

O.A. 450/2017 (DB)

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

Dated : 09.03.2018

C.A. 308/2017 -

Shri R.D. Dharmadhikari, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

At the request of learned P.O.,
S.O. two weeks for filing reply in C.A.

Vice Chairman (J)

dnk.

O.A. 281/2015 (DB)

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

Dated : 09.03.2018

Shri G.G. Bade, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for respondent no.1.

2. Shri H.D. Marathe, Id. counsel appears on behalf of R-2 to 5 and submits that he will file Vakalatnama to that effect. He also seeks time to file reply. At his request, **S.O. three weeks**.

Vice Chairman (J)

dnk.

C.P. 40/17 in O.A. 687/16 (DB)

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

Dated : 09.03.2018

Shri S.G. Lacharwar, 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.**

Vice Chairman (J)

dnk.

O.A. Nos. 203 & 204 of 2017 **(DB)**

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

Dated : 09.03.2018

Shri A.D. Girdekar, Id. counsel for
the applicants and Shri A.M. Khadatkar,
Id. P.O. for the respondents.

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

Vice Chairman (J)

dnk.

O.A. 417/2017 (DB)

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

Dated : 09.03.2018

Shri J.R. Kidilay, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

The learned P.O. files reply on behalf of R-1. It is taken on record. Copy is served on the applicant. The learned counsel for the applicant seeks time to file rejoinder. At his request, **S.O. two weeks.**

Vice Chairman (J)

dnk.

O.A. Nos. 119 & 120 of 2014 **(SB)**

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

Dated : 09.03.2018

Shri Vipul Bhise, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the respondents.

2. The learned counsel for the applicants submits that he will file amendment application during the course of day.

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A. 648/2017 (SB)

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

Dated : 09.03.2018

C.A.413/17 in 414/17 -

None for the applicant. Shri H.K. Pande, Id. P.O. for the respondents.

2. The learned P.O. files reply on behalf of R-2&3 to the C.A. 413/2017. It is taken on record.

S.O. four weeks.

Vice Chairman (J)

dnk.

O.A. 729/2017 (SB)

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

Dated : 09.03.2018

C.A.549/2017 -

None for the applicant. Shri H.K. Pande, Id. P.O. for R-1. None for R-4. Await service of R-2&3 in C.A. & O.A.

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A. 196/2017 (SB)

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

Dated : 09.03.2018

C.A.576/2017 -

None for the applicant. Shri H.K. Pande, Id. P.O. for R-1&2. None for R-3.

The learned P.O. files reply-affidavit on behalf of R-2 to the C.A. for amendment. It is taken on record.

S.O. four weeks.

Vice Chairman (J)

dnk.

O.A. 938/2017 (SB)

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

Dated : 09.03.2018

C.A.22/2018 -

None for the applicant. Shri P.N. Warjurkar, Id. P.O. for R-1 to 3. None for R-4.

2. By this application, the applicant prays for permission to correct the address of respondent no.4.

3. For the reasons stated in the application, the C.A. is allowed. Necessary correction be made within one week.

O.A. 938/2017 –

None for the applicant. Shri P.N. Warjurkar, Id. P.O. for R-1 to 3. None for R-4.

2. The learned P.O. files reply-affidavit on behalf of R-3. It is taken on record.

3. After correcting address of respondent no.4, issue notice to R- 4, returnable in **four weeks**. 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. four weeks.**

Vice Chairman (J)

dnk.

O.A. 224/2017 (SB)

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

Dated : 09.03.2018

Shri Vipul Bhise, Id. counsel holding for Shri R.V. Shiralkar, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1. None for R-2&3.

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

Vice Chairman (J)

dnk.

O.A. 494/2017 (SB)

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

Dated : 09.03.2018

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

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

Vice Chairman (J)

dnk.

O.A. 634/2017 (SB)

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

Dated : 09.03.2018

None for the applicant. Shri M.I.
Khan, 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. 784/2017 (SB)

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

Dated : 09.03.2018

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

The learned P.O. files reply on behalf of R-3. It is taken on record.

S.O. four weeks.

Vice Chairman (J)

dnk.

O.A. 839/2017 (SB)

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

Dated : 09.03.2018

Shri A.R. Manhare, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1&2. None for R-3.

At the request of learned counsel for the applicant, **S.O. Next week.**

Vice Chairman (J)

dnk.

O.A. 152/2018 (SB)

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

Dated : 09.03.2018

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

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

Vice Chairman (J)

dnk.

O.A. 92/16 with C.A. 552/17 **(SB)**

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

Dated : 09.03.2018

None for the applicant. Shri A.M. Khadatkar, Id. P.O. for R-2 and 3. Shri Vipul Bhise, Id. counsel holding for Shri R.V. Shiralkar, Id. counsel for R-1.

At the request of learned counsel for R-1, **S.O. two weeks.**

Vice Chairman (J)

dnk.

O.A. 682/2015 (SB)

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

Dated : 09.03.2018

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

The learned P.O. to supply the number of other identical matters.

S.O. four weeks.

Vice Chairman (J)

dnk.

O.A. 786/2015 (SB)

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

Dated : 09.03.2018

Shri S.P. Bhave, Id .counsel
holdingfor Shri R.A. Haque, Id. counsel
for the applicant, Shri P.N. Warjurkar, Id.
P.O. for R-1&2 and Ms. A.S. Ahirkar, Id.
counsel for R-3.

At the request of learned counsel
for the applicant, **S.O. 15/03/2018**.

Vice Chairman (J)

dnk.

O.A. 360/2017 (SB)

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

Dated : 09.03.2018

None for the applicant. Shri A.P. Potnis Id. P.O. for R-1 to 6. None for R-7.

On the earlier date on 05/03/2018 nobody appeared for the applicant. Hence, the matter be placed for dismissal on **16/03/2018**.

Vice Chairman (J)

dnk.

O.A. 77/2018 (SB)

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

Dated : 09.03.2018

Heard Shri S.P. Palshikar, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

2. In this O.A. the applicant has claimed of quashing and setting aside the transfer order dated 30/12/2017 whereby he was transferred from Local Crime Branch, Chandrapur to Police Station, Jiwati and also claimed that he be re-posted at Local Crime Branch, Chandrapur.

3. The learned P.O. has placed on record the copy of the order dated 30/01/2018 which is marked Exh-X, from which it seems that the applicant has been re-posted at Local Crime Branch, Chandrapur and as such the grievance of the applicant has been redressed. In view thereof, the O.A. stands disposed of accordingly with no order as to costs.

Vice Chairman (J)

dnk.

O.A. 106/2018 (SB)

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

Dated : 09.03.2018

Heard Shri S.S. Dhengale, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The learned counsel for the applicant on instructions submits that the applicant may be allowed to withdraw the O.A. with permission to file representation for revocation of the suspension before the Competent Authority, i.e., the Divisional Commissioner and therefore he seeks permission for withdrawal the O.A. In view of this, the permission is granted as prayed for.

3. The O.A. stands disposed of as withdrawn accordingly with no order as to costs.

Vice Chairman (J)

dnk.

O.A. 538/2016 (SB)

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

Dated : 09.03.2018

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

2. The applicants are claiming direction to respondent no.1 to extend the benefit of regularization w.e.f. initial date of their appointment in pursuance of the proposal dated 14/11/2013 forwarded by respondent no.3 to respondent no.1. They are claiming regularization on the posts of Multipurpose Health Worker.

3. The learned counsel for the applicants has invited my attention to the proposal dated 14/11/2013 (Annex-A-3, P-57) vide which the Joint Director, Health Services, Pune recommended regularization of 167 bonded laborers for regularization in which the names of the applicants appeared.

4. However vide G.R. dated 31/03/2015 (Annex-A-13, P-64) as many as 155 bonded laborers have been regularized as Multipurpose Health Workers from the date of their initial appointment. The names of the applicants were however deleted.

5. The learned P.O. has invited my attention to para nos. 6,7 and 8 of the reply-affidavit filed by respondent no.1 and particularly para no.7. It is stated that though the proposal was for 167 bonded Multipurpose Health Workers (male), the applicants were not working as bonded Multipurpose Health Worker (male) on the date of submitting proposal as they were not selected through the District Selection Committee. The learned P.O. submits that the applicants were appointed by the Health Officer and not by the District Selection Committee and therefore a conscious decision was taken to drop their names from the proposal. The learned counsel for the applicants however submits that 155 laborers whose services were regularized were also appointed by the Health Officer like that of applicants. He submits that he is ready to file one of the appointment orders of such workers who were absorbed and for that purpose he seeks two weeks' time. Hence, the matter be kept after two weeks.

S.O. two weeks (P.H.).

Vice Chairman (J)

dnk.

O.A. Nos. 991, 992, 933, 994 of 2017 and
84/2018 **(SB)**

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

Dated : 09.03.2018

Heard Shri N.R. Saboo, Id. counsel for the applicants and Shri S.A. Sainis, Id. P.O. for the respondent nos. 1& 2 and other P.Os. in other matters. None for R-3.

2. The applicants are working on the posts of Live Stock Development Officer (LDO) at various places and they have been appointed on the same posts by nomination vide order dated 21/10/2015. According to the learned counsel for the applicants' services are governed rules called "The Revenue Division Allotment for appointment by nomination and Promotion to the posts of Group "A" and Group "B" (Gazetted and Non-Gazetted) of the Government of Maharashtra Rules,2015" . While making appointments to such determined posts of nomination quota and promotion quota, allotment of Revenue Divisions is to be made as follows :-

"Rule 6 (a) – *For appointment to the posts in Group "A" and Group "B" by nomination on receipt of recommendation or merit list from the Commission or Selection Committee, as the case may be, after scrutiny of the necessary*

certifications and other documents, revenue divisions as mentioned in the schedule shall be allotted to the candidates by rotation as per their serial numbers in the merit list, by taking into consideration total vacancies in the nomination quota existing at that time, in the sequential order of Nagpur, Amravati, Aurangabad and Nashik Revenue Divisions. After all the vacant posts in nomination quota in the above four Revenue Divisions are filled up, the Konkan Division and Pune Division shall be allotted alternately to the remaining candidates in the merit list.”

3. It is further stated that as per rule-12 after completion of service of one year in the allotted Revenue Divisions, an Officer may apply for change of the Revenue Division for any of the grounds mentioned therein and one of such ground is ground no. (b), i.e., postings of spouses together at the same place or location. All the applicants accordingly applied for change of their revenue divisions under Rule 12 (b) of the Rules of 2015. However no decision has been taken on the applications filed by the respective applicants till today.

4. The learned counsel for the applicants submits that the department has taken decision on representations filed by some other employees similarly situated and therefore they are claiming that their

representations may be considered within a stipulated period. After hearing both the sides, I am of the opinion that there will be no problem in giving such directions to the respondent authorities. Hence, the following order :-

ORDER

The O.As. are disposed of with direction to respondent no.1 to consider the representations filed by the respective applicants under Rule 12 (b) as per its own merits for change their revenue divisions. Such decision shall be taken as early as possible and in any case within four weeks from the date of this order. No order as to costs.

Vice Chairman (J)

dnk.