

O.A. 812/2016 (SB)

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

**Dated : 22.03.2018**

Shri S.N. Gaikwad, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1 to 3. None for R-4.

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

**Vice Chairman (J)**

dnk.

O.A. 915/2017 (SB)

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

**Dated : 22.03.2018**

Shri S. Bhalerao, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 to 4 and Shri V. Dongre, Id. counsel for R-5.

At the request of learned counsel for the applicant as well as learned counsel for R-5, **S.O. two weeks.**

**Vice Chairman (J)**

dnk.

O.A. 530/2017 (DB)

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

**Dated : 22.03.2018**

Shri V.B. Bhise, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1&2. Await service of R-3.

The learned P.O. is requested by the applicant to supply the address of respondent no.3 who is working under respondent no.2. The learned P.O. is therefore requested to take instructions regarding address of R-3 and supply the same to the applicant.

**S.O. two weeks.**

**Vice Chairman (J)**

dnk.

O.A. 578/2017 (DB)

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

**Dated : 22.03.2018**

Shri K.S. Malokar, Id. counsel for the applicants and Shri V.A. Kulkarni, Id. P.O. for the respondents.

The learned counsel for the applicant submits that he will file service affidavit of R-2&3.

The learned P.O. seeks time to file reply on behalf of the respondents. Time is granted as prayed for.

The respondents shall mention in the reply-affidavit as to whether the matter is covered under the O.A.No. 774/2009 (Aurangabad Bench) and O.A.No.438/2016 (Nagpur Bench).

**S.O. four weeks.**

**Vice Chairman (J)**

dnk.

O.A. 630/2017 (DB)

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

**Dated : 22.03.2018**

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

The learned P.O. files reply-affidavit on behalf of R-1A and R-2 separately. Copies of the same are taken on record and also served to the Id. counsel for the applicant.

The learned counsel for the applicant wants to go through the same and seeks time to file rejoinder, if any. At his request, **S.O. four weeks.**

**Vice Chairman (J)**

dnk.

O.A. 800/2017 (DB)

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

**Dated : 22.03.2018**

Shri M.R. Rajgure, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1&2 and Smt. S.W. Deshpande, Id. counsel for R-3.

At the request of learned P.O.,  
**S.O. four weeks** for filing reply of R-1&2.

**Vice Chairman (J)**

dnk.

O.A. 846/2017 (DB)

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

**Dated : 22.03.2018**

Shri A.H. Matetwar, Id. counsel holding for Shri D.T. Shinde, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

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

**Vice Chairman (J)**

dnk.

C.P. 20/2018 in O.A. 288/2016 **(DB)**

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

**Dated : 22.03.2018**

Heard Shri Vishal Anand, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1.

2. The applicant is claiming breach of order in O.A.No.288/2016 passed on 17/07/2017 by this Tribunal whereby the respondent no.1 was directed to take decision on the representations filed by the applicant and proposal thereon within two months from the date of order. It is stated that till today decision has not been taken. Prima facie, there seems to be a contempt of order passed by this Tribunal. The learned P.O. however submits that he may be given time to file reply.

3. Hence, issue notice to R-2, 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.

C.P. 21/18 in O.A. 185/2016 (DB)

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

**Dated : 22.03.2018**

Heard Shri S.N. Gaikwad, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1.

2. The applicant submits that the respondents have not complied with the order dated 27/06/2017 in O.A.185/2016. The learned P.O. submits he has been instructed that the amount has been paid. He is therefore directed to take instructions in this regard.

3. In the meantime, issue notice to R-2 to 4, returnable in **three 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. three weeks.**

**Vice Chairman (J)**

dnk.

O.A. No. 693/2016. (S.B.)

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

**Dated : 22<sup>nd</sup> March 2018.**

None for the applicant. Shri M.I. Khan,  
the Ld. P.O. for the respondents 1, 2 and 4.  
Shri S.A. Marathe, Adv. for R.3.

S.O. **one week** for dismissal.

Vice-  
Chairman(J)

pdg

**O.A. No. 540/2016. (S.B.)**

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

**Dated : 22<sup>nd</sup> March 2018.**

Shri C.A. Joshi, the Ld. counsel for  
the applicants and Shri M.I. Khan, the Ld.  
P.O. for the respondents.

At the request of Ld. P.O, S.O.  
**26.3.2018.**

Chairman(J) Vice-

pdg

**O.A. No. 31/2018. (S.B.)**

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

**Dated : 22<sup>nd</sup> March 2018.**

Shri Bharat Kulkarni, the Ld. counsel for the applicant and Shri M.I. Khan, the Ld. P.O. for the respondents.

The Ld. P.O. has filed reply on behalf of R.5, it is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant.

Ld. P.O. seeks time to file reply on behalf of R. 2 and 3.

S.O. **four weeks.**

Vice-  
Chairman(J)

pdg

**O.A. No. 27/2018. (S.B.)**

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

**Dated : 22<sup>nd</sup> March 2018.**

Shri G.G. Bade, the Ld. counsel for the applicant and Shri A.M. Ghogre, the Ld. P.O. for the respondents 1 and 2. None for R.3.

At the request of the Ld. counsel for the applicant, S.O. **one week** to file rejoinder, if any.

Vice-  
Chairman(J)



**O.A. No. 939/2017. (S.B.)**

**Coram: Shri J.D. Kulkarni,**

**Vice-Chairman(J)**

**Dated : 22<sup>nd</sup> March 2018.**

Shri G.G. Bade, 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.  
**one week.**

Chairman(J) Vice-

pdg

**O.A. No. 735/2016. (S.B.)**

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

**Dated : 22<sup>nd</sup> March 2018.**

Heard Shri M.R. Rajgure, the Ld. counsel for the applicant and Shri S.A. Sainis, the Ld. P.O. for the respondents 1 and 2. Shri V.G. Wankhede, Adv. for R.3.

After hearing the matter for a considerable time, it seems that the applicant is claiming first time bound promotion on the basis of G.R. dated 8.6.1995. However, the said G.R. is not placed on record. The Ld. counsel for the applicant submits that he may be permitted to produce the said GR on record.

S.O. **23.3.2018.**

To be treated as part heard.

Vice-  
Chairman(J)

pdg

**O.A. No. 898/2017. (S.B.)**

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

**Dated : 22<sup>nd</sup> March 2018.**

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

The applicant was claiming appointment order to the post of Law Officer. The Ld. P.O. has placed on record a copy of the order dated 12.3.2018 whereby the applicant has been appointed on the post as claimed. The applicant has also filed a pursis to that effect which is marked "X" for identification, claiming that the applicant may be allowed to withdraw the O.A. In view

thereof, O.A. stands disposed of as  
withdrawn with no order as to costs.

Vice-  
Chairman(J)

pdg

**O.A. No. 665/2017. (S.B.)**

**Coram: Shri J.D. Kulkarni,**

**Vice-Chairman(J)**

**Dated : 22<sup>nd</sup> March 2018.**

Heard Shri H.N. Potbhare, Adv  
holding for Shri N.R. Saboo, the Ld. counsel  
for the applicant and Shri A.M. Ghogre, the  
Ld. P.O. for the respondents.

The Ld. P.O. has filed reply affidavit of R. 1 and 2, it is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant.

**ADMIT.**

Shri A.M. Ghogre, the Ld. P.O. waives notice for the respondents.

Applicant will be at liberty to file rejoinder, if any.

S.O. **in due course** for final hearing.

Chairman(J) Vice-

pdg

**O.A. No. 416/2017. (S.B.)**

**Coram: Shri J.D. Kulkarni,**

**Vice-Chairman(J)**

**Dated : 22<sup>nd</sup> March 2018.**

Shri Digvijay Takwale, Adv. holding for Shri SS. Ghate, the Ld. counsel for the applicant and Shri A.M. Ghogre, the Ld. P.O. for the respondents 1 to 4. Shri B.J. Lonare, Adv. for R.5.

S.O. **one week** for filing reply by Ld. P.O.

Vice-  
Chairman(J)

pdg

**O.A. No. 637/2017. (S.B.)**

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

**Dated : 22<sup>nd</sup> March 2018.**

Shri H.N. Potbhare, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the Ld. P.O. for the respondents 1 to 4. None for R.5.

2. The applicant and respondent No.5 applied for the post of Police Patil of village Jungaon, Tehsil Pombhurna, District Chandrapur in pursuance of the advertisement dated 1.6.2015. It seems that the post was reserved for S.B.C. category (Woman). In note No.2 in the advertisement, it has been stated that even though the post is reserved for woman, male candidate from the same category will be considered, in case female candidate is not available. Application of respondent No.5 was rejected



at the initial stage. But subsequently, she was allowed to participate in the process of selection. Admittedly, the applicant got more marks than the respondent No.5 and accordingly appointment order was issued in favour of the applicant on 5.9.2015. However, vide order dated 7.3.2017, appointment order of the applicant has been cancelled. The said order is challenged in this O.A.

3. The Ld. P.O. submits that the applicant does not belong to SBC category whereas according to the learned counsel for the applicant, the applicant belongs to SBC category. It is also stated that, this objection is, however, not valid because the applicant's order is not cancelled on that count. However, from the advertisement as well as the G.R. dated 16.10.2008, it seems that the male candidate from the same SBC category are eligible to be considered for the post, in case female candidate is not available. This objection, therefore, goes to the root of the dispute. The Ld. counsel for the applicant submits that he will take instructions from his client and will produce the SBC certificate of the applicant within two weeks.

4. Ld. P.O. also seeks time to take instructions as to whether the applicant belongs to SBC category.

5. S.O. **18.4.2018**.

6. To be treated as part heard.

Vice-  
Chairman(J)

pdg

**O.A. No. 258/2017. (S.B.)**

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

**Dated : 22<sup>nd</sup> March 2018.**

Heard Shri M.R. Rajgure, the Ld. counsel for the applicant and Shri P.N. Warjekar, the Ld. P.O. for the respondents.

Ld. P.O. submits that the order passed by respondent No.4 has been confirmed by respondent No.2 in appeal and, therefore, no separate reply is required on behalf of R.3 & 4.

Matter is admitted and kept for final hearing.

Shri P.N. Warjekar, the Ld. P.O.  
waives notice for the respondents.

S.O. **in due course** for final hearing.

Chairman(J) Vice-

pdg

**O.A. No.802 /2017. (S.B.)**

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

**Dated : 22<sup>nd</sup> March 2018.**

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

Closed for orders.

Chairman(J) Vice-

pdg

**O.A. No. 444/2015. (S.B.)**

**Coram: Shri J.D. Kulkarni,**

**Vice-Chairman(J)**

**Dated : 22<sup>nd</sup> March 2018.**

Shri N.B. Bargat, the Ld. Counsel for the applicant and Shri V.A. Kulkani, the Ld. P.O. for the respondents.

The Ld. P.O, seeks time to file reply on behalf of R.1.

Since the reply of R.1 is necessary, one week's time is granted.

S.O. **one week** as a last chance.

Vice-  
Chairman(J)

pdg

**O.A. No. 445/2015. (S.B.)**

**Coram: Shri J.D. Kulkarni,**

**Vice-Chairman(J)**

**Dated : 22<sup>nd</sup> March 2018.**

Shri N.B. Bargat, the Ld. Counsel for the applicant and Shri V.A. Kulkani, the Ld. P.O. for the respondents 1,2,3 and 5 Shri B.N. Jaipurkar, Adv. for R. 4 in OA. Nos. 446 & 447 of 2015. None for R.4 in O.A.No.445/2015.

The Ld. P.O, seeks time to file reply on behalf of R.1.

Since the reply of R.1 is necessary, one week's time is granted.

S.O. **one week** as a last chance.

Put up this O.A. with O.A. Nos. 446 and 447 of 2015.

Vice-  
Chairman(J)

pdg

**O.A. No.915/2015. (S.B.)**

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

**Dated : 22<sup>nd</sup> March 2018.**

None for the applicant. Shri S.A. Sainis, the Ld. P.O. for the respondent Nos. 1 to 4. Shri V. Dongre, Adv. for R.5.

S.O. **5.4.2017.**

Vice-  
Chairman(J)

pdg

**O.A. No. 121, 122, 123 & 124 of 2018.  
(S.B.)**



**Coram: Shri J.D. Kulkarni,**

**Vice-Chairman(J)**

**Dated : 22<sup>nd</sup> March 2018.**

None for the applicants. Shri H.K. Pande, the Ld. P.O. for the respondent No.1. Respondent No.4 is present in person in all the O.As.

Await service to R. 2 and 3.

S.O. **four weeks.**

Vice-  
Chairman(J)

pdg

**O.A. No. 143/ 2018. (S.B.)**

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

**Dated : 22<sup>nd</sup> March 2018.**

**C.A. No.51/2018.**

Heard Shri A.M. Sudame, the Ld. counsel for the applicant and Shri S.A. Deo, the Ld. C.P.O. for the respondent Nos.1 to 3. Shri A.Z. Jibhkate, Adv. for R.4.

**S.O. 23.3.2018.**

Vice-  
Chairman(J)

pdg

**O.A. No. 694 /2015. (S.B.)**

**Coram: Shri J.D. Kulkarni,**

**Vice-Chairman(J)**

**Dated : 22<sup>nd</sup> March 2018.**

**C.A.No. 71/2018 and 55/2018.**

Heard Miss Surbhi Kapley, Adv. holding for Shri A.R. Kapley, the Ld. counsel for the applicant and Shri P.N. Warjekar, the Ld. P.O. for the respondent Nos.1 and 2. Shri H.D. Futane, Adv. for R.3. None for R.4.

Application for filing documents is allowed. In the interest of justice, sC.A. No. 71/2018 stands disposed of accordingly. C.A. No. 55/2018 also stands disposed of.

**O.A. No. 694 /2015**

Put up **for final hearing** in due course.

Vice-  
Chairman(J)

pdg

**O.A. No. 505/2017. (S.B.)**

**Coram: Shri J.D. Kulkarni,**

**Vice-Chairman(J)**

**Dated : 22<sup>nd</sup> March 2018.**

**C.A.No. 331/2017.**

None for the applicants. Shri M.I. Khan, the Ld. P.O. for the respondents.

**ADMIT.**

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

Put for final hearing in due course.

Vice-  
Chairman(J)

pdg

**O.A. No. 744/2016. (S.B.)**

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

**Dated : 22<sup>nd</sup> March 2018.**

Shri H.N. Potbhare, Adv. holding for Shri N.R. Saboo, the Ld. Counsel for the applicant and Shri P.N. Warjekar, the Ld. P.O. for respondent No.1. None for R. 2 to 5.

The Ld. Counsel for the applicant is at liberty to file rejoinder, if any.

**ADMIT.**

Shri P.N. Warjekar, the Ld. P.O. waives notice for the respondent No.1.

Put for final hearing **after four weeks.**

Vice-  
Chairman(J)

pdg

**O.A. No. 157/2017. (S.B.)**

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

**Dated : 22<sup>nd</sup> March 2018.**

Shri B.N. Kaswe, Adv. holding for Shri N.D. Thombre, the Ld. Counsel for the applicant and Shri V.A. Kulkarni, the Ld. P.O. for respondents.

The Ld. P.O. submits that he will file reply affidavit on behalf of R.2 during the course of the day.

S.O. **four weeks.**

Chairman(J) Vice-

pdg

**O.A. No.661 /2017. (S.B.)**

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

**Dated : 22<sup>nd</sup> March 2018.**

Heard Shri G.G. Bade, the Ld.  
Counsel for the applicant and Shri A.M.



Ghogre, the Ld. P.O. for respondents 1 to 3.  
None for R.4.

2. The applicant is an Inspector of Legal Metrology and vide impugned order dated 31.5.2017, he has been transferred from Nagbhid to Nagpur. He was transferred to Nagbhid from Aheri earlier vide order dated 25.7.2014 and, therefore, was not due for transfer. However, under protest, the applicant has joined at Nagpur.

3. The Ld. Counsel for the applicant submits that the order of applicant's transfer is a mid-term, since he has not completed his tenure of three years at Nagbhid. He pointed out the minutes of the meeting in which it was alleged by the respondents that the due sanction of the Civil Services Board has been taken to transfer the applicant. The copy of the minutes of the meeting is filed on record at page Nos. 76 to 79 alongwith rejoinder. From the said minutes, it seems that the Committee has taken a decision to transfer seven candidates as per Annexure A-1 and eight candidates as per Annexure A-2 and, therefore, in all fifteen transfers seem to have been sanctioned by the Civil Services Board. Admittedly, in all the fifteen names, the name of the applicant has not appeared. The Ld. Counsel for the applicant, therefore, submits that the applicant has been transferred without getting sanction for his transfer.

4. The Ld. P.O. has invited my attention to the proposal for transfer by the competent authority i.e. the Chief Controller of Legal Metrology and Weights and Measures (M.S.), Mumbai, from which it seems that those who have completed the tenure of 2 years and 8 months onwards, were to be considered for transfer by the Committee. However, a decision taken shows that only 15 persons were recommended and the name of the applicant is not included in such a recommendation.

5. The Ld. P.O. submits that in all 86 persons were transferred and not 15 persons as stated in the minutes. He wants to take instructions in this regard for which he seeks one week's time.

6. S.O. **one week**.

7. To be treated as part heard.

Vice-  
Chairman(J)

pdg

