

O.A. 729/2017 (SB)

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

**Dated : 12.1.2018**

Shri H.D. Futane, Id .counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

The learned P.O. files reply on behalf of R-2&3 and R-4 separately. Same are taken on record. Copies are served on the applicant.

**S.O. two weeks** for filing rejoinder, if necessary.

**Vice Chairman (J)**

dnk.

O.A. 614/2017 (DB)

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

**Dated : 12.1.2018**

**C.A.533/2016**

Shri S.N. Gaikwad, Id. counsel holding for Shri R.V. Shiralkar, Id .counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1&2 and Shri N.B.Rathod, Id. counsel for R-3.

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

**Vice Chairman (J)**

dnk.

O.A. 807/2017 (DB)

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

**Dated : 12.1.2018**

**C.A.501/2017**

Heard Shri A.A. Dhawas, Id. counsel for the applicants and Shri A.P. Potnis, Id. P.O. for the respondents.

2. By this C.A., the applicants are seeking leave to sue jointly. For the reasons stated in the C.A., leave to sue jointly as prayed for is granted, subject to the applicants paying requisite court fees, if not already paid. C.A. stands disposed of accordingly.

**O.A. 807/2017 –**

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

**Vice Chairman (J)**

dnk.

O.A. 477/2015 (DB)

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

**Dated : 12.1.2018**

**C.A.571/2017**

Heard Shri S.C. Deshmukh, Id. counsel for the applicant and Shri H.K. Pande, Id .P.O. for R-1 to 3. None for R-4 to 8.

2. The learned P.O. was directed to take instructions as to whether the applicant can be appointed in place of respondent no.8 who has resigned during pendency of the O.A.

3. The learned P.O. submits that the list has been lapsed and therefore the respondent wants to file reply-affidavit. The Id. P.O. also submits that he is filing reply-affidavit during the course of day.

4. With the consent of learned counsel for parties, the matter be kept for final hearing.

**S.O. after two weeks.**

**Vice Chairman (J)**

dnk.

Rev. App. 20/17 in O.A. 695/2016 **(DB)**

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

**Dated : 12.1.2018**

None for the applicant. Shri V.A. Kulkarni, Id. P.O. for the respondents.

The learned P.O. files reply on behalf of R-2. It is taken on record.

**S.O. after four weeks.**

**Vice Chairman (J)**

dnk.

O.A. 761/2017 (DB)

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

**Dated : 12.1.2018**

Shri S.P. Palshikar, Id. counsel for the applicant and Shri V.A. Kulkarni, 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. 861/2017 (DB)

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

**Dated : 12.1.2018**

Shri N.R. Saboo, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for the respondent nos. 1 to 3 and Shri S.N. Gaikwad, Id. counsel holding for Shri P.P. Deshmukh, Id. counsel for R-4. None for R-5&6.

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

**Vice Chairman (J)**

dnk.

O.A. 886/2017 (DB)

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

**Dated : 12.1.2018**

None for the applicants. Shri A.M.  
Ghogre, Id. P.O. for the respondents.

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

**Vice Chairman (J)**

dnk.



O.A. 940/2017 (DB)

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

**Dated : 12.1.2018**

Shri A.P. Sadavarte, 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. two weeks** for filing reply.

Put up the matter along with O.A.Nos. 282,283,284,352,353,875 & 940 of 2017.

**Vice Chairman (J)**

dnk.

O.A. 253/2016 (DB)

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

**Dated : 12.1.2018**

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for respondent nos. 1 to 3. None for R-4&5.

After hearing the matter for considerable time, the learned P.O. seeks time to produce on record the recent Rules for the recruitment of Forest Guard as directed in the order dated 6/7/2017. At his request, **S.O. 15/01/2018**.

Matter be treated as **P.H.**

**Vice Chairman (J)**

dnk.

O.A. 111/2013 with C.A.297/2017 (DB)

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

**Dated : 12.1.2018**

Heard Shri D.M. Kakani, Id. counsel holding for Shri G.K. Bhusari, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. Vide order dated 01/08/2017 the Id. P.O. was directed to take instructions as to when the DPC is to be conveyed. The learned P.O. has placed on record the communication dated 11/01/2018 which is marked Exh-X, in which it is stated that the DPC meeting will be conveyed and the case of the applicant will be considered in the said DPC as the period for which the applicant was punished in the department enquiry is over. However, it is not stated as to within how many days the DPC meeting will be conveyed.

3. In this O.A., the applicant has prayed for direction to the respondents to issue the order of promotion in his favour since he was found fit for promotion with a condition to face the punishment on the

promotional post, i.e., on the post of Maharashtra Agriculture Services, Group-A. The reply-affidavit has already been filed in this O.A., in which it has been stated that the applicant was punished in the departmental enquiry and was undergoing punishment and therefore he was not considered for the promotional post. The applicant has filed the C.A.No. 297/2017 and also filed the documents along with the said C.A. One of the documents in the Judgment in O.A. 635/2013 delivered by this Tribunal on 08/01/2015, from which it seems that the O.A. was allowed and the order imposed in the departmental enquiry dated 03/12/2011 had been quashed and set aside.

4. The learned counsel for the applicant submits that in another departmental enquiry the period of punishment has already been over and appeal against the said inquiry is also partly allowed. In view of this, this fact can be considered by the competent authority, for that purpose the learned counsel for the applicant seeking direction in the C.A.

5. From Exh-X it seems that the even the respondents are admitting that there

is no hurdle in considering the application for applicant's promotion in the DPC. It is stated that no DPC was conveyed from 2015. It is stated that the applicant's claim for promotion will be considered in the next DPC meeting. In view of this, the application can be disposed of by giving direction to respondent authorities. Hence, the following order :-

**ORDER**

(i) The O.A. is partly allowed. The respondents are directed to take into consideration the case for promotion of the applicant to the post of Maharashtra Agriculture Services, Group-A in the next DPC meeting. The respondents shall also take into consideration a subsequent event such as order passed in O.A.635/2013 while considering the case of the applicant for promotion. It is expected that the DPC meeting will be conveyed as early as possible and in any case within three months from the date of this order.

(ii) Accordingly, the C.A. also stands disposed of with no order as to costs.

**Vice Chairman (J)**

dnk.

**O.A. No. 527/2017. (S.B.)**

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

**Dated : 12<sup>th</sup> January 2018.**

**C.A. No.04/2018.**

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

The applicant wants to amend the O.A., as the applicant has to challenge the order passed by District Superintending Agriculture Officer, Chandrapur dated 23.1.2017. For the reasons stated in the application, application for amendment is allowed, since it will not change the nature of the relief claimed in the O.A. Amendment be incorporated within one week. The respondents will be at liberty to file additional reply to the amended O.A. Copy of the amended O.A. be supplied to the Ld. P.O. C.A. stands disposed of.

S.O. **three weeks** for filing reply by Ld. P.O.

Vice-  
Chairman(J)

pdg

**O.A. No. 617/2017. (S.B.)**

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

**Dated : 12<sup>th</sup> January 2018.**

None for the applicant. Heard Shri S.A. Sainis, the Ld. P.O. for the respondents.

S.O. **two weeks.**

Vice-  
Chairman(J)

pdg



**O.A. No. 769/2017. (S.B.)**

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

**Dated : 12<sup>th</sup> January 2018.**

None for the applicant. Shri A.P.Potnis, the Ld. P.O. for the respondents.

The Ld. P.O. seeks time to file reply of R.3.

Applicant to file service affidavit in respect of rest of the respondents.

**S.O. four weeks.**

Vice-Chairman(J)

**O.A. No. 887/2017. (S.B.)**

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

**Dated : 12<sup>th</sup> January 2018.**

Shri S.M. Khan, the learned counsel for the applicant and Shri S.A. Deo, the Ld. C.P.O. for the respondents.

The learned counsel for the applicant submits that he will file service affidavit.

Ld. CPO seeks three weeks time for filling reply.

S.O. three weeks.

Vice-  
Chairman(J)

pdg

O.A. No. 896/2017. (S.B.)

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

**Dated : 12<sup>th</sup> January 2018.**

Shri P.P. Khaparde, the learned counsel for the applicant and Shri S.A. Deo, the Ld. C.P.O. for respondents 1 to 4. None for R. 5 and 6.

The learned counsel for the applicant submits that he will file service affidavit during the course of the day.

Ld. CPO seeks three weeks time for filling reply.

**S.O. three weeks.**

Vice-Chairman(J)

**O.A. No. 444/2017. (S.B.)**

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

**Dated : 12<sup>th</sup> January 2018.**

Shri N.R. Saboo, the learned counsel for the applicant and Shri H.K. Pande, the Ld. P.O. for the respondent Nos. 1 to 3.

The Ld. P.O. seek time to file reply affidavit. In fact, it is stated that in similar matters reply affidavit has already been filed. It is stated that two other matters i.e. O.A. No. 95/2017 and 403/2017 are also fixed for final hearing on today's board. Parties agree that all the matters be kept for final hearing on a fixed date and in the meantime the respondents may be allowed to file reply in O.A. Nos. 826/2016 and 444/2017.

**S.O. three weeks.**

Put up this O.A. alongwith O.A.  
Nos.444/2017, 95/2017 and 403/2017.

Vice-  
Chairman(J)

pdg

**O.A. No. 219/2017. (S.B.)**

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

**Dated : 12<sup>th</sup> January 2018.**

Shri G.C. Khond, the learned  
counsel for the applicant and Shri  
H.K. Pande, the Ld. P.O. for the  
respondents.

S.O. one week for filing  
rejoinder as a last chance.

Vice-  
Chairman(J)

pdg



**O.A. No. 263/2017. (S.B.)**

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

**Dated : 12<sup>th</sup> January 2018.**

Shri S.N. Gaikwad, Adv. holding for Shri S.A. Pathak, the learned counsel for the applicant and Shri A.M. Khadatkar, the Ld. P.O. for the respondents.

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

Vice-  
Chairman(J)

pdg

**O.A. No. 468/2017. (S.B.)**

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

**Dated : 12<sup>th</sup> January 2018.**

Dr. (Mrs.) R.S. Sirpurkar, Adv. holding for Shri R.V. Shiralkar, the learned counsel for the applicant and Shri H.K. Pande, the Ld. P.O. for the respondents 1 and 2. None for R.3.

S.O. **four weeks.**

Vice-  
Chairman(J)

pdg

**O.A. No. 486/2017. (S.B.)**

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

**Dated : 12<sup>th</sup> January 2018.**

Shri R.D. Khade, Adv. holding for Mrs. T.D. Khade, the learned counsel for the applicants and Shri S.A. Deo, the Ld. C.P.O. for the respondents.

The Ld. CPO submits that he will file reply affidavit of behalf of R.2 during the course of the day and seeks time to file reply of R.1.

S.O. three weeks for filing  
reply of R.1.

Vice-  
Chairman(J)

pdg

**O.A. No. 658/2017. (S.B.)**

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

**Dated : 12<sup>th</sup> January 2018.**

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

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

Vice-  
Chairman(J)

pdg

**O.A. No. 21/2018. (S.B.)**

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

**Dated : 12<sup>th</sup> January 2018.**

Heard Shri S.N. Gaikwad, the learned counsel for the applicant and Shri S.A. Deo, the Ld. C.P.O. for the respondent No.1.

2. Vide impugned order dated 1.1.2018, the applicant has been transferred as Associate Professor from Govt. Medical College, Nagpur to Gondia. In the order, it is stated that it is necessary to fill up the posts in view of objection taken by the Medical Council of India and the Govt. has given sanction to the order. The learned counsel for the

applicant admits that the applicant has been relieved, but not yet joined at Gondia.

3. On going through the arguments and documents placed on record, it seems that the applicant was temporarily promoted as Professor vide order dated 13.9.2017 and said promotional order is in existence for 360 days and, therefore, the applicant should not have been posted on the post of Associate Professor.

4. The Ld. CPO submits that the applicant's posting has been wrongly shown as Associate Professor and, therefore, on the very next date, i.e. on 2.1.2018, another order was issued whereby the applicant has been posted as Professor. Copy of the said order is placed on record by the Ld. CPO. The learned counsel for the applicant submits that, however, the applicant has not yet received



the copy of the said order. The applicant will have to take steps to amend the O.A. in view of subsequent development.

5. The learned counsel for the applicant submits that the applicant's husband is suffering from deadly disease i.e. cancer which is at its last stage. The applicant has also filed documents in that regard. In any case, since the applicant has already been relieved, no interim stay can be granted to the impugned order. If on merits, the impugned order is quashed or set aside, the applicant can be re-posted at Nagpur.

6. It also seems to have been admitted fact that the applicant has been posted as Professor at Gondia vide order dated 2.1.2018. However, same order is not yet received by the applicant. Considering this, fact remains that the applicant cannot join at Gondia

as Associate Professor, since the said post is not vacant and the impugned order dated 2.1.2018 is not received by the applicant. Considering this peculiar aspect, the respondents are directed not to insist the applicant to join at Gondia till reply is filed.

7. Issue notice to respondent Nos. 2 and 3 returnable within **two weeks.**

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

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

10. 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.

11. 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.

12. 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.

13. S.O. **two weeks.**

Vice-  
Chairman(J)

pdg

**O.A. No. 839/2012. (S.B.)**

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

**Dated : 12<sup>th</sup> January 2018.**

Shri N.R. Saboo, the learned counsel for the applicant and Shri V.A. Kulkarni, the Ld. P.O. for the respondents 1 to 3. None for R.4.

At the request of Ld. counsel for the applicant, S.O. **15.1.2018.**

Vice-  
Chairman(J)

pdg

**O.A. No. 781/2016. (S.B.)**

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

**Dated : 12<sup>th</sup> January 2018.**

Shri M.R. Khan, the learned counsel for the applicants and Shri M.I. Khan,, the Ld. P.O. for the respondents.

The Ld. counsel for the applicant submits that he wants to go through the pleadings and to consult his client whether to withdraw the O.A. or to amend it, for which he seeks four weeks' time.

S.O. **four weeks.**

Vice-  
Chairman(J)

pdg

**O.A. No. 755/2014. (S.B.)**

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

**Dated : 12<sup>th</sup> January 2018.**

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

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

Vice-  
Chairman(J)

pdg

**O.A. No. 822/2015. (S.B.)**

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



**Dated : 12<sup>th</sup> January 2018.**

None for the applicant. Shri H.K. Pande, the Ld. P.O. for the respondents 1 to 4. None for R.5.

S.O. **next week.**

Vice-  
Chairman(J)

pdg

**O.A. No. 417/2013. (S.B.)**

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

**Dated : 12<sup>th</sup> January 2018.**

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

Closed for orders.

Vice-  
Chairman(J)

pdg

**O.A. No.683 /2013. (S.B.)**

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

**Dated : 12<sup>th</sup> January 2018.**

**C.A. 605/2012.**

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

The learned counsel for the applicant submitted that he has contacted the applicant. But the applicant did not contact him on the last date as well as today, though the applicant and his counsel had a telephonic talk. The learned counsel for the applicant, therefore, submits that necessary order may be passed in this matter.

Matter is, therefore, closed for orders.

Vice-  
Chairman(J)

pdg

**O.A. No.630 /2013. (S.B.)**

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

**Dated : 12<sup>th</sup> January 2018.**

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

The learned P.O. placed on record documents which are marked " X" and "X-1"for identification.

Matter is heard and closed for orders.

Vice-  
Chairman(J)

pdg

**O.A. No.842 /2012. (S.B.)**

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

**Dated : 12<sup>th</sup> January 2018.**

Shri H.D. Dangre, the learned counsel for the applicant and Shri V.A. Kulkarni, the Ld. P.O. for the respondents.

The learned counsel for the applicant submits that in the similar matter, proceedings is pending in O.A. No.316/2012 before this Tribunal. But the same has been kept *sine die*, as point involved in this O.A. is under consideration before the Hon'ble High Court, Bench at Aurangabad and there is likelihood that the matter to come up for hearing in the next week. The learned counsel for the applicant, therefore, submits that the mater be kept pending for another four weeks or it be tagged with O.A. No.

316/2012. In view thereof, matter will be heard alongwith O.A. No. 316/2012 and kept for hearing after **four weeks.**

Vice-  
Chairman(J)

pdg

**O.A. Nos. 866 and 867 of 2017. (S.B.)**

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

**Dated : 12<sup>th</sup> January 2018.**

Heard Shri D.M. Kakani, the learned counsel for the applicant and Shri S.A. Sainis, the Ld. P.O. for the respondent Nos. 1 and 2. Mrs. M.P. Munshi, Ld. Adv. for R.3.

2. After hearing the matter for a considerable time, it seems that the respondent No.3 is coming with a case that the applicant's transfer was considered by

the competent committee and the order has been issued as per powers delegated by the Collector. Copy of the minutes is placed on record at page Nos. 41 & 42 (both inclusive). *Prima facie*, it seems that, though the note prepared on 25.10.2017, the Collector has signed the note on 24.11.2017 and has granted *ex-post-facto* sanction. Admittedly the impugned order is passed on 30.10.2017. In other words, it is clear that there was no sanction granted by the Collector to the impugned order when it was issued. The learned counsel for the applicant submits that this note has been prepared subsequently, as the point was raised by the applicant in the O.A. and he has also invited my attention to the outward number and the seal of the Chief Executive Officer, Zilla Parishad, Bhandara's office dated 13.11.2017.

3. The learned counsel for the applicant also invited my attention to the guidelines issued by the Govt. to such Committee and particularly to the Collector on 20.4.2017 (P.48 & 49 of the O.A.) from which it seems that said orders of transfer shall be passed on or before 30.4.2017. The Ld. P.O. submits that the Collector is necessary party in this case. Considering the seriousness of the matter, I feel that it will be in the interest of justice to add the Collector, Bhandara as party in this O.A. The learned counsel for the applicant submits that he may be



permitted to add the Collector, Bhandara as party and to make submission by amending the O.A. for which he seeks one week's time Hence, the matter be placed after **one week.**

S.O. **one week.**

Vice-  
Chairman(J)

pdg

**O.A. No. 692/ 2017. (S.B.)**

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

**Dated : 12<sup>th</sup> January 2018.**

Dr. (Mrs.) R.S. Sirpurkar, the learned counsel for the applicant and Shri M.I. Khan, the Ld. P.O. for the respondents.

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

Vice-  
Chairman(J)

pdg

**O.A. No. 783/ 2017. (S.B.)**

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

**Dated : 12<sup>th</sup> January 2018.**

None for the applicant. Shri S.A. Sainis, the Ld. P.O. for the respondents.

The Ld. P.O. has filed reply on behalf of R. 2 and 3 and it is taken on record.

S.O. **two weeks** for filing rejoinder.

Vice-  
Chairman(J)

pdg

**O.A. No. 829/ 2017. (S.B.)**

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

**Dated : 12<sup>th</sup> January 2018.**

Mrs. S.I. Khan, the Ld. counsel for the applicant and Shri S.A. Sainis, the Ld. P.O. for the respondents.

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

Vice-Chairman(J)

**O.A. No. / 2017. (S.B.)**

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

**Dated : 12<sup>th</sup> January 2018.**

Shri , the Ld. counsel for the applicant and Shri S.A. Sainis, the Ld. P.O. for the respondents.

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

Vice-  
Chairman(J)

pdg