

O.A. No. 759/2013.

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

Dated : 28th June 2017.

R.A.No.13/2016.

Heard Smt. M.A. Barabde, learned P.O. for the applicant Nos. 1 and 2 (original respondent Nos. 1 and 2) and Shri R.V. Shiralkar, the learned counsel for the respondent No.3 (original applicant). None for R. 1 & 2 (Original respondent Nos. 3 and 4.)

S.O. **4th July 2017** before the regular D.B.

Put up alongwith R.A. filed by the applicant.

Vice-Chairman(J)

pdg.

O.A. No. 273/2017.

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

Dated : 28th June 2017.

Heard Shri R.K. Borkar, the learned counsel for the applicant and Shri S.A. Deo, the Ld. CPO for the respondents.

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

Vice-Chairman(J)

pdg.

O.A. No. 244/2013.

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

Dated : 28th June 2017.

Heard Miss Naziya S. Pathan, the learned counsel for the applicant and Shri A.M. Ghogre, the Ld. P.O. for the respondent Nos.1 to 3. None for R.4.

Place this matter before the regular D.B. on **7th July 2017.**

Vice-Chairman(J)

pdg.

O.A. No. 449/2005.

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

Dated : 28th June 2017.

MCA Nos. 58 & 59 of 2016.

Heard Mrs. Meera P. Kshirsagar,
Advocate holding for Shri P. S.
Kshirsagar, the learned counsel for the
applicant and Shri A.M. Khadatkhar, the Ld.
P.O. for the respondents.

S.O. four weeks.

Vice-Chairman(J)

pdg.

O.A. No. 78/2017.

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

Dated : 28th June 2017.

None for the applicant. Shri S.A.Deo, the Ld. C.P.O. for the respondents 1 & 3.

Applicant to file service affidavit of R.2.

S.O. **two weeks.**

Vice-Chairman(J)

pdg.

O.A. No. 414/2017.

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

Dated : 28th June 2017.

C.A.No. 278/2017.

Heard Shri N.R. Saboo, the Ld. counsel for the applicants and Shri S.A. Deo, the Ld. C.P.O. for the respondent No.1.

For the reasons stated in the application, permission to sue jointly is granted. C.A. stands disposed of.

O.A. No. 414/2017.

1. Issue notice to R. 2 & 3 returnable within **ten days**.
2. Shri S.A. Deo, the learned C.P.O. waives notice for the respondent No.1. Hamdast granted.

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

5. 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.

6. 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.

S.O. 7th July 2017.

Vice-Chairman(J)

pdg.

O.A. No. 844/2016.

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

Dated : 28th June 2017.

None for the applicant. Shri S.A. Deo, the Ld. C.P.O. for the respondent No. 1.

Since long no steps are taken for service to respondent Nos. 2 to 4.

Office objections are also not removed.

Hence, keep it for dismissal after **one week.**

Vice-Chairman(J)

pdg.

O.A. No. 264/2017.

(A.O. Palatkar V/s State and others)

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

Dated : 28th June 2017.

Order

Heard Shri S.O. Ahmed, the learned counsel for the applicant and Shri M.I. Khan, the Ld. P.O. for the respondents.

2. In the O.A., the applicant is claiming correction of date of birth. According to him, the date of birth i.e. 1.7.1959 recorded in his service record is incorrect and it should have been 20.5.1961. As per incorrect date of birth, the applicant is going to retire on 30.6.2017 and, therefore, the applicant is claiming that the application be decided today itself. After hearing the matter for a considerable time, it seems that the matter was remanded by this Tribunal to the competent authority for

reconsideration of applicant's claim as regards correction of date of birth. The said order is passed in O.A. No.251/2011 on 23.11.2015 and the respondents were directed to consider the claim of the applicant afresh in the light of legal provisions within six months by passing reasoned order. The applicant was also given opportunity to produce material, if any, before the competent authority. Admittedly, the applicant has not produced any excess material other than already placed before the competent authority even after remand and relied on some documents which were earlier filed.

3. According to the learned counsel for the applicant, extract of birth register is a public document and it should have prevailed over the school leaving certificate which is a private document. The said extract, however, seems to be disputed as in the said extract, the surname of the applicant is also mentioned different than it should have been. The learned counsel for the applicant as well as the learned P.O. have placed on record number of citations

which are required to be considered. Reply affidavit has been filed today itself on behalf of the respondents 1, 2 and 4 and considering all these aspects, it may not be possible to decide the matter on merit today itself.

4. The learned counsel for the applicant insisted for interim relief, since the applicant is going to retire on 30.6.2017 i.e. after two days. If interim relief is not granted, obviously the applicant's services will come to an end on 30.6.2017. However that cannot be an aspect to be considered when the matter has been heard on merit and since the Tribunal has to consider all the pros and cons of facts as well as on the touchstone of legal provisions. If at all the applicant is directed to retire on 30.6.2017 for want of interim relief and if it is found on merit that the applicant's case is legal, the applicant can be reinstated. In view of this, matter is closed for orders.

Vice-Chairman(J)

pdg.

O.A. No. 03/2017.

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

Dated : 28th June 2017.

C.A. 280/2017.

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

Ld. P.O. seeks time.

S.O. **four weeks.**

Put up with O.A. No. 4/2017.

Vice-Chairman(J)

pdg.

O.A. No. 756/2016.

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

Dated : 28th June 2017.

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

The Ld. counsel for the applicant has filed service affidavit of R. 2 & 3.

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

S.O. three weeks.

Vice-Chairman(J)

pdg.

O.A. No. 282/2013.

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

Dated : 28th June 2017.

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

At the request of the Ld. counsel for
the applicant, S.O. **5th July 2017.**

Vice-Chairman(J)

pdg.

O.A. No. 10/2017.

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

Dated : 28th June 2017.

Shri R.V. Shiralkar, the Ld. counsel
for the applicants and Shri H.K. Pande,
the Ld. P.O. for the respondents.

At the request of the Ld. P.O., S.O.
two weeks.

Vice-Chairman(J)

pdg.

O.A. No. 768/2016.

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

Dated : 28th June 2017.

Shri N.R. Saboo, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the Ld. P.O. for the respondents.

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

Vice-Chairman(J)

pdg.

O.A. (St.) No. 2197/2016.

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

Dated : 28th June 2017.

C.A. 533/2016.

Shri R.V. Shiralkar, the Ld. counsel for the applicant and Shri S.A. Sainis, the Ld. P.O. for the respondents 1 & 2. Shri N.B. Rathod, Adv. for R.3.

At the request of the Ld. P.O., S.O. **three weeks** to file reply to the C.A.

Vice-Chairman(J)

pdg.

O.A. No. 91/2017.

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

Dated : 28th June 2017.

Shri Ankit Dighe, Adv. holding for Shri S.Y. Deopujari, the Ld. counsel for the applicants and Shri P.N. Warjekar, the Ld. P.O. for the respondents.

The request of the Ld. counsel for the applicant undertakes to file service affidavit of R.4.

At his request, S.O. **two weeks.**

Vice-Chairman(J)

pdg.

O.A.413/2017

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

Dated : 28.06.2017.

Heard Shri Bharat Kulkarni, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. Vide impugned order dated 31/5/2017 the applicant has been transferred from the post of Electrician from Gondia to Chandrapur. The learned counsel for the applicant submits that the

applicant has been transferred to Chandrapur from Kohmara on his own request as per the order dated 30/5/2016 and joined at Gondia on 1/7/2016. He has completed just 11 months at Gondia and vide impugned order he has been transferred to Chandrapur just to accommodate respondent no.4. It is stated that the impugned order of transfer is against the Circular dated 31/10/2006 wherein it has been clearly mentioned that those employees whose son / daughter are handicapped and was due to retire within two years, are not to be transferred. It is also material to note that respondent no.4 is being transferred from Gondia to Gondia in place of applicant. The Id. P.O. submits that the applicant has already been relieved. It is stated that on the very day on which the transfer order is issued, his relieving order is also issued but the applicant has not yet joined at his post at Chandrapur. It seems that no approval of higher authority has been obtained. The order does not seem to be passed by the competent authority also i.e. Civil Service Board. Considering all these aspects, the respondents are directed not to force the applicant to join at Chandrapur till further orders. The question of stay to the impugned order is kept open.

3. Issue notice to R-2 to 4, returnable in **two weeks**. Learned 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. two weeks.**

Vice Chairman (J)

dnk.

O.A.416/2017

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

Dated : 28.06.2017.

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

2. The applicant has been appointed on the post of Assistant Professor (Dental) with respondent no.3. It is stated that he is being appointed from time to time with technical breaks from 2013 onwards. The last date of appointment is dated 3/5/2017 and tenure of the posting is upto 30/8/2017.

3. The learned counsel for the applicant submitted that the applicant has been duly appointed by duly constituted Divisional Selection Board and such candidates who are appointed by the Committee have been recommended for regularization of his services as per G.R. dated 15/6/2017. The name of the applicant however is not included in the said letter / G.R. The applicant prayed that his name shall be included in the said list for absorption. In my opinion, the

reason as to why the name of applicant has not been included is required to be considered for which the reply of the respondents is necessary. The applicant's tenure of posting is till 30/8/2017 and therefore there is no likelihood of he being removed prior to that date. In view thereof, issue notice to R-2 and 3, returnable in **three weeks**. Learned 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. three weeks.**

Vice Chairman (J)

dnk.

O.A.415/2017

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

Dated : 28.06.2017.

Heard Shri A. Ansari, Id. counsel for the applicant and Shri S.A. Deo, Id. P.O. for the State.

2. The applicant has challenged the order dated 15/5/2017 issued by respondent no.3, i.e., SDO, Katol whereby the appointment of the applicant as Police Patil has been cancelled on the ground that at the time of filing application the applicant was having three children. The learned counsel for the applicant submits that status-quo shall be granted to that order and no further appointment has been made in place of applicant. Prima facie it seems that the applicant has been terminated as he mislead the competent authority and did not disclose the fact that he was having more than two children. In such circumstances no case made out for granting any stay or status quo. Whether the order is legal or not will be considered on merits after reply is filed by the respondents.

3. Issue notice to R-2 to 5, returnable in **three weeks**. Learned 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. three weeks.**

Vice Chairman (J)

dnk.

O.A.632/2016

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

Dated : 28.06.2017.

C.A.93/2017

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

Ld. P.O. files reply to the C.A. on behalf of the respondents. Same is taken on record.

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 : 28.06.2017.

C.A.94/2017

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

Ld. P.O. files reply to the C.A. on behalf of
the respondents. Same is taken on record.

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 : 28.06.2017.

C.A.95/2017

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

Ld. P.O. files reply to the C.A. on behalf of
the respondents. Same is taken on record.

S.O. four weeks along with other
connected matters.

Vice Chairman (J)

dnk.

O.A.26/2017

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

Dated : 28.06.2017.

None for the applicant.

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

Ld. P.O. files reply on behalf of R-1&2.
Same is taken on record.

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A.811/2016

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

Dated : 28.06.2017.

Shri S.N. Gaikwad, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

The P.O. submits that he accepts notice for respondent no.3 and there is no need to file reply of R-3. Reply of R-2&4 is already on record.

Hence, the matter is admitted and kept for final hearing.

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

S.O. four weeks.

Vice Chairman (J)

dnk.

O.A.264/2017

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

Dated : 28.06.2017.

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

The learned P.O. files reply on behalf of R-1,2 &4. It is taken on record. Copy is given to the Id. Counsel for the applicant.

Closed for orders.

Vice Chairman (J)

dnk.

O.A.504/2015

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

Dated : 28.06.2017.

C.A.37/2016

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

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

Vice Chairman (J)

dnk.

O.A.St. 1947/2016

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

Dated : 28.06.2017.

C.A.483/2016

Shri S.P. Palshikar, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the R-1. Await service of R-2 to 4.

The Id. counsel for the applicant submits that he will file service affidavit during the course of day.

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A.344/2017

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

Dated : 28.06.2017.

C.A.279/2017

Ku.K.K.Pathak, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the R-1,4 &5. Await service of R-2&3.

The Id. counsel for the applicant submits that he will file service affidavit during the course of day.

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A.96/2017

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

Dated : 28.06.2017.

Shri N.R. Saboo, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1&2 and Shri A.M. Kukday, Id. counsel for R-3&4.

At the request of Id. P.O. as well as Id. counsel for R-3&4, **S.O. two weeks** for filing reply.

Vice Chairman (J)

dnk.

O.A.275/2017

Coram : Hon. Shri J.D.Kulkarni,

Vice-Chairman (J).

Dated : 28.06.2017.

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

At the request of Id. P.O., **S.O. 6/7/2017** for filing reply.

Vice Chairman (J)

dnk.

O.A.71/2016

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

Dated : 28.06.2017.

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

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

Vice Chairman (J)

dnk.

O.A.120/2016

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

Dated : 28.06.2017.

Shri A.P. Tathod, Id. counsel holding for
Shri T.U. Tathod, Id. counsel for the applicant,

Smt. S.V. Kolhe, Id. P.O. for the respondent nos.1&2 and Shri A. Deshpande, Id. counsel for R-3.

At the request of Id. counsel for R-3,
S.O. one week.

Vice Chairman (J)

dnk.

O.A.157/2016

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

Dated : 28.06.2017.

Shri P.V. Thakre, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1 and Shri W.G. Paunikar, Id. counsel for R-2.

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

Vice Chairman (J)

dnk.

O.A.94/2017

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

Dated : 28.06.2017.

Shri S.C. Deshmukh, Id. Counsel for the applicant, Shri M.I. Khan, Id. P.O. for respondent nos. 1&2 and none for R-3.

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

The learned P.O. waives notice for respondent no.3.

Ld. Counsel for the applicant is at liberty to file rejoinder, if necessary.

Vice Chairman (J)

dnk.

O.A.178/2016

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

Dated : 28.06.2017.

Shri Bharat Kulkarni, Id. Counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the Respts.

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A.826/2015

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

Dated : 28.06.2017.

Shri S.R. Renu, 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. three weeks.**

Vice Chairman (J)

dnk.

O.A.22/2016

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

Dated : 28.06.2017.

C.A.257/2017

Shri S.P. Palshikar, Id. Counsel for the applicant, Smt. M.A. Barabde, Id. P.O. for the respondents and Ms. P.D. Rane, Id. Counsel for Intervener.

S.O. 10/7/2017 for filing reply to the intervention application.

Vice Chairman (J)

dnk.