

O.A. No.656/2017.(S.B.)

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 4th October 2017.

Mrs. K.N. Saboo, learned counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the Respondents.

At the request of learned counsel for the applicant, **S.O. three weeks.**

Vice-Chairman

pdg

O.A. No.569/2016.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 4th October 2017.

Heard Shri Suryavanshi, Adv., holding for Shri , S.W. Sambre, the learned counsel for the applicant and Shri M.I. Khan, the Id. P.O. for the Respondents 1 to 6. Shri A.D. Muley, Adv. for R.7.

ADMIT.

Shri M.I. Khan, the Id. P.O. waives notice for Respondents 1 to 6

Keep this matter for final hearing after **Diwali vacation.**

Vice-Chairman

pdg

C.A. No. 456/2017 & O.A. No.530/2017. (S.B.)

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 4th October 2017.

Heard Shri P.S. Wathore, the learned counsel for the applicant and Shri V.A. Kulkarni, the Id. P.O. for the Respondents.

Ld P.O. has filed reply affidavit on behalf of R.3. It is taken on record and a copy thereof is supplied to the other side.

ADMIT.

Shri V.A. Kulkarni, the Id. P.O. waives notice for Respondents.

Shri M.P. Kariya, Adv. for Intervenor.

S.O. 11th October 2017.

Keep this matter with O.A. No.590/2016.

Vice-Chairman

pdg

O.A. No.590/2016.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 4th October 2017.

Shri M.P. Kariya, the learned counsel for the applicant and Shri V.A. Kulkarni, the Id. P.O. for the Respondents 1 and 2. Adv. P.S. Wathore for R.4 None for R.3.

Remove this O.A. from D.B. board.

It be tagged with O.A. No.530/2017.

S.O. S.O. **11th October 2017.**

Vice-Chairman

pdg

O.A. No.545/2015.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 4th October 2017.

C.A. No. 479/2017.

Heard Shri Bharat Kulkarni, the learned counsel for the applicant and Shri M.I. Khan, the Id. P.O. for the Respondents 1 to 4. Adv. Mrs. K.N. Saboo for R. 5, and 7 to 10 & 14. None for R.6 and 11 to 13 and 15.

The learned counsel for respondent Nos. 5, and 7 to 10 & 14 as well as learned P.O. seek time to file reply to the C.A. No. 479/2017.

The learned counsel for the applicant submits that respondent No.3 has prepared a seniority list of Forest Guards as directed by this Tribunal as on 1.1.2017. However, information has been called on the basis of the list dated 1.1.2016 in which applicants name were not included. The applicants apprehend that the D.P.C. meeting may be held and take a decision on the basis of the list dated 1.1.2016. However, it is not clear as to when the D.P.C. meeting is being held and when decision will be taken place. The learned P.O. submits that he shall be permitted to file reply to the C.A. It seems that

there is no likelihood of DPC meeting being held in near future. However, the Ld. P.O. is directed to take instructions as to whether the meeting of DPC is being held and if yes, on what date and till that time no final decision will be taken in the DPC as regards promotion of Forest Guards to Foresters.

The applicant is directed to supply a copy of the O.A. to newly added respondents.

S.O. **two weeks**.

Vice-Chairman

pdg

O.A. No.410/2017.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 4th October 2017.

Heard Shri V.R. Borkar, the learned counsel for the applicant and Shri H.K. Pande, the Id. P.O. for the Respondents 1 to 3. None for R. 4 and 5.

No rejoinder is filed by the applicant.

Applicant to file rejoinder on the next date.

Hence, the matter be kept after **Diwali vacation** with consent.

Vice-Chairman

pdg

O.A. No.654/2017.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 4th October 2017.

None for the applicant. Shri S.A. Deo, the learned C.P.O. for the Respondent No.1.

Respondent Nos. 2 and 3 are not served. Applicant to file service affidavit in respect of Respondent Nos. 2 and 3.

S.O. two weeks.

Vice-Chairman

pdg

O.A. No.485/2014.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 4th October 2017.

R.A. No. 18/2017.

Heard Mrs. P.D. Sood, the applicant in person. Shri A.M. Ghogre, the learned P.O. for the Respondent Nos.1 to 4.

2. Issue notice to R.5 and 6 returnable after **four weeks.**

3. Shri A.M. Ghogre, the learned P.O. waives notice for the Respondent Nos.1 to 4. 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.

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

9. Place this matter before the D.B. whenever available.

Vice-Chairman

pdg

O.A. No.653/2017.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 4th October 2017.

Shri R.P.Pimpalkhute, the learned counsel for the applicant and Shri P.N. Warjekar, the Id. P.O. for the Respondents.

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

Vice-Chairman

pdg

O.A. No.655/2017.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 4th October 2017.

Shri N.D. Thombre, the learned counsel for the applicant and Shri A.M. Ghogre, the Id. P.O. for the Respondents.

The learned counsel for the applicant seeks permission to withdraw his power. Permission is granted.

Shri D.M. Surjuse, new learned counsel for the applicant is filing his Vakalatnama for the applicant.

At the request of learned P.O., **S.O. two weeks** for filing reply affidavit.

Vice-Chairman

Pdg

O.A. No.662/2016.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 4th October 2017.

Shri Pimpalkhute, Adv. holding for Shri R.L.Khapre, the learned counsel for the applicant and Shri M.I. Khan, the Id. P.O. for the Respondents 1 to 3. Shri N.M. Kolhe, Adv. for R. 4 to 6. None for R.7.

The learned P.O .files reply affidavit on behalf of R.1 and 3, same is taken on record and copies thereof are supplied to other sides.

Ld. P.O. seeks time to file reply fo R.2. Time is granted.

S.O. four weeks for filing reply affidavit of R.2.

Vice-Chairman

pdg

O.A. No.602/2016.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 4th October 2017.

Shri M.P. Kariya, the learned counsel for the applicant and Smt. S.V. Kolhe, the Id. P.O. for the Respondents.

S.O. 6th October 2017.

Vice-Chairman

pdg

O.A. No.529/2017.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 4th October 2017.

Shri G.K. Bhusari , the learned counsel for the applicant and Shri S.A. Sainis, the Id. P.O. for the Respondents.

The learned P.O .files reply affidavit on behalf of R.2. The same is taken on record and a copy thereof is supplied to other side.

Ld. counsel for the applicant seeks time to go through it.

S.O. one week.

Vice-Chairman

pdg

O.A. No.583/2017.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 4th October 2017.

C.A. 467/2017.

Heard Shri N.S. Warulkar, the learned counsel for the applicant and Smt. S.V. Kolhe, the Id. P.O. for the Respondents.

In this O.A., the applicant wants to add prayer clause by making amendment. However, it seems that the said clause is already there in the O.A. The learned counsel for the applicant, therefore, submits that the applicant will not press the C.A.No. 467/2017. Hence, the C.A. stands disposed of.

O.A. No.583/2017.

The Ld. P.O. has filed reply of R. 2 and 3. It is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant.

Since the pleadings are complete, O.A. is admitted and kept for final hearing **after Diwali vacation.**

Smt. S.V. Kolhe, the Id. P.O. waives notice for the Respondents.

Vice-Chairman

pdg

O.A. No.80/2017

Coram : Hon. Shri J.D.Kulkarni,

Vice-Chairman (J).

Dated : 4.10.2017.

C.A.04/2017

Heard Shri S.D. Shukla, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. for the respondents.

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.80/2017 -

At the request of Shri H.K. Pande, Id. P.O. for the respondents, **S.O. four weeks** for filing reply.

Vice Chairman (J)

dnk.

O.A. No.200/2017

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

Dated : 4.10.2017.

C.A.104/2017

None for the applicant.

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

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

Vice Chairman (J)

dnk.

O.A. No.322/2017

Coram : Hon. Shri J.D.Kulkarni,

Vice-Chairman (J).

Dated : 4.10.2017.

Shri D.R. Khapre, Id. counsel holding for Shri R.L. Khapre, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1. Await service of R-2 to 4.

The learned P.O. has placed on record the copy of order dated 4/8/2017 which is marked Exh-X for the purposes of identification and submits that the applicant's transfer has been cancelled and therefore the applicant's grievance is redressed.

The learned counsel for the applicant seeks time till tomorrow to take instructions. At his request, **S.O. 5/10/2017.**

Vice Chairman (J)

dnk.

O.A. No.495/2017

Coram : Hon. Shri J.D.Kulkarni,

Vice-Chairman (J).

Dated : 4.10.2017.

C.A.327/2017

Shri N.D. Thombre, 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 along with other connected matters.

Vice Chairman (J)

dnk.

O.A. No.496/2017

Coram : Hon. Shri J.D.Kulkarni,

Vice-Chairman (J).

Dated : 4.10.2017.

C.A.328/2017

Shri N.D. Thombre, 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 along with other connected matters.

Vice Chairman (J)

dnk.

O.A. No.497/2017

Coram : Hon. Shri J.D.Kulkarni,

Vice-Chairman (J).

Dated : 4.10.2017.

C.A.329/2017

Shri N.D. Thombre, 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 along with other connected matters.

Vice Chairman (J)

dnk.

O.A. No.629/2017

Coram : Hon. Shri J.D.Kulkarni,

Vice-Chairman (J).

Dated : 4.10.2017.

C.A.480/2017

Heard Shri S.P. Palshikar along with Shri N.D. Thombre, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

2. It seems from the amendment application that the applicant's order was in fact prepared for 11 months, but was not signed for the reasons explained by the respondents authorities. The applicant has placed on record amendment application along with the copy of the order. The applicant wants to bring facts on record by amending the O.A.

3. For the reasons stated in the application, the application for amendment is allowed since it may not change the nature of the claimed by the applicant in the O.A. The amendment be carried out within two days as requested by the learned counsel for the applicant. After amendment, the amended copy shall be supplied to the respondents.

O.A. 629/2017 -

The learned P.O. submits that he will file reply-affidavit to the consolidated application i.e. including the amended O.A. He seeks one week's time to file reply to the amended O.A.

2. The learned counsel for the applicant submits that he has been granted appointment for three months as per Annex-A-2. The copy of the said order is at P.B. page no.21 which is dated 4/7/2017 and as per that order he has been appointed for three months only. However, the applicant got another copy of the said order which is not signed by anybody, but has been typed from the same folder. The same is at Annex-A-8 at P.B. page no.7 which is seen with C.A. for amendment which states that the applicant was to be appointed for 11 months.

3. The learned counsel for the applicant also invited my attention to the impugned advertisement at P.B. page

no.19 which is published on 21/3/2017 and in the terms and conditions dated 31/3/2017 has wrongly been mentioned and it should have been 31/3/2018. He therefore submits that the applicant's order should have been for 11 months i.e. till March,2018. He therefore seeks relief for continuation of the appointment order.

4. The learned P.O. submits that the applicant will have to prove that he was appointed in pursuance of the advertisement. In fact he was appointed as a time gap arrangement since the post of particular category was not available. In my opinion it will have to be seen on merit as to whether the applicant is entitled to 11 months appointment or not and for that purpose the reply of the respondents will have to be considered. If at all the applicant succeeds on merit, he may claim monetary benefits for such period for which he claimed to be entitled to. In view thereof, no interim relief can be granted at this juncture.

S.O. four weeks.

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

Vice Chairman (J)

dnk.

O.A. No.757/2017

Coram : Hon. Shri J.D.Kulkarni,

Vice-Chairman (J).

Dated : 4.10.2017.

C.A.481/2017

Heard Shri M.M. Sudame, Id. counsel for the the applicants and Shri S.A. Deo, Id. C.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.757/2017 -

Heard Shri M.M. Sudame, Id. counsel for the the applicants and Shri S.A. Deo, Id. C.P.O. for the State.

2. Vide impugned order dated 31/5/2017 at P.B. page no.43 the applicant no.1 has been transferred from the post of Live Stock Development Officer from Chargaon, Tq. Warora, Dist. Chandrapur to Ramgarh, Tq. Kurkheda, Dist. Gadchiroli and vide said order at sr.no.180 the applicant no.2 wife of applicant no.1 has been transferred from Shegaon, Tq. Warora, Dist. Chandrapur to Ghattemani, Dist. Gondia. It is stated that nobody is posted in place of applicant no.2 and the person who is posted in place of applicant no.1, his transfer has been cancelled. Admittedly, both these posts are now vacant.

3. The learned counsel for the applicant pointed out that on 4/5/2017 a proposal for transfer of various officers was submitted to the competent authority whereby the applicant's cases were recommended, but inspite of such recommendation the applicants have been transferred. The applicant no.2 was pregnant of six months at the time of transfer and now she has delivered a child, who is aged about one month. Both the applicants also have a son of four years. Considering all these aspects, the applicant ought to have considered the cases of the applicants.

4. The applicants have also filed representation to the concerned Minister on 2/6/2017 as per Annex-A-6 and Annex-A-7. It is stated that both the applicants have not yet been relieved. In

view thereof, the respondents are directed not to relieve them till further orders. The respondents are directed to put up the representations filed by the applicants to the concerned Minister or before the competent authority and to see that the decision be taken on the same representation within two months from today. In view thereof, the O.A. stands disposed of with no order as to costs.

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

Vice Chairman (J)

dnk.

O.A. No.626/2017

Coram : Hon. Shri J.D.Kulkarni,

Vice-Chairman (J).

Dated : 4.10.2017.

Shri U.A. Dhabe, Id. counsel for the applicant and
Shri M.I. Khan, Id. P.O. for R-1. Await service of R-2 to 6.

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

Vice Chairman (J)

dnk.

O.A. No.783/2016

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

Dated : 4.10.2017.

Heard Smt. Charlewar, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

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

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

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

S.O. After Vacation.

Vice Chairman (J)

dnk.

O.A. No.64/2017

Coram : Hon. Shri J.D.Kulkarni,

Vice-Chairman (J).

Dated : 4.10.2017.

Heard Shri S.Majid, Id. counsel for the applicant, Shri A.M. Ghoge, Id. P.O. for R-1 and Shri W.G. Paunikar, Id. counsel for R-2.

2. The learned counsel for R-2 has already filed reply-affidavit. The applicant got retired in 2009 and is not getting regular pension since 1/4/2014. The learned P.O. submits that the applicant was punished in departmental enquiry and by order dated 18/7/2013 his pension been reduced and therefore there was delay. He submit that it is a duty of respondent no.2 to pay pension.

3. The learned counsel for R-2 however submits that the Zilla Parishad has already complied with the directions but the State which has not released the pension. It seems both the respondents are trying to shift the burden on each others' and the sufferer is the applicant. In any case it was necessary for the respondent nos. 1 to 5 to file reply-affidavit. On earlier so many dates last chance were granted and on 25/7/2017 it was specifically stated that in case the reply is not filed, heavy cost will be saddled on respondent no.1. In spite of that order the State did not reply on 21/8/2017 and matter was adjourned for today. Today also the learned P.O. seeks time to file reply. However since for the adjudication of the litigation the reply of respondent no.1 is necessary, a most last chance is granted subject to the cost of Rs.5000/- to be deposited to the Registry of MAT, Nagpur.

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A. No.119/2017

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

Dated : 4.10.2017.

None for the applicants.

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

Ld. P.O. files reply on behalf of R-4. It is taken on record.

S.O. four weeks.

Vice Chairman (J)

dnk.

O.A. No.147/2017

Coram : Hon. Shri J.D.Kulkarni,

Vice-Chairman (J).

Dated : 4.10.2017.

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

The learned counsel for the applicant seeks time
to amend the O.A. At his request, **S.O. two weeks.**

Vice Chairman (J)

dnk.

O.A. No.526/2017

Coram : Hon. Shri J.D.Kulkarni,

Vice-Chairman (J).

Dated : 4.10.2017.

Shri S.N. Gaikwad, Id. counsel for the applicant and
Shri H.K. Pande, Id. P.O. for the respondents.

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

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

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

S.O. After Vacation.

Vice Chairman (J)

dnk.

O.A. No.606/2017

Coram : Hon. Shri J.D.Kulkarni,

Vice-Chairman (J).

Dated : 4.10.2017.

Shri G.G. Bade, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1 to 5. None for R-6.

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

Vice Chairman (J)

dnk.

O.A. No.756/2017

Coram : Hon. Shri J.D.Kulkarni,

Vice-Chairman (J).

Dated : 4.10.2017.

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

2. The applicant Dr. Sheetal S. Teram who is Live Stock Development Officer has been transferred from Gadchiroli to Bhadravati, Dist. Chandrapur. The learned counsel for the applicant submits that as per the G.R. dated 6/8/2002 those employees who have worked in the naxalite affected area are entitled to choice postings after completion of their tenure. The applicant accordingly before her transfer has filed one representation to the Government on 12/4/2017 has also pointed out the places

of her choice and submitted that two posts out of three for which she opted were vacant. However her choice has not been considered.

3. After impugned order of transfer the applicant has filed representation on 13/6/2017 as per Annex-A-7 to the competent authority. However the same has not been yet considered.

4. The learned counsel for the applicant submits that she is ready to work at naxalite affected area i.e. at her post where she has completed her tenure, since her father-in-law is undergoing cancer treatment and she is looking after her father in law. She has also given option for three places and all these posts are vacant. The learned counsel for the applicant therefore submits that the respondent authority, i.e., the Secretary of Animal Husbandry, Dairy and Fisheries Department (R-1) be directed to take decision on her representation and her application can be disposed of with a direction.

5. It is stated that the applicant has not yet been relieved from her post at Gadchiroli. In view thereof, the following order :-

ORDER

The O.A. stands disposed of with a direction to respondent no.1 to take decision on the representation filed by the applicant on 13/6/2017 as per Annex-A-7 within two months from the date of this

order and till that time the respondents are directed not to relieve the applicant.

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

Vice Chairman (J)

dnk.