

O.A. 673/2017 (DB)

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

Dated : 06.03.2018

MCA No. 03/2018 -

Heard Shri M.I. Khan, Id. P.O. for the applicants (Org. respondents) and none for the respondent (Org. applicant).

2. The State has filed this application for extension of two months time to comply the order dated 12/09/2017 in O.A. no. 673/2017. The application has been filed on 12/01/2018 and therefore almost two months are to complete within a week.

3. In view thereof, the MCA for extension of time is allowed with no order as to costs.

Vice Chairman (J)

dnk.

O.A. 956/2017 (DB)

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

Dated : 06.03.2018

C.A. No. 569/2017 -

Heard Shri R.A. Haque, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for R-1 to 4.

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. 956/2017 –

Shri R.A. Haque, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for R-1 to 4. Shri A.P. Sadavarte, Id. counsel appears on behalf of R-5 to 12 and seeks time to file vakalatnama. The learned CPO also seeks time to file reply.

At the request of Id. CPO as well as Id. counsel for R-5 to 12, **S.O. four weeks.**

Vice Chairman (J)

dnk.

O.A. 973/2017 (DB)

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

Dated : 06.03.2018

Shri G. Iyer, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1. Await service of R-2.

2. The learned counsel for the applicant submits that he will file service affidavit of R-2 during the course of day and seeks two weeks' time to take instructions. At his request, **S.O. two weeks.**

Vice Chairman (J)

dnk.

O.A. 97/2018 with C.A.52/2018 (DB)

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

Dated : 06.03.2018

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

2. The matter is heard and decided with the consent of learned counsel for parties.

3. The applicants in this case are claiming for quashing and setting aside the Government Circular dated 25/10/2017 issued by respondent no.1 towards publication of provisional seniority cum gradation list of Tahsildars cadre for the period from 1/1/2004 to 31/12/2010. The learned P.O. submits that the said prayer is premature since it is the provisional seniority list and the final seniority list is yet to be finalized.

4. Vide order dated 6/2/2018 this Tribunal was pleased to direct the Id. CPO to take instructions as to what is the status of objections taken by the applicants and within how many days said objections will be considered. On instructions the learned P.O. submits that the issue of reservation in promotion is pending before the Hon'ble

Supreme Court and it cannot be stated as to within how many days the seniority list will be finalized and the objections will be decided. However it is admitted fact that no promotion order will be issued unless and until the seniority list is finalized. In such circumstances, the O.A. apparently seems to be premature.

5. Shri A.P. Sadavarte, Id .counsel for the proposed intervener submits that the interveners are direct recruits and they are the most affected persons if the promotion orders have not been issued. The concerned of the intervener will also be considered by the competent authority while finalizing seniority list. In view thereof, nothing survives in this O.A. and same stands disposed of being premature. The issue of finalization of seniority list is however kept open.

6. The C.A. is also disposed of accordingly with no order as to costs.

Vice Chairman (J)

dnk.

Rev. App. 18/2017 in O.A. 485/2014 **(DB)**

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

Dated : 06.03.2018

The applicant in person present.
Shri P.N. Warjurkar, Id. P.O. for the
respondents.

2. The applicant in person files
counter-affidavit. It is taken on record.
Copy is served on the learned P.O.
Since the Judgment in O.A.No.485/2014
of which the review is claimed is passed
by the Division Bench, the matter is
admitted and be kept before the regular
Division Bench whenever is available.

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

Vice Chairman (J)

dnk.

O.A. 653/2017 **(DB)**

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

Dated : 06.03.2018

Shri P.R. Pimpalkhute, Id. counsel for the applicants and Shri P.N. Warjurkar, Id. P.O. for the respondents.

The learned P.O. files reply-affidavit on behalf of R-2&3. It is taken on record. Copy is served on the applicant.

The learned counsel for the applicant seeks time to file rejoinder, if necessary. At his request, **S.O. two weeks.**

Vice Chairman (J)

dnk.

O.A. 271/2017 (SB)

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

Dated : 06.03.2018

None for the applicant.

Shri A.M. Ghogre, Id .P.O. for the respondent nos. 1&3. Await service of R-2&4.

From the record it appears that nobody appeared for the applicant since long i.e. on 11/10/2017, 9/11/2017, 7/12/2017, 10/01/2018 and 15/02/2018. Today also none appeared for the applicant and service affidavit of R-2&4 is also not filed. It seems that the applicant may not be interested in prosecuting the O.A.. Hence, the O.A. stands dismissed in default with no order as to costs.

Vice Chairman (J)

dnk.

O.A. No. 860/2017. (S.B.)

Coram: Shri J.D. Kulkarni,

Vice-Chairman(J)

Dated : 6th March 2018.

Heard Shri V.A. Kothale, the Ld. counsel for the applicant and Shri M.I. Khan, the Ld. P.O. for the respondents.

The applicant in this case has claimed for directions to the respondents to transfer him on the post of Assistant Professor from Chandrapur to Amravati in view of order passed in O.A.No.244/2017 on 27.4.2017. Reply affidavit has already been filed on record. Today, the Ld. P.O. has placed on record a copy of communication received by him dated 5.3.2018 which is marked "X" for identification. From the said communication, it seems that the

proposal for applicant's transfer has been moved to the competent authority and the same is being considered positively. Only the signature of the Hon'ble Chief Minister is required to be obtained on the said proposal. It is further stated that since the Assembly Session is over, it may require some time for the proposal. It is expected that the said proposal may be sanctioned as early as possible and in any case within one month from the date of this order. In view of this, application stands disposed of with no order as to costs.

Vice-
Chairman(J)

O.A. No. 876/2017. (S.B.)

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

Dated : 6th March 2018.

Heard Shri M.M. Sudame, the
Ld. counsel for the applicant and

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

Closed for orders.

Vice-
Chairman(J)

pdg

O.A. No. 307/2017. (S.B.)

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

Dated : 6th March 2018.

Heard Shri P.C. Marpakwar,
the Ld. counsel for the applicant
and Shri P.N. Warjekar, the Ld.
P.O. for the respondents.

The Ld. P.O. submits that he
respondents want to file reply to the
additional affidavit filed by the
applicant for which he seeks two
weeks time.

S.O. two weeks.

Vice-
Chairman(J)

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

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

Dated : 6th March 2018.

There is a leave note from Shri M.R. Khan, the Ld. counsel for the applicants. Shri A.M. Khadatkar, the Ld. P.O. for the respondents.

S.O. two weeks.

Vice-
Chairman(J)

O.A. No. 507/2016. (S.B.)

Coram: Shri J.D. Kulkarni,

Vice-Chairman(J)

Dated : 6th March 2018.

Heard Shri Y.R. Sonkusre, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the Ld. P.O. for the respondents.

The Ld. counsel for the applicant on instructions submits that the applicant does not want to withdraw the O.A. as directed by this Tribunal vide order date d 15.2.2018. The applicant wants that the matter shall be heard on merits. Hence the matter is being heard on merits.

After the hearing the matter, it is closed for orders.

Vice-
Chairman(J)

pdg

O.A. No. 376/2016. (S.B.)

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

Dated : 6th March 2018.

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

The applicant in this case is the widow of deceased employee and she has filed an application for revision of pension of her husband w.e.f. 1.5.2002 to 1.12.2007 and also family pension w.e.f. 1.1.2008. It is stated that the applicant is entitled to refund of Rs. 1,34,905/-. Vide communication dated 18.3.2016 (Annexure A-10, Page 48), the

Accountant General had also directed respondent No.3 to revise the pension of deceased employee and to submit revised pension case of deceased employee and also to refund the amount. Respondent No.3, however, did not take any action in this regard. Respondent No.3 is, therefore, directed to appear before this Tribunal personally and to file an affidavit as to what steps he has taken in pursuance of the letter dated 18.3.2016 from the A.G. and if not, why ?

S.O. 16th March 2018.

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

Vice-
Chairman(J)

Pdg

O.A. No. 36/2018. (S.B.)

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

Dated : 6th March 2018.

Heard Shri P.S. Patil, the Ld. counsel
for the applicant and Shri V.A. Kulkarni, the
Ld. P.O. for the respondent No.1.

Await service to R. 2 and 3.

S.O. two weeks.

Chairman(J) Vice-

Pdg

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

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

Dated : 6th March 2018.

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

The Ld. P.O. has filed reply on behalf of R. 1 to 5, it is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant.

The Ld. counsel for the applicant seeks time to go through the same and file rejoinder, if necessary.

S.O. **two weeks.**

Vice-
Chairman(J)

Pdg

O.A. No. 979/2017. (S.B.)

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

Dated : 6th March 2018.

Heard Shri A.P. Tathod , the Ld. counsel for the applicant and Shri S.A. Sainis, the Ld. P.O. for the respondents 1 to 3. Shri P.A. Kadu, Adv. for R.4.

The Ld. counsel for the applicant submits that he will file service affidavit within two days.

S.O. **two weeks** f or filing reply of R.1.

Vice-
Chairman(J)

Pdg

O.A. No. 577/2017. (S.B.)

Coram: Shri J.D. Kulkarni,

Vice-Chairman(J)

Dated : 6th March 2018.

Heard Shri D.M. Surjuse, the Ld. counsel for the applicant and Shri S.A. Sainis, the Ld. P.O. for the respondent No. 1. Shri V.G. Palshikar, Adv. for R.3.

Ld. P.O. submits that respondent No.1 does not want to file reply affidavit.

Reply affidavit has already been filed on behalf of R. 2 to 6.

Shri V.G. Palshikar, Adv. for R.3 undertakes to file Vakalatnama on behalf of R. 2, and 4 to 6

The Ld. counsel for the applicant submits that he will go through the said reply.

With consent, S.O. **one week** for final hearing at the admission stage.

Vice-
Chairman(J)

pdg

O.A. No. 888/2017. (S.B.)

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

Dated : 6th March 2018.

Heard Shri Bharat Kulkarni, Adv. holding for Shri, M.I. Dhattrak, the Ld. counsel for the applicant and Shri M.I. Khan, the Ld. P.O. for the respondent Nos. 1 to 3. None for R.4.

S.O. **one week.**

Chairman(J) Vice-

pdg

O.A. No. 894/2017. (S.B.)

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

Dated : 6th March 2018.

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

After hearing the matter for a considerable time, the Ld. P.O. is directed to produce minutes of meeting in which the decision of transfer of the applicant has been taken. The respondents shall also state as to whether the approval of higher authority was taken for transfer of the applicant.

S.O. 12.3.2018.

To be treated as part heard.

Vice-
Chairman(J)

pdg

O.A. No.961 /2017. (S.B.)

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

Dated : 6th March 2018.

Heard Shri A.P. Tathod, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the Ld. P.O. for the respondents.

Ld. P.O. submits that the representation of the applicant has been rejected and the applicant has been directed to join at transferred place. Copy of communication has been placed on record which is dated 3.2.2018 and is marked "X" for identification. The Ld. counsel for the applicant submits that he will take instructions from his client and therefore the matter be kept on 12.3.2018.

S.O. 12.3.2018.

Vice-
Chairman(J)

pdg

O.A. No.08/2018. (S.B.)

Coram: Shri J.D. Kulkarni,

Vice-Chairman(J)

Dated : 6th March 2018.

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

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

Chairman(J) Vice-

Pdg

O.A. No.106/2018. (S.B.)

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

Dated : 6th March 2018.

Heard Shri Rohan Lilhare, Adv. holding for Shri S.S. Dhengale, the Ld. counsel for the applicant and Shri P.N. Warjekar, the Ld. P.O. for the respondents.

At the request of the Ld. counsel for the applicant, S.O. **9.3.2018.**

Chairman(J) Vice-

pdg

O.A. No. 160/2018. (S.B.)

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

Dated : 6th March 2018.

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

2. S.O **three weeks** for filing reply affidavit by Ld. CPO.

3. In the meantime, issue notice to respondent Nos. 2 and 3 returnable after **three weeks.**

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

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

6. 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.

7. 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.

8. 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.

9. S.O. three weeks.

Vice-
Chairman(J)

pdg

O.A. No. 161/2018. (S.B.)

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

Dated : 6th March 2018.

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

2. S.O **three weeks** for filing reply affidavit by Ld. CPO.

3. In the meantime, issue notice to respondent Nos. 2 to 5 returnable after **three weeks.**

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

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

6. 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.

7. 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.

8. 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.

9. S.O. **three weeks.**

Vice-
Chairman(J)

pdg

O.A. No. 165/2018. (S.B.)

Coram: Shri J.D. Kulkarni,

Vice-Chairman(J)

Dated : 6th March 2018.

1. Heard Shri S.N. Gaikwad, the Ld. counsel for the applicant and Shri H.K. Pande, the Ld. P.O. for the respondent No.1.

2. The applicant in this case is working as Civil Engineer, Grade-C. It is stated that vide order dated 12.12.2007, services of the applicant have been absorbed as Government servant. Copy of the said order is placed on record at Exh. 'X' today. The applicant was posted at Hinganghat, District Wardha vide order dated 31.5.2017. Vide impugned order dated 14.2.2018, he has been transferred from Hinganghat to Gondia Municipal Council. Prima facie, order of transfer seems to be mid-term so also mid-tenure. The Ld. counsel for the applicant makes a statement that the applicant has not yet been relieved from Hinganghat. In view thereof, respondents are directed not to relieve the applicant till reply affidavit has been filed in this case.

3. In the meantime, issue notice to respondent Nos. 2 and 3 returnable after **four weeks.**

4. Shri H.K. Pande, the Ld.P.O. waives notice for respondent No.1. Hamdast granted.
5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need not be issued.
6. 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.
7. 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.
8. 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.
9. S.O. **four weeks.**

Vice-
Chairman(J)

