

O.A. No. 826/2015. (SB)

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

Dated : 10th April 2017.

Shri S.R. Renu, the Ld. counsel for the applicant and Smt. S.V. Kolhe, the learned P.O. for the respondents.

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

Vice-Chairman(J)

pdg..

O.A. No. 176/2010.

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

Dated : 10th April 2017.

Shri Bansod, Adv. holding for Shri M.B. Agasti, Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

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

Vice-Chairman(J)

pdg..

O.A. No. 370/2016.

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

Dated : 10th April 2017.

Heard Shri A.P. Tathod, Ld. counsel for the applicant, Shri V.A. Kulkarni, the learned P.O. for the respondents 1 to 4 and Shri D.B. Walthare, Ld. Adv. for R.5.

The Ld. Adv. for R.5 seeks time to file an affidavit.

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

Shri V.A. Kulkarni, the learned P.O. waives notice for respondent Nos. 1 to 4.

Vice-Chairman(J)

pdg..

O.A. No. 115/2017.

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

Dated : 10th April 2017.

Shri B.D. Pandit, Ld. counsel for
the applicant and Shri P.N. Warjekar,
the learned P.O. for the respondents.

S.O. 12th April 2017.

Vice-Chairman(J)

pdg..

O.A. No. 51/2017.

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

Dated : 10th April 2017.

Shri A. Raghute, Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

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

Vice-Chairman(J)

pdg..

O.A. No. 110/2015.

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

Dated : 10th April 2017.

None for the applicant.

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

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

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

Vice-Chairman(J)

pdg..

O.A. No. 150/2016.

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

Dated : 10th April 2017.

Heard Shri S.P. Palshikar, Ld. counsel for the applicant, Shri P.N. Warjekar, the learned P.O. for respondents 1 & 2 and Shri R.V. Shiralkar, Ld. Adv. for R.3.

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

Shri P.N. Warjekar, the learned P.O. waives notice for respondent Nos. 1 & 2.

In the meantime, the applicant is allowed to file rejoinder with condition that its copy be served to the side other well in advance.

Vice-Chairman(J)

pdg..

O.A. No. 678/2016.

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

Dated : 10th April 2017.

C.A Nos. 44/2017 & 560/2010.

There is a leave note from Shri G.G. Bade, the learned counsel for the applicant. Shri A.M. Khadatkar, the learned P.O. for respondents 1 to 4. None for R. 5 to 10.

Reply of R. 1 to 4 is filed on record. It is taken on record.

S.O. four weeks.

Vice-Chairman(J)

pdg..

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

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

Dated : 10th April 2017.

C.A No. 465/2016.

None for the applicant. Shri S.A. Deo, the learned C.P.O. for respondents 1 and 3. Shri V.G. Palshikar, Adv. for R. 2 & 4.

The Ld. counsel for R. 2 and 4 has filed reply affidavit. The Ld. C.P.O. submits that the application itself is not maintainable and, therefore, he wants that the matter shall be heard on the point of maintainability. Since the learned counsel for the applicant is absent, S.O. **two weeks** on the point of maintainability.

Vice-Chairman(J)

pdg..

O.A. No. 745/2016.

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

Dated : 10th April 2017

Shri M.R. Khan, Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

Ld. P.O. has filed affidavit in reply on behalf of the respondents, it is taken on record and a copy thereof is supplied to the other side.

S.O. four weeks.

I.R. to continue till then.

Vice-Chairman(J)

pdg..

O.A. No. 460/2016.

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

Dated : 10th April 2017

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

As per advertisement dated 28.8.2014, sixteen posts of Junior Clerks were to be filled in. Since the applicant belongs to NT(B) category and there was no post reserved for NT(B) category, the applicant applied from Open category. Admittedly, as per final select list, the applicant is at waiting list No. 1 in Open category.

According to the applicant, the Govt. has issued a G.R. dated 2.12.2015 vide which four posts from NT(B) category are to be filled in from Open category and if that G.R. is

implemented, the applicant will be posted from Open category. The Ld. counsel for the applicant, therefore, seeks interim stay stating that not to fill up the four posts which are lying vacant. The Ld. P.O. submitted that the matter can be decided on merit only. The applicant seems to have a *prima facie* case, as he is at waiting list No.1 from Open category, the O.A. is admitted and kept for final hearing on merit. Appointment, if any made during the pendency of this O.A., shall be subject to the final outcome of this O.A.

Put up before the regular D.B. whenever available.

Vice-Chairman(J)

pdg..

O.A. No. 565/2016.

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

Dated : 10th April 2017

C.A. No.512/2016.

Heard Shri S.D. Chande, the Ld. counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents.

S.O. **two weeks** for filing reply on the C.A.

Vice-Chairman(J)

pdg..

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

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

Dated : 10th April 2017

C.A. No.533/2016.

Heard Shri R.V. Shiralkar, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents 1 & 2. None for R.3.

At the request of Ld. CPO, S.O. **three weeks** for filing affidavit in reply on the C.A.

Vice-Chairman(J)

pdg..

O.A. No. 342/2009.

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

Dated : 10th April 2017

C.A. No.100/2017.

Heard Shri M.V. Mohokar, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents 1 & 2. Shri P.R. Pudke, Ld. counsel for R.3 & 4.

The Ld. counsel for the applicant has supplied a copy to the Ld. counsel for R.3 & 4 today itself.

The Ld. counsel for the applicant submits that the stay be granted to the proceedings of the meeting of D.P.C. in the sense that at least one post of Naib-Tehsildar be kept vacant, since the applicant apprehends that his case may not be considered for promotion. If the case is not considered, the applicant can always challenge the proceedings of the meeting of the D.P.C. and a decision thereon. Hence, no case of interim relief is made out.

The Ld. counsel for R. 3 and 4 submits that he will file affidavit in reply. He is allowed to file reply with condition that its copy be served on the applicant well in advance. The Ld. P.O. agrees to argue the matter on merit itself and, therefore, with the consent of parties, matter be kept after **two weeks**.

C.A. No.101/2017.

Issue notice to R.5 i.e. Commissioner, Nagpur Division Nagpur returnable after **two weeks**.

2. Shri A.M. Ghogre, Ld. P.O. waives notice for R.1 & 2. Shri P.R. Pudke, Ld. counsel waives notice for R.3 & 4. 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.

Vice-Chairman(J)

pdg..

O.A. No.757/2016.

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

Dated : 10th April 2017.

Heard Shri D.M. Kakani, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

Ld. P.O. seeks time to file reply of R. 1 to 3. Time granted.

S.O. **two weeks.**

Vice-Chairman(J)

pdg..

O.A. No.160/2017.

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

Dated : 10th April 2017.

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

Ld. P.O. seeks time to file reply on behalf of the respondents. Time granted.

S.O. three weeks.

Vice-Chairman(J)

pdg..

O.A. No.731/2014.

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

Dated : 10th April 2017.

None for the applicant. Shri P.N. Warjekar, the learned P.O. for the respondents.

S.O. four weeks.

Vice-Chairman(J)

pdg..

O.A. No.09/2015.

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

Dated : 10th April 2017.

Shri D.M. Kakani, the Ld. counsel for the applicants and Shri A.M. Ghogre, the learned P.O. for the respondents.

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

Vice-Chairman(J)

pdg..

O.A. No. 176/2010.

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

Dated : 10th April 2017.

Shri M.B. Agasti, Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

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

Vice-Chairman(J)

pdg..

O.A. No. 370/2016.

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

Dated : 10th April 2017.

Heard Shri A.P. Tathod, Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents 1 to 4. Shri D.B. Walthare, Ld. Adv. for R.5.

The learned P.O. for the respondents 1 to 4 seeks time to file reply affidavit. The Ld. Adv. for R.5 also seeks time to file an affidavit.

ADMIT.

Shri V.A. Kulkarni, the learned P.O. waives notice for the respondents 1 to 4.

Vice-Chairman(J)

O.A. No. 726/2016.

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

Dated : 10th April 2017.

Shri S.N.Gaikwad, Ld. counsel for the applicant and Shri Pandey, the learned P.O. for the respondent no. 1. Await service of R-2 & 3.

The Id. P.O. requested time to file the affidavit on behalf of R-2 & 3.

S.O. four weeks.

Vice-Chairman(J)

aps

O.A. No. 763/2013.

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

Dated : 10th April 2017.

Shri R.V.Shiralkar, Ld. counsel for the applicant and Smt. Kolhe, the learned P.O. for the respondent no. 1 and Shri P.V.Thakre, Id. counsel for R-2 & 3.

The matter was already heard on the last date. The Id. counsel for the R-2 & 3, Shri Thakre submits that the matter be decided on merits. In view thereof the matter is closed for order.

Vice-Chairman(J)

aps

O.A. No. 724/2016.

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

Dated : 10th April 2017.

None for the applicant. Shri Khadatkar, Id. P.O. for Respondents No. 1 to 3. Shri A.P.Tathod, Id. counsel for the R-4.

S.O. two weeks.

Vice-Chairman(J)

aps

O.A. No. 265/2016.

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

Dated : 10th April 2017.

Shri S.N.Gaikwad, holding for Shri H.D.Futane, Id. counsel for the applicant and Shri Khadatkar, Id. P.O. for Respondents.

The Id. counsel for the applicant submits that Adv. Futane is not feeling well. Hence at his request, **S.O. after two weeks.**

Vice-Chairman(J)

aps

O.A. No. 184/2016.

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

Dated : 10th April 2017.

None for the applicant. Shri Khadatkar, Id. P.O. for Respondents.

On the last occasion that is on 27/03/2017 the applicant was allowed to file rejoinder. Since nobody is present for the applicant.

S.O. after four weeks.

Vice-Chairman(J)

aps

O.A. No. 836/2015.

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

Dated : 10th April 2017.

Shri R.S.Kalangiware, Id. counsel
for the applicant and Shri Pandey, Id.
P.O. for Respondents.

The Id. P.O. seeks time as he has
not received the records.

S.O. two weeks.

Vice-Chairman(J)

aps

O.A. No. 316/2014.

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

Dated : 10th April 2017.

Shri N.S.Warulkar, Id. counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for Respondents. None for R-4.

The Id. counsel for the applicant submits that the applicant has expired during the pendency of the O.A.. But he has not received instructions as a records the L.R.ϕ. On his request matter be kept after vacation. **S.O. after summer vacation.**

Vice-Chairman(J)

aps

O.A. No. 183/2017.

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

Dated : 10th April 2017.

Shri Satyendra Singh, Id. counsel for the applicant and Shri S.Deo, Id. C.P.O. for the State.

The Id. counsel for the applicant files on records the copy of the G.R. dated 23/03/2017 which is marked exhibit %%+ for the purpose of identification and submits that with effect from 23/03/2017 %Maharashtra Jeevan Pradhikaran+ has been under taken by the Government of Maharashtra. The Id. P.O. seeks time to go through the same G.R.

S.O. one week.

Vice-Chairman(J)

O.A. No. 40/2017.

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

Dated : 10th April 2017.

Heard Shri S.M.Khan, Id. counsel for the applicant and Smt. Kolhe, Id. P.O. for Respondents no. 1 to 3. Shri A.Mardikar, Id. counsel for R-4.

The rejoinder is filed by the Id. counsel for the applicant. It is taken on record, copies served to the other sides.

Closed for order.

Vice-Chairman(J)

aps

O.A. No. 46/2017.

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

Dated : 10th April 2017.

Heard Shri S.M.Khan, Id. counsel for the applicant and Smt. Kolhe, Id. P.O. for Respondents no. 1 to 3. Shri A.Mardikar, Id. counsel for R-4.

Closed for order.

Vice-Chairman(J)

aps

O.A. No. 47/2017.

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

Dated : 10th April 2017.

Heard Shri S.M.Khan, Id. counsel for the applicant and Smt. Kolhe, Id. P.O. for Respondents no. 1 to 3. None for R-4.

Closed for order.

Vice-Chairman(J)

aps

O.A. No. 199/2017.

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

Dated : 10th April 2017.

C.A.102/2017:-

1. Shri S.C.Deshmukh, Id. counsel for the applicant and Shri S.Deo, Id. C.P.O. for the respondents.
2. C.A. to sue jointly is allowed for the reasons stated in the application.
3. The Id. counsel for the applicant has claimed Interim relief that during the pendency of the O.A. the Respondents be restrained from implementing interim order of transfer dated 17/03/2017, issued by R-3 and to direct the R-3 to published waitlist for transfer from S.R.P.F. to State Police Force and also to direct the R-2 & 3 to continue the order dated 18/03/2017. All

these reliefs cannot be granted unless the respondents are heard on merits and therefore issue notices to the respondents returnable within three weeks.

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)

aps

O.A. No. 93/2017.

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

Dated : 10th April 2017.

Shri P.V.Thakre, Id. counsel for the applicant and Shri Ghoghre, Id. P.O. for Respondents.

The Id. counsel for the applicant submits that the matter be heard on merits. The Id. P.O. further submits that the matter is covered by the Judgment delivered by this Tribunal at his Principal bench at Mumbai.

The Id. P.O. seeks one week time to go through the said judgment. In view thereof the matter is admitted and kept for final hearing on next Monday i.e. 17/04/2017.

Vice-Chairman(J)

O.A. No. 833/2012.

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

Dated : 10th April 2017.

Shri A.L.Kawalkar, Id. counsel for the applicant and Shri Ghoghre, Id. P.O. for Respondents no. 1, 1-a & 2. None for R-3, Shri P.N.Warjurkar for R-4.

On last date specific order to file reply affidavit and to take instruction about the status of the representation dated 14/02/2009 was passed, but no reply is filed. The matter was therefore adjourned on 03/04/2017. On that date also nothing had been done. The Id. P.O. seeks time to file reply. In case the reply is not filed on next date, the matter will be heard on merits and heavy cost will be imposed. **S.O. one week.**

Vice-Chairman(J)

O.A. No. 593/2016.

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

Dated : 10th April 2017.

Shri S.N.Gaikwad, Id. counsel for
the applicant and Shri Khadatkar, Id.

P.O. for Respondents no. 1 to 4. None for R-5.

The Id. counsel for the applicant submits that he has already files the service affidavit on behalf of the respondents. Since nobody appear for R-5. The matter is closed for order.

Vice-Chairman(J)

aps

O.A. No. 74/2017.

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

Dated : 10th April 2017.

Leave note of Adv. Shri G.G.Bade and Shri M.I.Khan, Id. P.O. for Respondents.

S.O. four weeks.

Vice-Chairman(J)

aps