

**O.A. 436/2017 (D.B.)**

**Coram: J.D. Kulkarni,  
Vice-Chairman(J) and  
Shree Bhagwan,Member(A)**

**Dated : 05/05/2018**

Heard Shri Rohan Chandurkar,  
learned counsel for the applicants and  
Shri A.M. Ghogre, learned P.O. for the  
respondents.

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. 2<sup>nd</sup> weeks for June,2018.**

**Member(A)**  
dnk.

**Vice-Chairman(J)**

**C.P. 26/2018 in O.A. 702/2017 (D.B.)**

**Coram: J.D. Kulkarni,  
Vice-Chairman(J) and  
Shree Bhagwan,Member(A)**

**Dated : 05/05/2018**

Heard Shri G.G. Bade, learned counsel for the applicant and Shri P. N. Warjurkar, learned P.O. for the respondents.

2. In this contempt petition No.26/2018, the applicant has claimed that the order passed in O.A.No.702/2017 on 28<sup>th</sup> September,2017 has not been complied. The respondent authority was directed to decide the representation, if filed by the applicant within two months. Today, the learned P.O. has placed on record the communications dated 05/05/2018 and 21/03/2018 which are marked Exh-X and X1 respectively for the purposes of identification, from which it seems that the representation has been considered and the applicant is being considered for transfer in Karanja taluka, District Wardha.

3. In view thereof, nothing survives in the contempt petition no.26/2018 and therefore the same stands disposed of accordingly.

**Member(A)**  
dnk.

**Vice-Chairman(J)**

**O.A. No. 219/2018 (S.B.)**

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

**Dated : 5<sup>th</sup> May 2018.**

**C.A. No.83/2018.**

Heard Shri M.M. Dhawas, the Ld. counsel for the applicants sand Shri M.I. Khan, the learned P.O. for the respondent No.1.

C.A. for joint O.A. is allowed and disposed of, subject to payment of requisite court fee.

**O.A. No. 219/2018**

Heard both sides.

2. Issue notice to respondent No.2 returnable **after vacation.**

3. Shri M.I. Khan, the learned P.O. waives notice for the respondent No.1. Hamdast granted.

4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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.

6. 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.

7. 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.

8. In case notice is not collected within **three days**, and if service report on affidavit is not filed within **seven**

**days** before returnable date, O.A. shall stand dismissed without reference to the Tribunal and papers be consigned to record.

9. S.O. **after summer vacation.**

10. Keep this O.A. with O.A. No. 33/2018.

Vice-Chairman(J)

pdg.

**C.A. No.113/2018 in C.P. No. 24/2018 in  
O.A. Nos. 584/2005 & 122/2012. (D.B.)**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J) and  
Shree Bhagwan, Member(A)**

**Dated : 5<sup>th</sup> May 2018.**

**C.A. No.113/2018 in C.P. No. 24/2018 in  
O.A. Nos. 584/2005 & 122/2012.**

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

For the reasons stated C.A. for adding the State as party is allowed in the interest of justice. Necessary action shall be taken immediately.

Since show cause notice is returnable on 22.5.2018 in the C.P., matter be kept on 22.5.2018.

**S.O. 22.5.2018.**

Member(A)  
pdg.

Vice-Chairman(J)

**O.A. No. 184/2016 (S.B.)**

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

**Dated : 5<sup>th</sup> May 2018.**

**C.A. No.111/2018.**

Heard Shri M.R. Khan, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

The Ld. counsel for the applicant submits that he will not press the Civil Application No. 111/2018 for stay and wants to file separate representation against the order of recovery. C.A. stands disposed of accordingly.

Vice-Chairman(J)

pdg.

**O.A. No. 582/2017**

**(S.B.)**



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

**Dated : 5<sup>th</sup> May 2018.**

**C.A. No.112/2018.**

Heard Shri M.R. Khan, the Ld. 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 is not pressing this application for stay and that the matter be heard on merits. C.A. stands disposed of.

**O.A. No. 582/2017**

In view thereof, matter is admitted and kept for final hearing in the 2<sup>nd</sup> week of June 2018.

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

Vice-Chairman(J)

pdg.

**O.A. No. 923/2017**

**(S.B.)**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J)**  
**Dated : 5<sup>th</sup> May 2018.**

Heard Mrs. V. Chimurkar, the Ld. counsel for the applicant and Shri A.P. Potnis, the learned P.O. for the respondents 1, 2 and 5. Shri Sk. Majid, Adv. for R. 3 and 4.

The Ld. counsel for the R. 3 and 4 wants to file counter-affidavit to the affidavit filed by the applicant on 21.3.2018. He will be at liberty to file such affidavit and copy of the same shall be served on the applicant in advance.

Since pleadings are complete, matter is admitted and kept for final hearing in the **2<sup>nd</sup> week of June 2018.**

Shri A.P. Potnis, the learned P.O. waives notice for the respondents 1, 2 and 5.

Vice-Chairman(J)

pdg.

**O.A. No. 170/2018**

**(S.B.)**

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

**Dated : 5<sup>th</sup> May 2018.**

Heard Shri N.R. Saboo, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondent No. 1. Shri H.D. Marathe, Adv. for R. 2 to 4.

2. In pursuance of the order dated 4.5.2015, the respondent No.2 i.e. the Chief Engineer, Water Resources Department, Nagpur has personally appeared before this Tribunal and filed an affidavit and apologized the Tribunal unconditionally. His apology has been accepted.

3. In the O.A., the applicant has stated that his representation dated 9.11.2016 addressed to the Executive

Engineer, Bagh Idiadoh Irrigation Division, Gondia (Annexure A-5) and the representation dated 22.2.2017 and 30.12.2017 ((Annexure A-6 and A.7 respectively) be considered by the respondent No.2, i.e. the Chief Engineer, Water Resources Department, Nagpur. The respondent No.2, however, has stated in his affidavit that he will consider the representation of the applicant within two weeks from the date of this order. The applicant is already working in naxalate affected area / rural area for more than 4-5 years and is admittedly overdue for transfer. As per the G.R. dated 6.8.2002, the employee serving in such areas, is entitled to claim choice posting. The respondent No.2 shall take into consideration the said G.R. and shall pass an appropriate order on the representation of the applicant within two weeks from the date of this order. With this direction, O.A. stands disposed of with no order as to costs.

Steno copy be served to the Ld.  
P.O.

The appearance of respondent  
No.2 i.e. the Chief Engineer, Water  
Resources Department, Nagpur stands  
dispensed with.

pdg.

Vice-Chairman(J)

**O.A. No. 290/2018 (S.B.)**

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

**Dated : 5<sup>th</sup> May 2018.**

Heard Shri R.S. Khobragade, the Ld. counsel for the applicant sand Shri P.N. Warjekar, the learned P.O. for the respondents.

2. Vide order dated 2.5.2018, the respondents were directed to make a statement as to whether the place on which the applicant was transferred vide order dated 26.5.2017, is still vacant. In response to the said direction, Ld. P.O. has placed on record a copy of intimation received by him which is marked "X" for identification, from which it seems that there is no post vacant at Nagpur and

Wardha and that only posts are vacant at Tumsar, Sakoli and Armori. The said information, however, does not state as to whether there is likelihood of vacancies in the ensuing Annual General Transfers to be effected in the months of April / May 2018. The Ld. P.O. submitted that he will file reply affidavit to the O.A. It is, therefore, directed that in the reply affidavit, special mention should be there as to how many posts of Field Assistants are at Nagpur and the vacancy position alongwith the names of officers, since from what date they are serving at Nagpur proper, so also at the places of choice given by the applicant.

Reply to be filed in the **2<sup>nd</sup> week of June 2018.**

Vice-Chairman(J)