPO, **S.O. one week**
for filing reply.

Put up along with O.A.317/2017.

Vice Chairman (J)

dnk.

O.A. 243/2017

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

Dated : 27.07.2017.

None for the applicant.

Shri S.A. Deo, Id. CPO for the respondents.

2. The learned CPO submits that the application is barred by limitation. In fact on the last occasion the applicant's Advocate seeks time to take instructions for filing application for

condonation of delay though the same has not been reflected in the order sheet.

3. The learned CPO may file a short affidavit on the point of limitation for which he seeks three weeks time.

S.O. three weeks.

Vice Chairman (J)

dnk.

O.A. 95/2017

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

Dated : 27.07.2017.

None for the applicant. Smt. S.V. Kolhe, Id. P.O. for R-1&2. None for R-3&4.

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

Vice Chairman (J)

dnk.

O.A. 408/2017

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

Dated : 27.07.2017.

None for the applicant.

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

The learned P.O. has placed on record the documents which are marked Exh-X and X1 from which it seems that the applicant has been relieved and has also joined at the post of transfer. Similarly, the person who is transferring in place of applicant has also taken charge of the post.

Ld. P.O. seeks time to file reply-affidavit.
At his request, **S.O. three weeks.**

Vice Chairman (J)

dnk.

O.A. 187/2017

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

Dated : 27.07.2017.

None for the applicant. Shri V.A. Kulkarni,
Id. P.O. for the Respts.

Ld. P.O. files reply on behalf of R-2. It
is taken on record.

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

Vice Chairman (J)

dnk.

O.A. 57/2017

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

Dated : 27.07.2017.

C.As. 28 & 357 of 2017

Shri Sunil Pande, Id. counsel holding for
Shri S.J. Kadu, Id. counsel for the applicant and
Smt. S.V.Kolhe, Id. P.O. for the respondents.

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

Vice Chairman (J)

dnk.

O.A. 484/2016

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

Dated : 27.07.2017.

C.A.356/2017 -

None for the applicant. Shri V.A. Kulkarni,
Id. P.O. for the Respts.

For the reasons stated in the application,
the application for early hearing is allowed.

O.A.484/2016 .

The matter is admitted and fixed for final
hearing.

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

S.O. one week.

Vice Chairman (J)

dnk.

O.A. 542/2017

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

Dated : 27.07.2017.

C.A.361/2017

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

2. The applicants are claiming proper pay scale in the second time bound promotion scheme. The relief claimed by the applicants is similar and therefore in the interest of justice, the application for sue jointly is allowed.

O.A.542/2017 .

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

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

4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative

Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

7. **S.O. four weeks.**

Vice Chairman (J)

dnk.

O.A. 653/2009

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

Dated : 27.07.2017.

Heard Shri P.P. Khaparde, Id. counsel holding for Shri G.G. Bade, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O .for the respondents.

Closed for orders.

Vice Chairman (J)

dnk.

O.A. 109/2005

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

Dated : 27.07.2017.

Heard Shri S.Y. Deopujari, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1 and 2. None for R-3&4.

At the request of Id. P.O., **S.O. 31/7/2017.**
(P.H.)

Vice Chairman (J)

dnk.

O.A. 92/2016

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

Dated : 27.07.2017.

Heard Shri A.S. Shukla, Id. counsel holding for Shri P.S. Gawai, Id. counsel for the

applicant, Shri A.M. Khadatkar, Id. P.O. for R-2&3 and Shri R.V. Shiralkar, Id. counsel for R-1.

2. The respondent no.1 has been selected and appointed for the post of Police Patil of village Kharbi, Tq. Ner, Dist. Yavatmal. The order of selection dated 3/11/2015 and appointment order dated 13/1/2016 of respondent no.1 which are respectively at P.B. page nos. 33 & 34 are under challenge in this O.A. It is admitted fact that respondent no.1 got 45 marks, whereas the applicant got 42 marks and stood next to the respondent no.1. The respondent no.1 produced one medical certificate duly signed by the Civil Surgeon and on the basis of said medical certificate the respondent no.3 issued appointment order in her favour. The learned counsel for the applicant pointed out that number of complaints which were filed by the applicant prior to appointment of respondent no.1. The copies which are placed on record at P.B. page nos. 41 to 45, however, no cognizance was taken of his complaint.

3. The applicant has also produced on record some documents which are she received under the RTI Act from which it seems that earlier the respondent no.1 applied for the post of Anganwadi Sevika and claimed reservation on the ground that she was physically handicapped. In fact she has also filed medical certificate to show that she was polio affected and her disability was to the tune of 40%. The applicant, therefore, submitted that the respondent no.1 has obtained service by producing false and

fabricated medical documents. Considering this aspect, I feel that it may be in the interest of justice to refer the respondent no.1 before Medical Board so as to know the exact percentage of disability, whether she is fit to perform the post of Police Patil. The respondent no.3 is therefore directed to get the respondent no.1 examined through the medical board and submit the report of the medical board before this Tribunal. In view thereof, **S.O. four**

weeks. The respondent no.1 shall cooperate the respondent no.3 to get herself examined through Medical Board.

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

Steno copy be given to the learned P.O.

Vice Chairman (J)

dnk.

O.A. 325/2017

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

Dated : 27.07.2017.

Heard Shri A.V. Bhide, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1 and Shri P.D. Meghe, Id. counsel for R-2.

2. The applicant has placed on record the G.R. dated 31/1/2014 (A-13, P-96) which states about procedure to be followed for transfer. As per the said G.R., the Committee is to be formed known as %Nagari Sewa Mandal+ for effective transfer of various employees. It is stated that earlier the Committee was formed as per the said G.R. As per letter dated 7/3/2015 but the said Committee has been re-constituted and a new Committee has been formed. As per letter dated 24/29-4-2017 which is totally contradictory to the

G.R. In para-6.14 of the pleadings it is stated that the Committee formed for the transfer is contrary to the G.R. dated 31/1/2014. The respondent no.2 therefore is directed to file an affidavit as to whether the G.R. dated 31/1/2014 is binding on him and the reasons for not forming Nagari Sewa Mandal as per said G.R. and also the reason for forming a new Committee as per letter dated 24/29-4-2017. The learned counsel for R-2 seeks time till 3/8/2017.

S.O. 3/8/2017.

Vice Chairman (J)

dnk.

O.A. 413/2017

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

Dated : 27.07.2017.

Heard Shri Bharat Kulkarni, Id. counsel for the applicant, Smt. S.V. Kolhe, Id. P.O. for R-1 to 3. None for R-4.

2. Vide order dated 20/7/2017 the Id. counsel for the applicant was directed to take instructions from the applicant whether to peruse the matter or to withdraw the O.A., since the respondent no.2 got approval for her transfer at Nagbhid on her own request. The learned counsel for the applicant submits that the place of Nagbhid was her third option and that time the applicant was on mental pressure and therefore she opted for Nagbhid, but now she is not ready to join there and therefore the matter be heard on merit.

3. In view thereof, the matter admitted and kept for final hearing.

4. At the request of both the sides, **S.O.**
31/7/2017.

Vice Chairman (J)

dnk.