

O.A. 449/2009 (DB)

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

Dated : 18.1.2018

MCA 72/17 in MCA 73/17

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

2. The applicant is claiming restoration of O.A.449/2005 which was dismissed in default on 9/10/2017. For filing such application there is delay of 16 days. The MCAs are filed for condonation of delay as well as for restoration and both these applications are being disposed of by this order.

3. According to the learned counsel for the applicant, there was mistake in the publication of his name in the board published by the Tribunal and therefore he could not attend the Tribunal. From the record, it seems that on earlier occasion also on similar reason the application was restored. In the submission reason made by the learned counsel for the applicant that there was typing mistake in the board in the name of

applicant's counsel he could not attend the Tribunal, cannot be accepted since on earlier occasion also he was knowing the fact of such mistake. The learned counsel for the applicant submits that he is ready to argue the matter on merits, in case the application is restored and in the interest of justice the application may be restored by condoning the delay. The applicant is ready to pay reasonable cost. In the interest of justice, applications for condonation of delay and restoration are allowed subject to cost of Rs.1,000/- to be deposited before the Registry of MAT, Nagpur within two days. The learned P.O. submits that he will take instructions from the department. In view of this, the matter be kept for final hearing **after two weeks.**

Vice Chairman (J)

dnk.

O.A. 157/2009 (DB)

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

Dated : 18.1.2018

MCA 66/2017

Heard Shri M.I. Khan, Id. P.O. for the applicants nos. 1 to 3 (Original respondents) and none for the respondent (Original applicant). None for applicant nos. 6&7 (Original respondent).

2. The application was for extension of time for compliance of the order passed in O.A.157/2009 on 4/7/2017. The applicants prayed six months time for compliance. It is stated that impugned order passed in O.A.157/2009 has already been complied during the pendency of the MCA and therefore the applicants' application has become infructuous. In view thereof, the MCA stands disposed of as infructuous with no order as to costs.

Vice Chairman (J)

dnk.

O.A. 35/2017 (DB)

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

Dated : 18.1.2018

Shri S.M. Pande, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1. None for R-2.

At the request of Id. counsel for the applicant, **S.O. two weeks** to carry out the amendment.

Vice Chairman (J)

dnk.

O.A. 429/2017 (DB)

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

Dated : 18.1.2018

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

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

Vice Chairman (J)

dnk.

O.A. 34/2018 (DB)

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

Dated : 18.1.2018

Heard Ms. R.P. Jog, Id .counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. The applicant is claiming a direction to the respondents authorities not to make any appointment on the post of Medical Officer, Group-A at Primary Health Centre, Kapsi at District Akola in pursuance of the advertisement dated 5/12/2017 on which the applicant is provisionally appointed. The copy of the said appointment order is however not placed on record. The learned counsel for the applicant submits that she may be permitted to file necessary documents and in the meantime notices be issued to the respondents.

3. In view thereof, issue notice to R-2 to 5, returnable in **two weeks**. Learned 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. two weeks.**

Vice Chairman (J)

dnk.

O.A. 243/2017 (SB)

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

Dated : 18.1.2018

C.A.398/2017 –

Heard Ms. N.Pathan, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. The C.A. 398/2017 has been filed for condonation of delay in filing O.A.243/2017. It is stated that there is delay of 5 years and 62 days for filing the O.A. The O.A. is for direction to the respondent authorities and particularly the respondent no.3 to appoint the applicant on compassionate ground on the post of Forest Labour. It seems that earlier the applicant's mother applied for the appointment on compassionate ground in place of her husband Mr. Shankar Waghmare, father of the applicant. Her name was also taken on the wait list of the candidates to be appointed on compassionate ground, but subsequently the same was deleted because she attained the age of 40 years. In view of that the applicant's mother applied for the substitution of her daughter's name and it seems that said proposal was forwarded to the higher authorities and the list of the persons to be appointed on wait list shows that in the

remark column it was mentioned that “the proposal to substitute the name of applicant in place of her mother was under consideration”. It seems that the applicant has waited for proposal to be accepted by the competent authorities, but since no decision was taken the present O.A. is filed along with application for condonation of delay.

3. For the reasons stated in the application as well as considering the fact that the O.A. has been filed for appointment on compassionate ground, the C.A. for condonation of delay is allowed in the interest of justice and equity.

O.A.243/2017 -

The learned P.O. files reply-affidavit on behalf of R-5. It is taken on record. Copy is served on the applicant.

2. Since the pleadings are complete, the matter is admitted and kept for final hearing.

3. The learned P.O. waives notice for the respondents.

S.O. after four weeks.

Vice Chairman (J)

dnk.

O.A. 876/2017 (SB)

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

Dated : 18.1.2018

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

The learned P.O. files reply on behalf of R-1&2. 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. 961/2017 (SB)

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

Dated : 18.1.2018

Shri A.P. Tathod, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the Respts.

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

Vice Chairman (J)

dnk.

O.A. 969/2017 (SB)

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

Dated : 18.1.2018

Shri M.K. Kulkarni, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the Respts.

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

Vice Chairman (J)

dnk.

O.A. 974/2017 (SB)

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

Dated : 18.1.2018

None for the applicant. Shri M.I.
Khan, Id. P.O. for the Respts.

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

Vice Chairman (J)

dnk.

O.A. 27/2018 (SB)

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

Dated : 18.1.2018

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. The applicant has challenged his transfer order dated 22/12/2017 from Police Station, Charmoshi to Control Office, Gadchiroli. Though transfer order is passed within a span of five months, the applicant has already been relieved and hence issue notice to R-2 and 3, returnable in **three weeks**. Learned P.O. waives notice for R-1. Hamdast allowed.

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

4. 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.

5. 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.

6. 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.

7. **S.O. three weeks.**

Vice Chairman (J)

dnk.

O.A. 507/2017 (SB)

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

Dated : 18.1.2018

None for the applicant.

Shri V.A. Kulkarni, Id. P.O. for the
respondents.

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

Vice Chairman (J)

dnk.

O.A. 14/2018 (SB)

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

Dated : 18.1.2018

C.A. 19/2018

Heard Shri G.G. Bade, Id .counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondent nos.1&2. None for R-3.

2. In this O.A. the applicant has challenged his order of transfer dated 5/1/2018 whereby he has been promoted as Police Inspector and was transferred as a Reader to Superintendent of Police office, Bhandara from Police Station, Lakhandur. Vide order dated 8/1/2018 the respondent authorities were directed not to relive the applicant in case he was not relieved.

3. The learned counsel for the applicant has placed on record one station diary entry at Annex-F, P.B. page nos. 18 from which it seems that the applicant has been relieved on 16/1/2018 in spite the specific order of not to relieve him. The applicant submits that he has yet not joined at Bhandara. In view of

this, the respondent no.2 is directed not to insist the applicant to join at head quarter Bhandara and to explain as to how the applicant has been relieved in spite a specific order not to relieve him vide order dated 8/1/2018 passed by this Tribunal. The learned P.O. is therefore directed to take instructions in this regard and the respondents to file affidavit accordingly.

S.O. two weeks.

Vice Chairman (J)

dnk.