

O.A. No.584 & 585 of 2017.

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

Dated : 28th November 2017.

Heard Shri S.P. Palshikar, the Ld. counsel for the applicants and Shri A.M. Ghogre, the Ld. P.O. for the respondents.

The Ld. P.O. has placed on record a copy of the minutes of the meeting.

The Ld. counsel for the applicants submits that he will go through it and make a statement on the next date.

S.O. one week.

Vice-Chairman(J)

pdg

O.A. No.205/2017.

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

Dated : 28th November 2017.

M.C.A.No.47/2017.

Heard Shri P.N. Shende the Ld. counsel for the applicants and Shri V.A. Kulkarni, the Ld. P.O. for the respondents.

For the reasons stated in the application, application for restoration is allowed. Applicants are directed to collect hamdast today itself and serve the respondents.

S.O. four weeks.

Vice-Chairman(J)

pdg

O.A. No.565/2015.

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

Dated : 28th November 2017.

M.C.A.No.51/2017 in C.A.No. 512/2016.

Heard Miss Rutuja Palaspagar, Adv. holding for Shri S.D. Chande, the Ld. counsel for the applicant and Shri H.K. Pande, the Ld. P.O. for the respondent No.1.

Await service to R.2.

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

Vice-Chairman(J)

pdg

O.A. (St.) No.266/2017.

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

Dated : 28th November 2017.

C.A.No.493/2017.

Heard Shri G.G. Bade, the Ld. counsel for the applicant and Shri , the Ld. P.O. for the respondents.

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

Vice-Chairman(J)

pdg

O.A. No.205/2017.

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

Dated : 28th November 2017.

M.C.A.No.47/2017.

Heard Shri P.N. Shende the Ld. counsel for the applicants and Shri V.A. Kulkarni, the Ld. P.O. for the respondents.

For the reasons stated in the application, application for restoration is allowed. Applicants are directed to collect hamdast today itself and serve the respondents.

S.O. four weeks.

Vice-Chairman(J)

pdg

O.A. No.565/2015.

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

Dated : 28th November 2017.

M.C.A.No.51/2017 in C.A.No. 512/2016.

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

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

Vice-Chairman(J)

pdg

O.A. (St.) No.266/2017.

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

Dated : 28th November 2017.

C.A.No.493/2017.

Heard Shri G.G. Bade, the Ld. counsel for the applicant and Shri , the Ld. P.O. for the respondents.

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

Vice-Chairman(J)

pdg

O.A. No.794/2016. (S.B.)

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

Dated : 28th November 2017.

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

S.O. two weeks.

Vice-Chairman(J)

pdg

O.A. No.861/2017.

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

Dated : 28th November 2017.

Smt. K.N. Saboo, Ld. counsel for the applicants and Shri M.I. Khan, the Ld. P.O. for the respondents 1 to 3. None for R.4 to 6.

S.O. **three weeks** for filing reply at the request of Ld. P.O.

Vice-Chairman(J)

pdg

O.A. No.624/2017.

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

Dated : 28th November 2017.

Heard Shri S.P. Palshikar, Ld. counsel for the applicant and Shri A.M. Ghogre, the Ld. P.O. for the respondents.

At the request of the Ld. counsel for the applicant, S.O. **two week** for amending the O.A.

Vice-Chairman(J)

Pdg

O.A. No.600/2017.

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

Dated : 28th November 2017.

Shri R.V. Shiralkar, Ld. counsel for the applicant and Shri A.P. Potnis, the Ld. P.O. for the respondents.

S.O. one week.

Vice-Chairman(J)

pdg

O.A. No.539/2017.

Coram: J.D.Kulkarni, Vice-Chairman(J)
Dated : 28th November 2017.

Heard Shri R.D. Hazare, Adv. holding for Shri M.M. Sudame, Ld. counsel for the applicant and Shri P.N. Warjekar, the Ld. P.O. for the respondents.

S.O. two weeks.

Vice-Chairman(J)

Pdg

O.A. No.310/2017.

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

Dated : 28th November 2017.

Shri S.P. Palshikar, Ld. counsel for the applicant and Shri P.N. Warjekar, the Ld. P.O. for the respondents.

S.O. 4.12.2017.

Vice-Chairman(J)

pdg

O.A. No.768/2016.

Coram: J.D.Kulkarni, Vice-Chairman(J)
Dated : 28th November 2017.

Mrs. K.N. Saboo, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the Ld. P.O. for the respondents.

S.O. **two weeks** for filing reply to the amended O.A.

Vice-Chairman(J)

pdg

O.A. (St.) No.2666/2017.

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

Dated : 28th November 2017.

C.A. 493/2017.

None for the applicant. Shri V.A. Kulkarni, the Ld. P.O. for the respondent No.1.

S.O. **two weeks** for filing service affidavit of R. 2 & 3

Vice-Chairman(J)

pdg

O.A. No. 556/2002 **(SB)**

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

Dated : 28.11.2017

Heard Meenaxi Iyer, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

Closed for orders.

Vice Chairman (J)

dnk.

O.A. No. 521/2017 (SB)

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

Dated : 28.11.2017

Shri N.D. Thombre, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1&2. None for R-3&4. Await service of R-5.

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

Vice Chairman (J)

dnk.

O.A. No. 636/2017 **(SB)**

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

Dated : **28.11.2017**

C.A.431/2017

Mrs. G. Venkatraman, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

At the request of Id. CPO, **S.O. 5/12/2017.**

Vice Chairman (J)

dnk.

O.A. No. 731/2017 **(SB)**

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

Dated : 28.11.2017

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

2. The applicant has filed a Pursis for withdrawal of the O.A. The learned counsel for the applicant submits that the applicant's application for compassionate appointment has been rejected by respondent no.4 and he wants to challenge the same rejection by filing separate O.A. He therefore seeks permission to withdraw the O.A. with liberty to challenge rejection of his application.

3. In view thereof, the application stands disposed of as withdrawn with

liberty to the applicant to file separate O.A. No order as to costs.

Vice Chairman (J)

dnk.

O.A. No. 826/2016 **(SB)**

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

Dated : 28.11.2017

Shri N.R. Saboo, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1 to 3 and Shri M.A. Sable, Id. counsel for R-4.

At the request of both the sides, **S.O. 2nd**
week of January,2018.

Put up along with O.A.444/2017.

Vice Chairman (J)

dnk.

O.A. No. 42/2017 (SB)

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

Dated : 28.11.2017

Mrs. R.S. Sirpurkar, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

Vice Chairman (J)

dnk.

O.A. No. 258/2017 **(SB)**

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

Dated : 28.11.2017

Shri M.R. Rajgure, Id. counsel for the applicant and Shri H.K.Pande, Id. P.O. for the respondents.

Vice Chairman (J)

dnk.

O.A. No. 444/2017 (SB)

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

Dated : 28.11.2017

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

Vice Chairman (J)

dnk.

O.A. No. 460/2017 (SB)

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

Dated : 28.11.2017

Shri S.N. Gaikwad, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

Vice Chairman (J)

dnk.

O.A. No. 571/2017 (SB)

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

Dated : 28.11.2017

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

Vice Chairman (J)

dnk.

O.A. No. 444/2017 (SB)

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

Dated : 28.11.2017

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

At the request of both the sides, **S.O. 2nd**
week of January,2018.

Put up along with O.A.826/2016.

Vice Chairman (J)

dnk.

O.A. No. 42/2017 (SB)

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

Dated : 28.11.2017

Mrs. R.S. Sirpurkar, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. two weeks** for filing rejoinder.

Vice Chairman (J)

dnk.

O.A. No. 258/2017 (SB)

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

Dated : 28.11.2017

Shri M.R. Rajgure, 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. two weeks** as a most last chance for filing reply.

Vice Chairman (J)

dnk.

O.A. No. 460/2017 (SB)

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

Dated : 28.11.2017

Shri S.N. Gaikwad, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

The learned P.O. files reply on behalf of R-2&3. It is taken on record. Copy is served on 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. two weeks.

Vice Chairman (J)

dnk.

O.A. No. 571/2017 (SB)

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

Dated : 28.11.2017

Shri N.R. Saboo, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1&2 and Mrs. A.A. Joshi, Id. counsel for R-3.

2. The learned P.O. as well as Id. counsel for R-3 seeks time to file reply. In fact number of chances have already been given for filing reply. Even on the earlier date a last chance was granted for the same but yet no reply is filed. However, in the interest of justice a most last chance is granted for filing reply. It is made clear that if no reply is filed on the next date, the matter will be heard without reply.

3. **S.O. two weeks.**

Vice Chairman (J)

dnk.

O.A. No. 674/2017 **(SB)**

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

Dated : 28.11.2017

Shri S.C. Deshmukh, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

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

Vice Chairman (J)

dnk.

O.A. No. 610/2013 (SB)

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

Dated : 28.11.2017

Shri Bharat Kulkarni, 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. Next week.**

Vice Chairman (J)

dnk.

O.A. No. 84/2016 (SB)

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

Dated : 28.11.2017

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

Closed for orders.

Vice Chairman (J)

dnk.

O.A. No. 538/2016 (SB)

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

Dated : 28.11.2017

Shri G.G. Bade, Id. counsel for the applicants and Shri A.M.Ghogre, Id. P.O. for the respondents.

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

Vice Chairman (J)

dnk.

O.A. No. 643/2017 **(SB)**

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

Dated : 28.11.2017

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

Closed for orders.

Vice Chairman (J)

dnk.

O.A. Nos. 907, 908, 909, 910, 911, 912, 913 & 914 of 2017 **(SB)**

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

Dated : 28.11.2017

Heard Shri N.R. Saboo, Id. counsel for the applicants and Shri P.N. Warjurkar, Id. P.O. and other P.Os. in other connected matters for the State.

2. The applicants are working as Clerk-cum-Typists under the respondents. They have been absorbed being surplus employees from the

Dairy Development Department. Absorption of the surplus employees has to be done as per the guidelines issued in the G.R. 30/8/2014. The respondents authorities however did not follow the procedure laid down for absorption and vide impugned orders the employees have been absorbed and transferred in Mumbai Region from Amravati Region. The learned counsel submits that the applicants have not yet been relieved. In the similar matters in O.A. St. nos. 1225/17,1227/17,1229/17,1232/17,1234/17,1235/17 & 1236/17 this Tribunal at Aurangabad Bench has also granted status-quo to the order of transfers of the employees on absorption from Aurangabad Region to Amravati Region. The copy of the said order dated 23/8/2017 is placed on record and marked Exh-X for the purposes of identification.

3. In view of the fact that the applicants are not yet relieved, the respondents are directed to maintain status-quo to the transfer orders so far as the applicants are concerned at Anex-A-5 and Annex-A-6 till further orders.

4. Issue notice to R-2 to 4, returnable in **four weeks**. Learned P.Os. waives notice for R-1. Hamdast allowed.

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

6. Applicants are 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.

7. 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.

8. 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. Applicants are directed to file Affidavit of compliance and notice.

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

Vice Chairman (J)

dnk.

O.A. No. 707/2017 (SB)

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

Dated : 28.11.2017

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

2. Vide impugned order dated 16/9/2017 the applicant has been transferred from the post of Assistant Engineer (Class-II), PWD, Sub Division no.1, Nagpur to PWD, Sub Division no.2, Gondia. It is admitted fact that the applicant has joined at Nagpur on 31/5/2014 and has completed his tenure of three years on 31/5/2017.

3. The learned counsel for the applicant submits that the applicant was assigned with special work of construction of Vidhan Bhawan and he has to complete that work, but all of a sudden he has been transferred in the mid-term.

4. The learned CPO submits that the applicant has already been relieved on 24/11/2017 and one Shri Uchalwar is given charge of his post. The learned counsel for the applicant also pointed out the fact that the applicant has already filed one representation on 18/9/2017 for cancellation of his transfer on the ground of illness of his parents and on the ground

that his daughter is studying in 12th Standard. However, the said representation is filed on the very day of filing of this O.A. In view of the fact that the applicant has already been relieved and there is no question of granting interim relief at this juncture. Whether the impugned transfer order is breach of provisions of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 or not will have to be seen after filing reply-affidavit.

5. The learned counsel for the applicant has also placed on record one communication dated 25/9/2017 and also the recommendation for stay of his transfer. These documents are placed on record and marked Exh-X for the purposes of identification from which it seems that the applicant's request has been recommended for stay at Nagpur. As already stated that since the applicant is relieved, this will be considered on merits after filing of the reply.

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

7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall 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. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

9. 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.

10. 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.

11. **S.O. four weeks.**

Vice Chairman (J)

dnk.

O.A. No. 898/2017 (SB)

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

Dated : 28.11.2017

Heard Shri R.A. Haque, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The applicant has challenged the impugned order dated 18/3/2017 (A-14, P-45) whereby the applicant has been relieved on 13/3/2017 in view of the fact that his contract period has come to an end. The learned counsel for the applicant submits that he has filed Writ Petition before the Hon ϕ le High Court and the Hon ϕ le High Court vide order dated 3/10/2017 in Writ Petition no.2892/2017 was pleased to continue interim order dated 9/5/2017. However the said order is regarding stay to the fresh advertisement dated 19/4/2017 for appointment of Law Officers on contract basis. Admittedly, the services of the applicant are not continued since his tenure of appointment is already completed.

3. The learned counsel for the applicant also admits the fact that the applicant is not in service as on today. In view thereof, no interim relief for directions to the respondent to allow the applicant

to serve as Law Officer can be granted at this juncture. In view of this, the reply-affidavit of the respondents will be necessary.

4. Since the implementation of the advertisement has been stayed by the Hon'ble High Court for another two months vide order dated 3/10/2017 and the applicant was allowed to approach this Tribunal, the implementation of the advertisement is stayed till filing of the reply-affidavit by the respondents.

5. Issue notice to R-2 and 3, returnable in **two 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. two weeks.**

Vice Chairman (J)

dnk.