

**O.A. No.135/2016.(SB)**

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

**Dated : 7<sup>th</sup> April 2017.**

Heard Shri C.A. Babrekar, the learned counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for respondents 1 to 4. Shri S.P. Palshikar, Add. for R.5.

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

Vice-Chairman(J)

pdg..

**O.A. No.835/2016.(DB)**

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

**Dated : 7<sup>th</sup> April 2017.**

Shri S.D. Chande, Adv. holding for Shri R.V. Shiralkar, the learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

The Ld. counsel for the applicant seeks one week's time to file amendment application to the O.A.

**S.O. one week.**

Vice-Chairman(J)

pdg..

**O.A. No.752/2015.(DB)**

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

**Dated : 7<sup>th</sup> April 2017.**

Shri R.D. Hajare, Adv. holding for Shri M.M. Sudame, the learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents 1 to 3. None for R. 4 to 6.

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

Vice-Chairman(J)

pdg..

**O.A. No.614/2015.(DB)**

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

**Dated : 7<sup>th</sup> April 2017.**

Shri S.M. Khan, the learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents 1 to 3. None for R. 4 to 8.

The Ld. counsel for the applicant seeks time to file an application for amending the O.A.

**S.O. two weeks.**

Vice-Chairman(J)

pdg..

**O.A. No.442/2016.(DB)**

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

**Dated : 7<sup>th</sup> April 2017.**

**C.A. No.46/2017.**

Shri G.K. Bhusari, Adv. holding for Shri Vipul Bhise, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

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

**S.O. four weeks.**

Vice-Chairman(J)

pdg..

**O.A. No.803/2016.(DB)**

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

**Dated : 7<sup>th</sup> April 2017.**

Shri D.M. Surjuse, the learned counsel for the applicant and Smt. S.V. Kolhe, the learned P.O. for the respondents.

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

As the pleadings are complete, matter is admitted. However, the learned counsel for the applicant wants to press for interim relief and on his request, S.O. **one week** on the point of interim relief.

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

Vice-Chairman(J)

pdg..

**O.A.(St.) No.812/2016.(DB)**

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

**Dated : 7<sup>th</sup> April 2017.**

**C.A.No.289/2016.**

Shri S.D. Chande, the learned counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

The Ld. P.O. seeks time one week for filing reply.

S.O. **one week.**

Vice-Chairman(J)

pdg..

**O.A.(St.) No.1473/2016.(DB)**

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

**Dated : 7<sup>th</sup> April 2017.**

**C.A.No.561/2016.**

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

In this C.A., relief claimed by all the  
applicants being similar and the cause of  
action was also similar, application to sue  
jointly is allowed for the reasons stated in the  
application. C.A. stands disposed of.

**O.A.(St.) No.1473/2016.**

**S.O. two weeks.**

Vice-Chairman(J)

pdg..



**M.C.A.Nos.21,22,23,24,25 of 2017 in  
O.A.Nos. 97/2016 and 545,761,802 & 805 of  
2015.(DB)**

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

**Dated : 7<sup>th</sup> April 2017.**

**Order**

Heard Shri M.I. Khan, H.K. Pande, S.A. Sainis, V.A. Kulkarni, the Ld. P.Os and Shri S.A. Deo, Ld. CPO for the applicants (original respondents) and Shri Bharat Kulkarni as well as Shri G.G. Bade, the learned counsel for the respondents (original applicants).

2. In these MCAs, the applicants (original respondents) are claiming extension of time for complying with the order of this Tribunal dated 6.1.2017 in the group of O.As (above mentioned). As per the directions given in the said O.As, the respondent No.3

was to prepare a fresh seniority list of Forest Guards in North Chandrapur Forest Circle as on 1.1.2015 within a period of three months from the date of this order. The applicants stated that the opinion has been sought from the Law and Judiciary Department as to whether a Writ petition against the order passed by this Tribunal shall be filed and, therefore, the applicants(original respondents) want three monthsq time for compliance.

3. The learned counsel for the respondents (original applicants) strongly opposed the application and according to him, the respondents have done nothing except filing a proposal seeking opinion from the Law and Judiciary Department, that too at the fag end of period already granted to the

respondents. Proposal has been moved on 14.3.2017. It is true that the applicants (original respondents) have done nothing till 14.3.2017 and now wants to take opinion as to whether the Writ Petition shall be filed or not. Action on the part of the applicants (original respondents) does not seem to be bonafide. However, in the interest of justice, two months time is granted to the applicants (original respondents) for compliance of the order dated 6.1.2017 with clear understanding that, if no Writ Petition is filed, the order shall be complied on or before the said date.

MCA's stand disposed of accordingly.

S.O. **two months.**

Vice-Chairman(J)

pdg..

**O.A. No.142/2012.(DB)**

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

**Dated : 7<sup>th</sup> April 2017.**

**C.A.No.65/2017.**

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

Amendment has been sought due to certain circumstances which had occurred during the pendency of the O.A. The appeal filed by the applicant before the Hon'ble Governor has been rejected and, therefore, the said order of rejection is being challenged by way of amendment. For the reasons stated in the application, amendment is allowed. It be incorporated forthwith. Copy of the amended O.A. be supplied to the respondents. The respondents are at liberty to file reply affidavit to the amended O.A.

**S.O. four weeks.**

Vice-Chairman(J)

pdg..

**O.A. No.666/2013.(DB)**

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

**Dated : 7<sup>th</sup> April 2017.**

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

From the record, it seems that nobody is  
appearing for the applicant since long. On  
16.6.2014 and 2.8.2014, none appeared for the  
applicant. In the meantime, Registry has  
received a pursis through post which is  
marked %+ whereby the applicant has stated  
that he wants to withdraw the O.A. and sought  
permission to withdraw the same. It seems that  
the applicant is not interested in prosecuting  
this O.A. Hence, the O.A. stands disposed of  
as withdrawn.

Vice-Chairman(J)

pdg..

**O.A. No. 247/2016.(DB)**

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

**Dated : 7<sup>th</sup> April 2017.**

Shri Akash Khobragade, Adv. holding for Shri I.N. Choudhary, the learned counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents 1 to 3. None for R. 4 and 5.

The learned counsel for the applicant is directed to collect hamdast today itself. Ld. P.O. filed reply affidavit on behalf of R. 2 and 3. The same is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant.

**S.O. four weeks.**

Vice-Chairman(J)

Pdg

**O.A. No. 560/2016.(DB)**

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

**Dated : 7<sup>th</sup> April 2017.**

Shri N.R. Saboo, the learned counsel for the applicant and Smt. S.V. Kolhe, the learned P.O. for the respondents 1 & 2. None for R. 3.

The Ld. P.O. seeks time to file affidavit in reply on behalf of MPSC and depositing the cost. Affidavit is already filed on behalf of R.1.

Hence S.O. **one week** for depositing the cost and filing of an affidavit in reply of MPSC.

Vice-Chairman(J)

pdg

**O.A. No.535 /2016.(DB)**

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

**Dated : 7<sup>th</sup> April 2017.**

Shri N.S. Warulkar, the learned counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents 1 to 3. Shri A.D. Girdekar, Adv. for R. 4.

Adv. for R. 4 seeks time to file affidavit in reply on behalf of R.4.

The Ld. P.O. submits that application is not tenable, since recruitment pertains to the Zilla Parishad, Yavatmal and the same is not within the jurisdiction of this Tribunal.

The respondent No.1 may file short affidavit in reply as regards point of jurisdiction.

S.O. **four weeks** to file a short affidavit in reply of R.4.

Vice-Chairman(J)

Pdg



**O.A. No.661 /2016.(DB)**

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

**Dated : 7<sup>th</sup> April 2017.**

Shri G.K. Bhusari , the learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents 1 & 2. Shri S.C. Deshmukh, Adv. for R. 3.

The learned counsel for R.3 seeks three weeksq time to file a ahort affidavit of R.3 alongwith documents.

S.O. **three weeks.**

Vice-Chairman(J)

pdg

**O.A. No.710 /2016.(DB)**

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

**Dated : 7<sup>th</sup> April 2017.**

Heard Shri R.S. Kothari, 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.

**ADMIT.**

Smt. M.A. Barabde, the learned P.O. waives notice for respondents 1 to 3.

With the consent of parties, matter is kept for final hearing on Tuesday (11.4.2017).

S.O. **11.4.2017.**

Vice-Chairman(J)

pdg

**O.A. No.434 /2015.(DB)**

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

**Dated : 7<sup>th</sup> April 2017.**

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

Put this O.A. when regular D.B. is available.

Vice-Chairman(J)

pdg

O.A.694/2015

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

**Dated : 07.04.2017.**

None for the applicant. Shri P.N. Warjurkar, Id. P.O. for R-1&2 and Shri S.N. Gaikwad, Id. counsel holding for Shri H.D. Futane, Id. counsel for R-3.

The applicant has not collected hamdast for respondent nos. 2 &4. However it seems that respondent no.3 has already filed reply who the contested party in respondent nos.2&3 and both have filed affidavit-in-reply. In view thereof, the matter is admitted and be kept for final hearing.

The learned P.O. as well as Id. counsel for respondent no.3 waives respective notices.

**S.O. four weeks.**

**Vice Chairman (J)**

dnk.

O.A.153,154 & 155 of 2017

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

**Dated : 07.04.2017.**

Heard Shri R.V. Shiralkar, Id. counsel for the applicants and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. In all these O.As. the applicants have challenged the orders of their respective suspension dated 23/12/2016 issued by respondent no.2. It is stated that the applicants have filed appeal against the order of suspension and the same appeals are pending before the competent appellate authority i.e. respondent no.2 Since the appeal is pending, the application prima facie seems to be premature and the appellate authority can redressed grievance of the applicants as per rules. In view thereof, the application can be disposed with direction. Hence, the following order :-

3. The application stands disposed of with direction to respondent no.2 to take decision on the representation of appeal filed by respective applicants within two months from the date of this order. No order as to costs.

**Vice Chairman (J)**

dnk.

O.A.156/2017

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

**Dated : 07.04.2017.**

Shri V.R. Thote, Id. counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for R-1. Await service of R-2 to 4.

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

**Vice Chairman (J)**

dnk.

O.A.833/2016

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

**Dated** : **07.04.2017.**

Heard Shri S.B. Tiwari, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1&2. None for R-3.

**Closed for orders.**

**Vice Chairman (J)**

dnk.

O.A.591/2016

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

**Dated : 07.04.2017.**



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

At the request of Id. P.O. **S.O., three weeks** for filing reply by way of last chance.

**Vice Chairman (J)**

dnk.

O.A.707/2016

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

**Dated** : **07.04.2017.**

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. The applicant has prayed for a direction to the respondents to consider his transfer out of naxalite affected area at any place as requested by him in his representations dated 8/2/2016, 21/3/2016, 11/7/2016 and 6/8/2016. The learned P.O. has placed on record the communication dated 31/1/2017 (Exh.X, P-43) from which it seems that the said representation is before the Hon<sup>ble</sup> Chief Minister for necessary decision. The learned counsel for the applicant submits that the specific time framed may be given to the Competent Authority for taking decision. In view of the fact that the proposal has already been forwarded to the Hon<sup>ble</sup> Chief Minister on 31/1/2017. It was expected that the decision should have been take upto till now. However, the application is disposed of with a following direction :-

3. The respondents are directed to take decision on the proposal filed by the applicant as already stated within one month from the date of this order.

**Vice Chairman (J)**

dnk.

O.A.744/2016

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

**Dated : 07.04.2017.**

Shri N.R. Saboo, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 & Shri C.V. Khadse, Id. counsel for R-4. None for remaining respondents.

At the request of learned P.O. as well as learned counsel for R-4, **S.O. four weeks** for filing reply.

**Vice Chairman (J)**

dnk.

O.A.801/2016

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

**Dated : 07.04.2017.**

Shri J.R. Kidilay, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

Learned CPO files reply on behalf of R-2 to the rejoinder filed by the applicant. It is taken on record. Copy of the same is given to the Id. counsel for the applicant.

**Closed for orders.**

**Vice Chairman (J)**

dnk.

O.A.826/2016

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

**Dated : 07.04.2017.**

Shri N.R. Saboo, Id. counsel for the applicant, Shri S.A. Deo, Id. CPO for R-1 to 3 and Ms. Meenaxi Karare, Id. counsel holding for Shri M.A. Sable, Id. counsel for respondent no.4

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

**Vice Chairman (J)**

dnk.

O.A.125/2017

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

**Dated : 07.04.2017.**

Shri S.M. Khan, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

At the request of Id. CPO, **S.O. four weeks** for filing reply.

**Vice Chairman (J)**

dnk.

O.A.129/2017

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

**Dated** : **07.04.2017.**

Shri S.M. Khan, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

At the request of Id. CPO, **S.O. four weeks** for filing reply.

**Vice Chairman (J)**

dnk.

O.A.462/2012

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

**Dated** : **07.04.2017.**

Heard Smt. K.A. Patil, Id. counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the respondents.



**Closed for orders.**

**Vice Chairman (J)**

dnk.

O.A.30/2017

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

**Dated : 07.04.2017.**

Heard Shri V.A. Kothale, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

2. In this O.A. the applicant has prayed that the order dated 14/3/2015 (A-1,P-12)

passed by respondent no.3, S.P., Yavatmal be quashed and set aside. Here also claim for unpaid difference of pay excluding subsistence allowance given to the applicant.

3. The respondent nos. 2 and 3 have filed reply-affidavit along with the order dated 25/1/2017 (A-R-1, P-45) from which it seems that the order of suspension has been revoked and the applicant has been reinstated. In view thereof, nothing survives in the O.A. The learned counsel for the applicant submits that since the order of suspension has been revoked, the applicant will be entitled to unpaid difference of pay excluding subsistence allowance. The fact that the suspension is revoked itself shows that the applicant shall be presumed to be in regular service and therefore he will be entitled to give regular pay. It is admitted fact that the Superintendent of Police has no right to pass suspension order in respect of API who is a class-I officer and therefore the order of suspension itself was illegal. In view thereof, the following order :-

4. The O.A. stands disposed of with a direction to the respondents to pay the difference to the salary as claimed in relief clause 9 (i). No order as to costs.

**Vice Chairman (J)**

dnk.

O.A.97/2017

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

**Dated : 07.04.2017.**

Heard Shri S.S. Shingane, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondent nos. 1 &2. None for R-3.

2. Vide order dated 3/4/2017 the time was granted to the applicant's counsel for taking instruction. The learned P.O. has already placed on record communication dated 1/4/2017 (Exh.-X) and stated that the representation of the applicant will be considered at the time general annual transfers

of 2017. The applicant in the O.A. has also claimed that the representation dated 5/1/2017 be considered in view of the G.R. dated 6/8/2002. In view of the said communication (Exh.X ) the O.A. stands disposed of with following directions :-

3. The respondents are directed to consider the applicant's representation dated 5/1/2017 in view of the G.R. dated 6/8/2002 as per the rules and regulations in this regard. The decision shall be taken on the representation at the time of general annual transfers of 2017 and shall be communicated to the applicant. With no order as to costs.

**Vice Chairman (J)**

dnk.

O.A.384/2016

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

**Dated : 07.04.2017.**

Shri R.V. Shiralkar, Id. counsel for the applicant, Shri Dinesh Khaire, Id. special counsel for State, Shri M.I. Khan, Id. P.O. for R-2 and Shri Ganesh Iyer, Id. counsel holding for R-3.

**Closed for orders.**

**Vice Chairman (J)**

dnk.

O.A.431/2015

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

**Dated : 07.04.2017.**

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

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

**Vice Chairman (J)**

dnk.

O.A.39/2016

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

**Dated : 07.04.2017.**

Shri S.P. Palshikar, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 & 3 and Shri M. Sheikh, Id. counsel for R-2.

2. The learned counsel for respondent no.2 requested time to file additional reply. In fact similar relief was claimed by him on 24/3/2017. However, in the interest of justice last chance is granted to file additional reply on behalf of respondent no.2 with a condition that the copy of the same be supplied in advance to the applicant as well as Id. P.O.

**S.O. two weeks.**

**Vice Chairman (J)**

dnk.

O.A.168 of 2016

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

**Dated : 07.04.2017.**

None for the applicant. Shri H.K.  
Pande, Id. P.O. for respondent nos.1 to 3.  
None for R-4.

**S.O. four weeks.**

**Vice Chairman (J)**

dnk.



O.A.617/2013

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

**Dated : 07.04.2017.**

Heard Shri J.C. Shukla, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1 to 3. None for R-4.

2. The applicant is claiming deemed date of promotion to the post Circle Inspector, i.e., since the date of which promotion was granted to his junior i.e. respondent no.4. The learned counsel for applicant has invited my attention to the seniority list of the post of Talathi as on 1/1/2008 (A-1,P-7) from which it seems that the applicant Shri N.W. Waghmare has passed the qualifying examination in October,2000, whereas respondent no.4 Shri K.S. Humne stands at seniority list no.70 i.e. just below the applicant and he has been exempted from passing such examination in October,2000. The specific date regarding passing of the examination by applicant and date of exemption from passing such examination by

respondent no.4 are not given in the said seniority list that being crucial point to consider the relief to be granted to the applicant. The applicant as well as Id. P.O. are directed to give those exact dates. At the request of Id. counsel for the applicant, **S.O. one week**.

Matter be treated as **P.H.** Steno copy be supplied to the Id. counsel for the parties.

**Vice Chairman (J)**

dnk.