

O.A. No. 358/2017.

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

Dated : 16th June 2017.

Heard Shri N.S. Autkar, the learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondent No.1.

2. The applicant is a Forester. Since 16.9.2014, he has been posted at Jeolge region, Tehsil Pusad, Distt. Yavatmal. Vide impugned order dated 26.5.2017, he has been transferred to Pandharkawada. The learned counsel for the applicant submits that the applicant has not completed the tenure of three years at Jeolge nor he has requested for his transfer and if the order is passed on administrative ground, no sanction from higher authority has been obtained. It is stated that the applicant has not yet been relieved from his present post. In view thereof, respondent is directed not to relieve the applicant from Jeolge till further orders.

3. In the meantime, Issue notice to R. 2 and 3 returnable in **four weeks.**

4. Shri A.M. Ghogre, the learned P.O. waives notice for the respondent No.1. Hamdast granted.

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

6. 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.

7. 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.

8. 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.**

Vice-Chairman(J)

pdg..

O.A. No. 148/2017.

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

Dated : 16th June 2017.

C.A. No.79/2017.

Heard Shri R.V. Shiralkar, the learned counsel for the applicant and Shri H.K. Pande, 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. 146/2017.

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

Dated : 16th June 2017.

C.A. No.86/2017.

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

At the request of the learned P.O.,
S.O. **three weeks.**

Vice-Chairman(J)

pdg.

O.A. No. 760/2016.

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

Dated : 16th June 2017.

None for the applicants.

2. Heard Smt. S.V. Kolhe, the learned P.O. for the respondent No.1. None for R.3.
3. The Ld. P.O. has filed reply on behalf of R.2, it is taken on record.

4. The applicant has not taken any step to serve respondent No. 3.

5. As a last chance, applicant is directed to issue fresh notice to respondent No. 3 returnable after **four weeks**.

6. Smt. S.V. Kolhe, the learned P.O. waives notice for the respondent No.1. Hamdast granted.

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

8. 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.

9. 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.

10. 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**.

Vice-Chairman(J)

pdg..

O.A. No. 01/2015.

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

Dated : 16th June 2017.

Heard Shri M.K. Kulkarni, the learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents 1 to 4. None for R.5.

After hearing the parties for a considerable time, the learned counsel for the applicant seeks time to produce documents on record as regards residential proof of respondent No.5

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

To be treated as part heard.

Vice-Chairman(J)

pdg..

O.A. No. 831/2014.

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

Dated : 16th June 2017.

Heard Shri P.V. Thakre, the learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

Closed for orders.

Vice-Chairman(J)

pdg..

O.A. No. 241/2013.

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

Dated : 16th June 2017.

Miss Nazia Pathan, Adv. holding for (Dr.) Mrs. R.S. Sirpurkar, the learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

The Ld. P.O. seeks two weeksq time to fie reply to the amended O.A.

S.O. two weeks.

Vice-Chairman(J)

pdg.

O.A. No. 360/2017.

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

Dated : 16th June 2017.

None for the applicant. Shri S.A. Deo, the learned C.P.O. for the respondents.

Since the applicant himself circulated this O.A., but he is absent.

Hence, the O.A. be placed in due course.

Vice-Chairman(J)

pdg..

O.A. No. 359/2017.

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

Dated : 16th June 2017.

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

2. The applicant vide impugned order dated 30.5.2017 has been transferred as Project Officer from Bhandara to Sangli. The applicant, therefore, admittedly due for transfer. However, his grievance is

that, vide letter dated 6.5.2017, he has given choice posting in response to the respondents letter and choice is given at Nagpur, Wardha or Bhandara. However, the applicant has been transferred to Sangli on administrative ground. The Ld. CPO submits that the applicants department is not Government department and, therefore, this Tribunal has no jurisdiction. The learned counsel for the applicant submits that he will file documents to show that the applicant is Government employee. Merely because choice posting is not considered, it cannot be said that the applicant is vested with the right to be considered for a particular post. I do not find any reason to issue interim relief at this stage unless reply of respondents is obtained in this O.A.

3. Hence issue notice to respondent Nos. 2 to 5 returnable after **three weeks**.

4. Shri S.A. Deo, the learned C.P.O. waives notice for the respondent No.1. Hamdast granted.

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

6. 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.

7. 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.

8. 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.

Vice-Chairman(J)

pdg..

O.A. No. 270/2016.

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

Dated : 16th June 2017.

Heard Shri G.N. Khanzode, the learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

Closed for orders.

Vice-Chairman(J)

pdg..

O.A. No. 786/2016.

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

Dated : 16th June 2017.

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

The learned counsel for the applicant submits that he has been instructed to withdraw the O.A. and hence he seeks permission for the same. He has also placed on record withdrawal pursis signed by his client. In view thereof,

permission to withdraw the O.A. is granted.
O.A. stands disposed of as withdrawn with
no order as to costs.

Hamdast granted.

Vice-Chairman(J)

pdg..

O.A. No. 363/2017.

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

Dated : 16th June 2017.

Heard Shri V.A. Kothale, the learned
counsel for the applicant and Smt. M.A.
Barabde, the learned P.O. for the
respondents 1 to 3. None for R.4.

2. The applicant has been transferred
from the post of Research Officer /
Assistant Project Officer, Amravati to
Nandurbar vide order dated 31.5.2017.
She was promoted on the said post vide
order dated 16.7.2013 and was posted at

Amravati. Admittedly the applicant has completed her tenure of 3 years and 8 months at Amravati and, therefore, due for transfer.

3. The learned counsel for the applicant submits that prior to her transfer, she has filed representations on 29.5.2017 and 12.6.2017 and requested for her retention at Amravati. However, her representation has not been considered.

4. The learned counsel for the applicant submits that in addition to her medical ground, applicant's husband is at Amravati in private job. Her son is taking education in 9th standard and her daughter is taking education in B.Sc. second semester of last year at Amravati. She has also raised other ground in the representation dated 12.6.2017. But it was not decided by the competent authority. The learned counsel for the applicant also submits that the authority which has issued the transfer order, is not competent. He however further submits that he will file comprehensive representation taking all the grounds that some posts are available at Amravati as well as Nagpur and she

made alternative prayer that the post is available for her transfer. In view thereof, the applicant has requested for permission to withdraw the O.A. with permission to file fresh representation. In fact, there is no merit to grant her permission for filing representation. However, in the interest of justice, application is disposed of as withdrawn with liberty to the applicant to file fresh representation. The representation if the applicant wants to file, shall be filed within a week from today. The respondent authority is directed to consider the said representation on its own merit within a period of **one month** from the date of receipt of the representation and shall communicate the decision thereof to the applicant. Hamdast granted.

Vice-Chairman(J)

pdg..

O.A. No.117 /2017.

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

Dated : 16th June 2017.

Shri P.R. Kharbade, the applicant is present in person. He submits that his counsel is on his legs before the Hon^{ble} High Court.

Smt. S.V. Kolhe, the learned P.O. for the respondents.

The Ld. P.O. has filed affidavit in reply on behalf of R. 2 and 3 separately, it is taken on record. Copy thereof is supplied to the other side.

The Ld. P.O. seeks time to file reply on behalf of R. 1 & 4.

S.O. **there weeks.**

Vice-Chairman(J)

pdg..

O.A. No.255 /2017.

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

Dated : 16th June 2017.

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

The Ld. P.O. has filed affidavit in reply on behalf of R. 2, it is taken on record. Copy thereof is supplied to the other side.

S.O. 19th June 2017.

Vice-Chairman(J)

pdg..

O.A. No.289 /2017.

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

Dated : 16th June 2017.

Shri M.V. Joshi, learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

The Ld. counsel for the applicant submits that he will file service affidavit on record.

P.O. has filed affidavit in reply on behalf of R. 2, it is taken on record. Copy thereof is supplied to the other side. He submits that reply of respondent No.1 is not necessary.

The learned counsel for the applicant seeks one week time to argue the matter.

S.O. one week.

Interim relief to continue till then.

Vice-Chairman(J)

pdg..

O.A. No.789 /2016.

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

Dated : 16th June 2017.

Shri P.J. Mehta, the learned counsel for the applicant and Smt. S.V. Kolhe, the learned P.O. for the respondents 1 & 2. Miss. A.R. Manhare, Adv. for R.3.

At the request of Ld. P.O., S.O. **two weeks** as last chance.

Vice-Chairman(J)

pdg..

O.A. No.781 /2016.

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

Dated : 16th June 2017.

Heard Shri D.M. Khandait, the learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

Since pleadings are complete, the O.A. is admitted with liberty to file rejoinder, if necessary and its copy be served to the other side.

Shri M.I. Khan, the learned P.O. waives notice for the respondents.

O.A. be kept for final hearing after **four weeks.**

Vice-Chairman(J)

pdg..

O.A. No.780 /2016.

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

Dated : 16th June 2017.

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

At the request of learned P.O., S.O. **two weeks** as most last chance.

Vice-Chairman(J)

pdg..

O.A. No.776 /2016.

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

Dated : 16th June 2017.

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

Rejoinder is not filed.

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

Shri M.I. Khan, the learned P.O. waives notice for all the respondents.

Vice-Chairman(J)

pdg..

O.A. No.774 /2016.

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

Dated : 16th June 2017.

None for the applicant. Shri A.M. Khadatkar, the learned P.O. for the respondent Nos. 1 and 3. None for R. 2 & 4.

S.O. two weeks.

Vice-Chairman(J)

pdg..

O.A. No.744 /2016.

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

Dated : 16th June 2017.

Mrs. K.N. Saboo, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondent No.1. None for R.2, 3 and 5. Shri S.M. Bhangde, Adv. for R.4.

Ld. Adv. for R.4 seeks time to file reply.

S.O. **two weeks** as last chance.

Vice-Chairman(J)

pdg.

O.A. No. 742/2016.

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

Dated : 16th June 2017.

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

At the request of Ld. P.O., S.O. **two weeks** for filing reply as a most last chance.

Vice-Chairman(J)

pdg.

O.A. No. 735/2016.

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

Dated : 16th June 2017.

Shri M.R. Rajgure, the learned counsel for the applicant and Smt. M.A. Barabde, the learned P.O. for the respondents 1 & 2. None for R.3.

At the request of Ld. P.O., S.O. **four weeks** for filing reply as a last chance.

Vice-Chairman(J)

pdg.

O.A. No. 716/2016.

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

Dated : 16th June 2017.

Shri N.D. Thombre, the learned counsel for the applicant and Smt. M.A. Barabde, the learned P.O. for the respondents.

At the request of Ld. P.O., S.O. **four weeks** for filing reply of R.1 as a last chance.

Vice-Chairman(J)

pdg.

O.A. No. 702/2016.

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

Dated : 16th June 2017.

Smt. K.N. Saboo, the learned counsel for the applicants and Shri A.P. Potnis, the learned P.O. for the respondents.

At the request of Ld. P.O., S.O. **four weeks** as a last chance.

Vice-Chairman(J)

pdg.

O.A. No. 599/2016.

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

Dated : 16th June 2017.

Shri D.R. Upadhyaya, the learned counsel for the applicants and Shri P.N. Warjekar, the learned P.O. for the respondents.

At the request of Ld. P.O., S.O. **four weeks** to file reply.

Vice-Chairman(J)

pdg.

O.A. No. 287/2017.

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

Dated : 16th June 2017.

Shri C.S. Raghute, Adv. holding for Shri N.B. Bargat, the learned counsel for the applicant and Shri A.P. Potnis, the learned P.O. for the respondents 1 to 3. None for R.4.

The learned counsel for the applicant seeks one week's time to collect hamdast notice. Time is granted as a last chance.

S.O. one week.

Vice-Chairman(J)

pdg.

O.A. No. 477/2013.

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

Dated : 16th June 2017.

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

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

Vice-Chairman(J)

pdg.

C.A. 289/16 in O.A.St.812/2016 (D.B.)

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

Dated : 16.06.2017.

Heard Shri S.C. Chande, Id. Counsel for
the applicant and Shri V.A. Kulkarni, Id. P.O. for
the Respts.

Closed for orders.

Vice Chairman (J)

dnk.

O.A.St.1048/2016 (D.B.)

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

Dated : 16.06.2017.

C.A.307/2016 -

Heard Shri G.K. Bhusari, Id. Counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1. Await service of R-2&3.

2. In the O.A. the applicant has challenged the seniority list and promotion and whereby he has been refused promotion. It is stated that the applicant's name was recommended and still he

was not promoted and as against him his juniors are promoted. The delay cause of filing O.A. is 37 days only and therefore in the interest of justice and equity and for the reasons stated in the application, the said delay is condoned subject to the cost of Rs.500/- to be deposited to the MAT Bar Association.

O.A. St. 1048/2016 .

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

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

3. 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.

4. 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.

5. 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.

6. **S.O. four weeks.**

Vice Chairman (J)

dnk.

C.A. 474/16 in O.A.St.1908/2016 (D.B.)

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

Dated : 16.06.2017.

Heard Shri A.S. Chakotkar, Id. Counsel for
the applicant and Shri V.A. Kulkarni, Id. P.O. for
the Respts.

Closed for orders.

Vice Chairman (J)

dnk.

O.A. 616/2015 (D.B.)

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

Dated : 16.06.2017.

Shri S.N. Ghodeswar, Id. Counsel holding
for Shri Y.B. Mandpe, Id. Counsel for the applicant
and Shri A.M. Ghogre, Id. P.O. for the Respts.

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

Vice Chairman (J)

dnk.

O.A.639/2015 (D.B.)

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

Dated : 16.06.2017.

Heard Shri N.R. Bhishikar, Id. Counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1 to 3. Await service of R-4.

2. It seems from the record that the applicant was not taken any steps to serve respondent no.4 and therefore on 7/12/2016 a last chance was granted and it was made clear that if no steps are taken on the next date, the O.A. will be dismissed. The matter was fixed on 4/1/2017. On that date also no steps are taken and even nobody appeared for the applicant. In spite of that the matter was posted on 26/4/2017.

3. On 26/4/2017 again the applicant was directed to file the service report of R-4 and to file rejoinder, if necessary. However, no steps are taken and the matter was posted today.

4. Today the learned counsel for the applicant prayed for two weeks for filing rejoinder and submitted that he will serve respondent no.4 afresh. It is material to note that the applicant is not diligent in prosecuting the O.A. However, by way of last chance the applicant is allowed to issue fresh notice to R-4, subject to the cost of Rs.500/- to be deposited to the MAT Bar Association.

5. Issue fresh notice to R-4, returnable in **four weeks**. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

7. 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.

8. 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.

9. 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.

10. **S.O. four weeks.**

Vice Chairman (J)

dnk.

O.A.644/2015 (D.B.)

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

Dated : 16.06.2017.

Heard Shri A.B. Bambal, Id. Counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1&2. None for R-3 to 7.

Since the pleadings are complete, the matter is admitted and kept for final hearing. In the meantime the applicant to file rejoinder and supply the copy to the other side.

The learned P.O. waives notice on behalf of R-1&2.

S.O. four weeks.

Vice Chairman (J)

dnk.

O.A.618/2016 (D.B.)

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

Dated : 16.06.2017.

None for the applicant.

Shri A.M. Ghogre, Id. P.O. for the Respts.

In the O.A. the applicant has claimed declaration that the charge sheet issued against him is illegal and also inquiry conducted against him and its report is illegal. The learned P.O. submits that the applicant wants departmental inquiry and against which the applicant has filed departmental appeal and even the departmental appeal has been dismissed on 11/5/2017. He has placed on record the copy of the order passed by the Appellate Authority which is marked Exh-X for the purpose of identification. He submits that the application is not maintainable and therefore the matter be kept after two weeks as none appeared for the applicant.

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A.356/2017 (D.B.)

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

Dated : 16.06.2017.

Heard Shri S. Borkute, Id. Counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for R-1.

2. The applicant has applied for the post of Lecturer for Metallurgy subject in the Govt. Polytechnic College. There was one post reserved for Open (female) candidate and though the applicant was available on merit she has been kept at waiting list no.1 and instead the male candidate has been recommended.

3. The learned CPO submits that the applicant has applied from the %Open Category+, but not from the %Open (female) Category+and therefore whosoever is found fit on merit in the Open category has been recommended. In my opinion it requires a detailed reply of the respondents before passing any interim order and therefore issue notice to R-2 and 3 returnable in **four weeks**. Learned C.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. It is however made clear that whatever order may be passed by the MPSC regarding appointment of Lecturer in the subject of Metallurgy, shall be subject to the outcome of this O.A.

9. **S.O. four weeks.**

Vice Chairman (J)

dnk.

O.A.357/2017 (D.B.)

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

Dated : 16.06.2017.

Heard Shri G.G. Bade, Id. Counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1.

2. The applicant has challenged the final show cause notice issued to him on 29/4/2017 (A-5,P-87) whereby it has been directed to the applicant to explain as to why he should not be dismissed from service. It seems that the departmental enquiry has been initiated and now it is at the final stage of inflicting punishment. The Id. CPO submits that the application is not tenable since the applicant has every right to challenge the dismissal order inflicted upon him.

3. Keeping open the point of maintainability, issue notice to R-2 and 3, returnable in **four weeks**. Learned C.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. four weeks.**

Vice Chairman (J)

dnk.