

**O.A. Nos. 572, 573,574, 575 & 846 of
2017 (D.B.)**

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

Dated : 19/06/2018

**C.As. 513/17 & 126/18 (in O.A.572/17),
C.As.515/17 & 128/18 (in O.A.573/17),
C.As. 517/17 & 130/18 (in O.A.574/17),
C.As.519/17 & 132/18 (in O.A.575/17),
C.A.No.134/18 (in O.A.846/17)**

Heard Shri D.T. Shinde, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the respondents.

2. For the reasons stated in the amendment applications, the C.As. are allowed in the interest of justice and equity. Necessary amendment be carried out within one week.

C.As. 514/17 & 127/18 (in O.A.572/17),

C.As. 516/17 & 129/18 (in O.A.573/17)

C.As.518/17 & 131/18 (in O.A.574/17)

C.As.520/17 & 133/18 (in O.A.575/17)

C.A.135/18 (in O.A.846/17)

Heard Shri D.T. Shinde, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the respondents.

2. The C.As. for direction and interim relief will be heard along with O.As. at the time of next hearing as requested by the applicant.

O.As. 572/17,573/17,574/17,575/17 & 546/17 –

Heard Shri D.T. Shinde, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the respondents.

2. The learned P.O. has placed before us the copy of the Rules of 1964 as regards recruitment for the post of Police Sub Inspector (PSI) from the post of Assistant Sub Inspector (ASI). The learned P.O. invited our attention to Rule-4 which says that the candidates seeking

promotion will have to appear for examination every time as if they are appearing from the nominee quota. The main question is to be considered in this case is whether the candidates will have to appear for examination every time whenever the posts are available. In the present case admittedly the applicants are competent to be promoted and in fact they were already promoted on ad-hoc basis. The learned counsel for the applicants submits that it will cause injustice on the part of applicants to insist them to appear for examination every time. In our opinion, the question as regards appearance for the examination can be kept open to consider on merits. But in the meantime, options can be given to the applicants whether to appear for the examination or not. The applicants may appear under protest for the

examination and the question of appearing for examination again and again can be considered on merits.

3. The learned P.O. is also requested to take instructions as to within how many days the entire process of regular promotion in view of the impugned advertisement will be completed including conduction of fresh examination. He shall also take instructions as to whether the applicants can be continued on promotional post on ad-hoc basis till regular candidates are appointed. At the request of learned P.O. as well as the learned counsel for the applicants, **S.O. 27/06/2018.**

Member(A)

Vice-Chairman(J)

dnk.

O.A. 793/2017 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 19/06/2018

Heard Ms. Ahirkar, Id. counsel holding for Ms. D.V. Sapkal, learned counsel for the applicants and Shri V.A. Kulkarni, Id. P.O. for the respondents.

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. four weeks.

Member(A)

Vice-Chairman(J)

dnk.

O.A. 172/2018 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 19/06/2018

Shri S.A. Marathe, learned counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. The learned P.O. submits that he will file reply-affidavit during the course of day.

3. At the request of learned counsel for the applicant, **S.O. 25/06/2018.**

Member(A)

Vice-Chairman(J)

dnk.

O.A. 313/2018 (D.B.)

Coram: J.D. Kulkarni,

Vice-Chairman(J) and

Shree Bhagwan,Member(A)

Dated : 19/06/2018

Shri Sandip Tatke, Id. counsel holding for Shri R.V. Shiralkar, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

2. As per the directions of the Hon'ble High Court this Tribunal has been directed that since the matter is pending since 2004, due priority shall be given in the matter and the respondents / state shall file its reply within next four weeks. Today, the matter has come before this Tribunal for the first time and it is found that even the copy of Writ Petition is not placed on record by the applicant. In such circumstance, the respondents cannot be directed to file reply without availability of copy of such Petition. The learned counsel for the applicant

undertakes to file copy of the original Writ Petition tomorrow which was filed before the Hon'ble High Court. The applicant is allowed to file the same tomorrow and the matter be kept after four weeks for filing reply on the same Petition.

S.O. four weeks.

Member(A)

Vice-Chairman(J)

dnk.

O.A.No.788/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 19.06.2018.

Heard Shri P.R.Puri, Id. counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the State.

2. The Id. Counsel for the applicant submits that grievances are already redressed, so he wants to withdraw the O.A.

3. Hence, O.A. stands disposed of as withdrawn.

Member (A)

aps.

O.A.No.289/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 19.06.2018.

Heard Shri S.M.Khan, Id. counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the State. Await service of respondent nos. 2 and 3.

2. The Id. Counsel for the applicant submits that he will file service affidavit within three days.

3. **S.O. 10/07/2018.**

Member (A)

aps.

O.A.No.664/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 19.06.2018.

Heard Shri Sandip Tatke holding for Shri R.V.Shiralkar, Id. counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the Respondents.

2. The Id. P.O. seeks two weeks time to file affidavit-in-reply.

3. **S.O. 04/07/2018.**

Member (A)

aps.

O.A.No.880/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 19.06.2018.

Heard Smt. K.N.Saboo, Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the Respondents.

2. The Id. P.O. submits that he will file affidavit-in-reply on behalf of the respondent nos. 1 to 4, during the course of the day. He further submits that he will supply the copy to the Id. Counsel for the applicant.

3. **S.O. 04/07/2018.**

Member (A)

aps.

O.A.No.877/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 19.06.2018.

Heard Smt. K.N.Saboo, Id. counsel
for the applicant and Shri P.N.Warjurkar,
Id. P.O. for the Respondents.

2. The Id. P.O. seeks three weeks time
to file affidavit-in-reply,
S.O. 11/07/2018 for reply.

Member (A)

aps.

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

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 19.06.2018.

Heard Shri S.I.Khan, Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the Respondents.

2. The Id. P.O. files affidavit-in-reply on behalf of the respondent no. 2. The same is taken on record. Copy is served to the other side.

3. The Id. Counsel for the applicant wants to go through it,

S.O. 25/06/2018.

Member (A)

aps.

O.A.No.303/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 19.06.2018.

Heard Smt. K.N.Saboo holding for
Shri M.R.Khan, Id. counsel for the applicant
and Shri S.A.Deo, Id. C.P.O. for the State.

2. The Id. C.P.O. submits that first time
matter is listed, **S.O. 17/07/2018** for
reply.

Member (A)

aps.

O.A.No.331/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 19.06.2018.

Heard Smt. K.N.Saboo holding for Shri S.P.Borkar, Id. counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the Respondents.

2. The Id. P.O. seeks four weeks time to file reply. At his request, **S.O. 04/07/2018.**

Member (A)

aps.

O.A.No.334/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 19.06.2018.

Heard Smt. K.N.Saboo, Id. counsel for the applicant and Shri H.K.Pande, Id. P.O. for the Respondents.

2. The Id. Counsel for the applicant files a representation, which is marked Exhibit – X (request application to get transfer at first choice), the same is taken on record.

3. The Id. P.O. seeks one week time to file reply, **S.O. 26/06/2018.**

Member (A)

aps.

O.A.No.762/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 19.06.2018.

Heard Shri S.N.Gaikwad, Id. counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the Respondents.

2. The Id. Counsel for the applicant submits that applicant is from compassionate ground and seeking appointment. Though, he is having higher qualification, it is being denied, that is not proper. The respondents should consider the case as per the seniority in the compassionate candidate list being the eligible candidate, though the candidate is having the higher educational qualification.

3. The Id. Counsel for the applicant further place one Judgment from Hon'ble Supreme Court. It is taken on record, the

same is marked Exhibit "X". The communication dated 12/02/2016 (Anneuxure-A-4), P.B., Pg. No. 38 be quashed and set aside.

4. Hence, the O.A. is disposed of. *The respondents should decide the case within one month from the date of this order.*

Member (A)

aps.