

O.A. No. 429/2015.

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

Dated : 5th June 2017.

Heard Shri R.V. Shiralkar, the learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for respondents 1 and 2. Shri A.P. Sadavarte, Adv. for R. 3,5,8 & 9. None for R.4,6& 7.

From the admitted facts, it seems that the applicant, though belongs to N.T.(B) category, applied from the Open category. He qualified in the written test as well as oral interview and final select list was published in which he is kept at Sr. No.1 in the waiting list in Open category. He got 162 marks and his qualification is HSSC. Admittedly the candidates at Sr. Nos. 83 to 89 in the select list had scored 162 marks and their qualification is HSSC. As per G.R. dated 27th June 2008 (Clause 6(c)), preference shall be given to the person who is older than the other candidate in case the candidates obtained equal marks. In view thereof, if the applicant is older amongst the candidates who had got 162 marks and having equal qualification of HSSC, he should have preferred.

The learned counsel for the applicant submits that respondent No.6 got 162 marks and has secured HSSC qualification and is younger than the applicant, has not joined the service and, therefore, without going into the merits of the case, the applicant can be accommodated in place of respondent No.6. The learned P.O. is, therefore, directed to take instructions as to whether respondent No.6 has joined the service or not and shall make a statement accordingly.

To be treated as part heard.

S.O. **one week.**

Vice-Chairman(J)

pdg..

O.A. No. 504 /2015.

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

Dated : 5th June 2017.

C.A. No.37/2016.

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

The Ld. P.O. has filed reply on behalf of R.1. It is taken on record and a copy thereof is supplied to the learned counsel for the applicant. The learned counsel for the applicant submits that he will go through it and file rejoinder, if necessary.

S.O. **two weeks.**

Vice-Chairman(J)

pdg..

O.A. (St.) No. 364/2016.

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

Dated : 5th June 2017.

C.A. No.116/2016.

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

The Ld. P.O. has filed reply on behalf of
R.2. It is taken on record.

It seems that nobody is appearing for the
applicant since last 2-3 days. The applicant has
also not collected the hamdast. In view thereof,
matter be kept for dismissal after two weeks.

S.O. two weeks.

Vice-Chairman(J)

pdg..

O.A. (St.) No. 1947/2016.

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

Dated : 5th June 2017.

C.A. No.483/2016.

Shri S.P. Palshikar, learned counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for respondent No.1.

Await service to R.2 to 4.

The learned counsel for the applicant submits that he will file service affidavit within two weeks.

S.O. **two weeks.**

Vice-Chairman(J)

pdg..

O.A.No. /2016.

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

Dated : 5th June 2017.

C.A. No./2016.

Shri, learned counsel for the applicants and Shri S.A. Deo, the learned C.P.O. for respondents 1 and 3

Await service to R.2..

The learned counsel for the applicant submits that he will file service affidavit within two weeks.

S.O. **two weeks.**

Chairman(J)

Vice-

pdg..

O.A.No. 685/2015.

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

Dated : 5th June 2017.

M.C.A. Nos. 63 & 64 of 2016.

None for the applicant. Shri V.A. Kulkarni,
the learned P.O. for respondent Nos. 1 to 3.

R.4 has filed service affidavit on record.

It seems that the steps are not taken since long and nobody appeared for the applicant. It seems that the applicant is not interested in prosecuting the MCAs as well as the O.A. Hence, both the MCAs as well as O.A. stand dismissed in default.

Vice-Chairman(J)

Lateron

Shri P.S. Wathore, Ld. counsel for the applicant appeared before this Tribunal and requested for one week time for prosecuting the MCAs as well as the O.A. Request granted.

S.O. **one week.**

Vice-Chairman(J)

pdg..

O.A.No. 293/2017.

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

Dated : 5th June 2017.

Heard Shri P.S. Wathore, learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for respondents.

The applicant has challenged the impugned order dated 31st May 2017 whereby he has been transferred from Institute of Science, Nagpur to Institute of Science, Mumbai. It is stated that the order is passed on administrative ground. As seems from the pleadings as well as argument, there is no doubt that the applicant is serving as Associate Professor at Nagpur since 2012. The learned counsel for the applicant has invited my attention to Section 2 (G) and Section 4 (2) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as the "Transfer Act") and tried to emphasize that the respondents have not followed the procedure for preparation of list of candidates due for transfer and other procedural aspects. That the aspect has been considered only on merit after obtaining reply of the

respondents. Prima facie, applicant has completed three years tenure at Nagpur and, therefore, this is not a fit case to grant interim relief.

The learned counsel for the applicant wants to add Mrs. Archana Atul Nerkar as party respondent to the application. He is permitted to add her as party respondent.

Hence, issues notice to newly added respondent returnable after **four weeks**.

Shri P.N. Warjekar, the learned P.O. waives notice for the respondent Nos.1 to 3. Hamdast granted.

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

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.

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.

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. four weeks for filing reply of other respondents.

Vice-Chairman(J)

pdg..

O.A. No.133 /2012.

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

Dated : 5th June 2017.

Shri R.D. Dharmadhikari, the learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

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

Vice-Chairman(J)

pdg..

O.A. No.513 /2008.

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

Dated : 5th June 2017.

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

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

Vice-Chairman(J)

pdg..

O.A. No.831 /2012.

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

Dated : 5th June 2017.

Shri M.R. Khan, the learned counsel for the applicant and Smt. M.A. Barabde, the learned P.O. for the respondents.

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

Vice-Chairman(J)

pdg..

O.A. No. 275/2015.

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

Dated : 5th June 2017.

Heard Miss A.R. Manhare , the learned counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents 1 & 2. None for R.3.

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

ADMIT.

Shri V.A. Kulkarni, the learned P.O. waives notice for the respondents 1 & 2.

Matter be kept for final hearing after **four weeks.**

Vice-Chairman(J)

pdg..

O.A. No. 84/2016.

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

Dated : 5th June 2017.

Shri S.N. Gaikwad, the learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

The Ld. P.O. has filed reply on behalf of R. 1 and 2. It is taken on record and a copy thereof is supplied to the learned counsel for the applicant.

ADMIT with liberty to file rejoinder, if necessary.

Shri S.A. Sainis, the learned P.O. waives notice for the respondents.

S.O. two weeks.

Vice-Chairman(J)

pdg..

O.A. (St.) No.2084 /2016.

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

Dated : 5th June 2017.

C.A.511/2016.

Shri R.G. Kavimandan, the learned counsel for the applicants and Shri S.A. Deo, the learned C.P.O. for the respondents 1 and 3.

Await service to R.2.

The Ld. learned counsel for the applicants seeks one week's time to remove office objection.

S.O. **one week.**

Vice-Chairman(J)

pdg..

O.A. (St.) No.2296 /2016.

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

Dated : 5th June 2017.

C.A.556/2016.

None for the applicant. Shri M.I. Khan, the learned P.O. for the respondents.

At the request of the Ld. learned P.O.,
S.O. **one week.**

Vice-Chairman(J)

pdg..

O.A. No.466 /2008.

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

Dated : 5th June 2017.

C.A.46/2017.

Shri A.P. Sadavarte, learned counsel for the applicant and Mrs. S.V. Kolhe, the learned P.O. for the respondents.

S.O. **two weeks.**

Vice-Chairman(J)

pdg..

O.A. No. 223/2016.

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

Dated : 5th June 2017.

M.C.A. Nos. 82 & 83 of 2016.

None for the applicants. Shri H.K. Pande,,
the learned P.O. for the respondents.

On the two occasions before summer
vacation i.e. on 10.2.2017 and 8.3.2017, none
appeared for the applicant.

Hence, the matter be kept for dismissal
after **two weeks.**

Vice-Chairman(J)

pdg..

O.A. No. 591/2015.

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

Dated : 5th June 2017.

Shri D.S. Walthare, learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

The learned counsel for the applicant seeks time to file rejoinder. In fact, sufficient time has already been granted to file rejoinder.

Hence, the O.A. is admitted and it be kept for final hearing with liberty to file rejoinder, if necessary.

Shri A.M. Ghogre, the learned P.O. waives notice for the respondents.

S.O. four weeks.

Vice-Chairman(J)

pdg..

O.A. No. 21/2016.

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

Dated : 5th June 2017.

Heard Shri P.P. Khaparde, the learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

Admit with liberty of file rejoinder.

Shri S.A. Sainis, the learned P.O. waives notice for the respondents.

S.O. **four weeks.**

Vice-Chairman(J)

pdg..

O.A. No. 76/2016.

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

Dated : 5th June 2017.

Heard Shri P.P. Khaparde, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

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

Vice-Chairman(J)

pdg..

O.A. No. 222/2016.

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

Dated : 5th June 2017.

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

At the request of the learned P.O., S.O. **two weeks** for filing additional reply to the amended O.A.

Vice-Chairman(J)

pdg..

O.A. No.289 /2016.

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

Dated : 5th June 2017.

Shri Sagr Katkar, Adv. holding for Shri N.R. Saboo, learned counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents 1 to 3. None for R.4.

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

S.O. four weeks.

Vice-Chairman(J)

pdg..

O.A. No. 736/2015.

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

Dated : 5th June 2017.

R.A.No.09/2016.

Shri R.V. Shiralkar, the learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents 1 to 3. None for R.4.

The learned counsel for the applicant seeks time of two weeks. Time is granted.

S.O. two weeks.

Vice-Chairman(J)

pdg..

O.A.828/2012

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

Dated : 05.06.2017.

Shri S.S. Siyawas, Id. Counsel holding for
Shri S.O. Ahmed, Id. Counsel for the applicant
and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of Id. Counsel for the
applicant, **S.O. Next week.**

Vice Chairman (J)

dnk.

O.A. St. No. 1550/2016 (D.B.)

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

Dated : 05.06.2017.

C.A.No.465/2016

None for the applicant. Shri M.I. Khan, Id.
P.O. for R-1&3 and Shri N.A. Palshikar, Id.
Counsel holding for Shri V.G. Palshikar, Id.
Counsel for R-2 and 4.

Matter be kept for dismissal.

S.O. one week.

Vice Chairman (J)

dnk.

O.A. No. 106/2016 (D.B.)

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

Dated : 05.06.2017.

Heard Shri N.D. Thombre, Id. Counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

The learned P.O. submits that he will file reply-affidavit within two weeks. The applicant is claiming directions to respondent nos. 2 and 3 to submit a detailed proposal for his reinstatement and regularization as per the direction of respondent no.1 vide letter dated 18/03/2013. The learned P.O. submits that the proposal has

already been submitted. He is directed to take instructions as to what is the status of that proposal and it is how many days same will be decided.

S.O. After two weeks.

Vice Chairman (J)

dnk.

O.A. No. 159/2016 (D.B.)

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

Dated : 05.06.2017.

None for the applicants.

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

It appears that rejoinder is not filed.

Heard. Admit.

Learned P.O. waives notice for the respondents.

Matter be kept for final hearing.

Put up the matter whenever regular Division Bench is available.

Vice Chairman (J)

dnk.

O.A. No. 201/2016 (D.B.)

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

Dated : 05.06.2017.

Shri D.M. Kakani, Id. Counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1&2 and none for R-3 to 5.

The learned P.O. seeks further time to file reply. Time is granted.

S.O. one week.

Vice Chairman (J)

dnk.

O.A. No. 258/2016 (D.B.)

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

Dated : 05.06.2017.

None for the applicant.

Shri S.A. Deo, Id. CPO for R-1 to 3.
None for R-4.

The learned CPO files affidavit-in-reply on behalf of respondent no.3. It is taken on record. Ld. CPO seeks time to file reply on behalf of other respondents. Time is granted.

S.O. four weeks.

Vice Chairman (J)

dnk.

O.A. No. 536/2016 (D.B.)

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

Dated : 05.06.2017.

Shri S.V. Deshmukh, Id. Counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 to 4 and none for R-5.

The learned P.O. files affidavit-in-reply on behalf of respondent no.3. It is taken on record. Copy is served to the Id. Counsel for the applicant. The learned P.O. submits that there is no need to file reply on behalf of other respondents. The learned counsel for the applicant seeks time to file rejoinder, if necessary.

S.O. after two weeks.

Vice Chairman (J)

dnk.

O.A. No. 769/2016 (D.B.)

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

Dated : 05.06.2017.

Shri D.M. Kakani, Id. Counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

The learned P.O. files affidavit-in-reply on behalf of respondent no.3. It is taken on record. Copy is served to the learned counsel for the applicant. The learned P.O. seeks time to file Pursis on behalf of other respondents. The learned counsel for the applicant seeks time to file rejoinder.

S.O. after two weeks.

Vice Chairman (J)

dnk.

O.A. No. 814/2016 (D.B.)

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

Dated : 05.06.2017.

None for the applicant.

Shri P.N. Warjurkar, Id. P.O. for the respondents.

The learned P.O. seeks time to file reply.
Time is granted.

S.O. three weeks.

Vice Chairman (J)

dnk.

O.A. No. 278/2017 (D.B.)

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

Dated : 05.06.2017.

Shri A.P. Chorghade, Id. Counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

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

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A. No. 173/2006 (D.B.)

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

Dated : 05.06.2017.

Shri R.V. Shiralkar, Id. Counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

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

Vice Chairman (J)

dnk.