

O.A. No.488/2016

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

Dated : 16.10.2017.

M.C.A.63/2017:-

None for the applicant. Shri Khadatkar, Id. P.O. for the Respondents no. 1 & 2. Shri C.V.Mahajan holding for Shri A.M.Kukday, Id. counsel for Respondent no. 3. All the Respondents are served.

The Id. P.O. files the extension of time which is marked ex. "X" for identification. The Id. P.O. requested for extension of time for complying of the order. Whereby the Respondent no. 3 directed to consider the applicant's case for compassionate appointment within two months from the date of order. The Id. P.O. seeks two more months time for complying the order. However, the matter be kept after vacation for complying the order.

S.O. After Diwali Vacation.

O.A. No.294/2017

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

Dated : 16.10.2017.

C.A.365/2017:-

Shri S.N.Gaikwad, Id. counsel for the applicant. Shri Khadatkar, Id. P.O. for the Respondents no. 1 & 2. Shri A.P.Tathod, Id. Adv. for Respondent no. 3.

The Id. P.O. has filed the minutes of meeting, the copy of the same is already supplied to the Id. counsel for the applicant. The Id. P.O. submits that he will supply the copy to the Id. Adv. for R-3 too. The matter be kept for final hearing on 02/11/2017. The Deputy Secretary is also present today he need not to present on the next date.

S.O. 02/11/2017.

Interim relief will continue.

Vice Chairman (J)

O.A. No.263/2017

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

Dated : 16.10.2017.

None for the applicant. Shri
Khadatkar, Id. P.O. for the State. Await
service of R-2 to 5.

At the request of Id. P.O., **S.O.**
Four Weeks i.e. After Diwali Vacation.

Vice Chairman (J)

aps

O.A. No.676/2017

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

Dated : 16.10.2017.

Shri N.L.Jaiswal, Id. counsel for
the applicant. Smt. S.V.Kolhe, Id. P.O. for
the State. Await service of R-2 to 5.

At the request of Id. P.O., **S.O.**
After Diwali Vacation.

Vice Chairman (J)

Aps

O.A. St.No.2228/2016

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

Dated : 16.10.2017.

C.A.No. 542/2016:-

Shri G.G.Bade, Id. counsel for the applicant. Shri A.M.Ghogre, Id. P.O. for the Respondents.

At the request of both the counsels, **S.O. After Diwali Vacation.**

Vice Chairman (J)

aps

O.A. No.152/2017

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

Dated : 16.10.2017.

Shri G.G.Bade, Id. counsel for the
applicant. Shri Khadatkhar, Id. P.O. for the
Respondents.

S.O. 30.10.2017.

Vice Chairman (J)

aps

O.A. No.338/2017

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

Dated : 16.10.2017.

None for the applicant. Smt.
S.V.Kolhe, Id. P.O. for the Respondents.

The Id. P.O. file the reply affidavit
on behalf of the Respondent no. 2. It is
taken on record. Copy will be serve to the
other side.

S.O. After Diwali Vacation.

Vice Chairman (J)

aps

O.A. No.408/2017

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

Dated : 16.10.2017.

None for the applicant. Shri S.A.Sainis, Id. P.O. for the Respondents no. 1 & 3. Await service of R-2.

This matter was kept for dismissal. In view of detailed order passed on 10/10/2017. Today none appeared for the applicant. The Id. P.O. has placed on record copy of the communication dated 18/08/2017 and 13/09/2017, which are marked exh. "X" and "X1" respectively for the purposes of identification and submits that the applicant has been transferred to Chandrapur on his own request and he has already joined there. That seems to be the reasons as to why the applicant is not appearing. In view thereof the O.A. stands disposed of as infructuous with no order as to costs.

Vice Chairman (J)

aps

O.A. No.196/2017

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

Dated : 16.10.2017.

None for the applicant. Shri Pandey, Id. P.O. for the Respondents no. 1 & 2. None for R-3.

The Id. P.O. files reply affidavit on behalf of the Respondent no. 2. The same is taken on record. He says that there is no need to file reply of other Respondents.

S.O. After Diwali Vacation.

Vice Chairman (J)

aps

O.A. No.510/2017

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

Dated : 16.10.2017.

None for the applicant. Smt. Kolhe,
Id. P.O. for the Respondents.

The Id. P.O. files reply affidavit on
behalf of the Respondent no. 2 & 3. The
same is taken on record. She says that
there is no need to file reply of
Respondent no. 1.

S.O. After Diwali Vacation.

Vice Chairman (J)

aps

O.A. No.677/2017

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

Dated : 16.10.2017.

None for the applicant. Shri
S.A.Sainis, Id. P.O. for the Respondent
no. 1. Await service of Respondent no. 2
to 4.

S.O. After Diwali Vacation.

Vice Chairman (J)

aps

O.A. No.690/2017

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

Dated : 16.10.2017.

None for the applicant. Shri
S.A.Sainis, Id. P.O. for the Respondent
no. 1. Await service of Respondent no. 2
& 3.

S.O. After Diwali Vacation.

Vice Chairman (J)

aps

O.A. No.691/2017

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

Dated : 16.10.2017.

None for the applicant. Shri
S.A.Sainis, Id. P.O. for the Respondent
no. 1. Await service of Respondent no. 2.

S.O. After Diwali Vacation.

Vice Chairman (J)

aps

O.A. No.392/2017

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

Dated : 16.10.2017.

None for the applicant. Shri Potnis,
Id. P.O. for the Respondents.

S.O. After Diwali Vacation.

Vice Chairman (J)

aps

O.A. No.620, 623 & 627/2017

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

Dated : 16.10.2017.

Shri S.N.Gaikwad, Id counsel for
the applicant. Shri Sainis, Id. P.O. for the
Respondents.

The Id. P.O. seeks time to file reply
affidavit, time is granted for filing reply.
The Respondents will be at liberty to file
even a short affidavit.

S.O. After Diwali Vacation.

Vice Chairman (J)

aps

O.A. No.693/2017

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

Dated : 16.10.2017.

Shri S.C.Deshmukh, Id counsel for
the applicant. Shri Sainis, Id. P.O. for the
Respondents.

S.O. After Diwali Vacation.

Vice Chairman (J)

aps

O.A. No.275/2016

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

Dated : 16.10.2017.

None for the applicant. Shri Sainis,
Id. P.O. for the Respondents no. 1 & 2.
None for R-3.

S.O. After Diwali Vacation.

Vice Chairman (J)

aps

O.A. No.344/2017

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

Dated : 16.10.2017.

None for the applicant. Shri
Warjurkar, Id. P.O. for the Respondents.

S.O. After Diwali Vacation.

Vice Chairman (J)

aps

O.A. No.565/2017

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

Dated : 16.10.2017.

Shri P.V.Thakre, Id. counsel for the applicant. Smt. Kolhe, Id. P.O. for the Respondents.

The Id. P.O. placed on record the communication dated 13/10/2017, the same is marked exh. "X", from which it seems that the Respondent no. 2 has taken a decision to consider the applicant's representation for transfer in the general annual transfer of 2018. The order dated 11/09/2017 is very specific which says that the applicant's representation will be considered on merits. As per the representation the applicant is claiming transfer at Ramtek or Pawni. It is further stated that the post at Ramtek is still vacant. In view thereof the order passed on 11/09/2017 had not complied.

The Id. P.O. seeks time for complying of the order.

S.O. 04/11/2017.

O.A. No. 801 of 2017.

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

Dated : 16th October, 2017.

Heard Shri N.R.Saboo, Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the State.

2. The applicant is a Class-I, Medical Officer and is serving at B.G.W. Women's Hospital, Gondia. Vide order dated 05/08/2017, the applicant was transferred as a Medical Superintendent in Rural Hospital at Rajegaon, District Gondia on administrative ground and in the said order the Respondent no. 4, Shri Sanjive Natthuji Dodke has been transferred from Gondia to Deori. The applicant has not yet been relieved from Gondia.

3. In the meantime, on 11/10/2017, the impugned order has been issued whereby the applicant has been transferred from Gondia to Deori instead at Rajegaon and whereas the Respondent no. 4 has been transferred in place of applicant, It is stated that the Respondent no. 4 has been transferred on his request and on the influenced of the Local M.L.C. Obviously, there seems to be no reasons recorded in the impugned order dated 11/10/2017 for changing the posting of the applicant and this order has been issued on 11/10/2017, which is obviously a mid-term transfer.

4. The applicant has filed representation on 23/02/2017 and needs transfer at the given choices for his posting. The Id. counsel for the applicant submits that since the applicant has not yet been relieved, he be continued at Gondia till his representation is decided.

He further submits that one post at Parshivani Rural Hospital as well as well as in Daga Women's Hospital at Nagpur is lying vacant and the applicant is ready to be accommodated at either of these places.

5. The applicant made representation dated 23/02/2017, to the Director Medical Education, Mumbai i.e. Respondent no. 2. However the Respondent no. 1 is the competent authority. The applicant is thus given an opportunity to file representation to the Respondent no. 1. The Id. counsel for the applicant submits that the applicant will make such representation within one week. In view thereof, the following order:-

ORDER

- The applicant is allowed to file his representation directly to the Respondent no. 1 as per the

earlier representation dated 23/02/2017 within one week.

- After receiving the said representation the Respondent no. 1 shall take decision on the representation filed by the applicant within a period of one month from the date of receipt of such representation. The Respondent no. 1 shall in the meantime, allow the applicant to continue to work at Gondia.
- In view of this the application stands disposed of with no order as to costs.

aps

O.A. No. 803 of 2017.

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

Dated : 16th October, 2017.

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

2. The Respondent no. 3 has passed the impugned order dated 14/08/2017 whereby it has been decided to deduct an amount of Rs. 2,66,489/- from the applicant, since the same has been paid in excess. It is further stated that the first installment of Rs. 17,518/- is already been deducted.

3. The Id. counsel for the applicant submits that the applicant was given the requisite pay-scale as per the direction of this Tribunal and the deduction is against the Judgment delivered by the **Hon'ble Supreme Court in case of Rafiq Masih Vs. State of Punjab & Haryana decided**

on 17/08/2017. The impugned order dated 14/08/2017 as regards the further recovery of the amount from the salary of the applicant is stayed till further orders. In the meantime issued notices to the Respondents.

4. Issue notice to R-2 to 3, returnable in four weeks. Learned P.O. waives notice for R-1.

5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall 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. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

7. 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.

8. 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.

9. **S.O. Four Weeks i.e. After Diwali Vacation.**

Aps

O.A.358/2009 (D.B.)

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

Dated : 16.10.2017.

Heard Shri S.P. Palshikar, Id. counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for respondent nos. 1to 3. None for R-4. Shri N.R. Saboo, Id. counsel appears on behalf of R-5 sue moto and submits that R-5 has not been served. However, it is a matter of 2009 and it is not known as to how the respondent no.5 came to know when the matter is fixed today for hearing. However he can appear on the next date.

2. The matter has been heard finally on merits. However, after perusing the record it seems that some information and documents are required to be placed before this Tribunal by the parties. Hence, the following order :-

(i) The applicant / respondents to state as to what happened in pending Writ Petition No.8452/2004. In case the said Writ Petition is decided, the copy of the Judgment be placed on record.

(ii) The respondents are directed to place on record the letters referred in letter dated 1/11/2007 (Annex-A-1), i.e., letter dated 13/2/2006 of the Director of Medical Education and Research, Mumbai and the letter from General Administrative Department dated 1/8/2007.

(iii) The respondents to place on record the comments, if any, submitted by the Director, Directorate of Medical Education and Research, Government of Maharashtra, Mumbai and the Dean, Government Medical College and Hospital, Nagpur on the letter (Annex-A-4) of the Medical Council of India.

(iv) The respondents to file Minutes of Teacher's Eligibility Qualifications Sub Committee dated 27/8/2001, 1/4/2009 & 27/4/2009 as mentioned in the reply-affidavit filed by the respondent no.4.

3. The necessary compliance be made within three weeks.

4. **S.O. three weeks (P.H.)**

Vice Chairman (J)

dnk.

O.A.504/2014 (D.B.)

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

Dated : 16.10.2017.

C.A. 498/16 in C.P. St. 2017/16

None for the applicant. Shri S.A. Sainis, Id. P.O. for R-1 and Shri P.V. Thakre, Id. counsel for R-2 to 5.

2. The applicant was absent on the last date also i.e. on 6/10/2017 and therefore it is kept for passing necessary orders today. As per order in O.A. 504/2014 the respondents were directed to finalize pension case of the applicant and to ensure payment of gratuity and all retiral dues. The respondents have filed affidavit of Shri R.M. Chouhan, Chief Engineer and submitted that entire order

has been complied with. It seems that the applicant may not be interested. In view thereof, the application stands disposed of since the order has been complied.

3. Consequently, the C.A. and C.P. St. stands disposed of.

Vice Chairman (J)

dnk.

O.A.251/2011 (D.B.)

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

Dated : 16.10.2017.

C.A.528/16 in C.P.St.2169/16

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

2. The learned P.O. has placed on record the order dated 17/4/2017 and submits that the order of the Tribunal has been duly complied. The said communication is marked Exh-X for the purpose of identification. Since nobody

appeared for the applicant, the matter be kept on 3/11/2017.

S.O. 3/11/2017.

Vice Chairman (J)

dnk.

O.A.233/2011 (D.B.)

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

Dated : 16.10.2017.

C.A.09/2017 in C.P.St. 44/2017

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

2. The learned counsel for the applicant submits that the order of the

Tribunal has not been complied. When the Id. P.O. submits that the order has been complied as per letter at Exh-X. In view thereof, the matter be kept on 3/11/2017.

3. **S.O. 3/11/2017.**

Vice Chairman (J)

dnk.

O.A.833/2011 (D.B.)

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

Dated : 16.10.2017.

C.A.20/17 in C.P.St.137/17

A.V. Kale, Id. counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the respondents.

Matter be kept on 3/11/2017.

Vice Chairman (J)

dnk.

O.A.379/2014 (D.B.)

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

Dated : 16.10.2017.

C.A.119/2017 in C.P.St.620/17

None for the applicant.

Shri P.N. Warjurkar, Id. P.O. for
the respondents.

Matter be kept on **3/11/2017** for
passing necessary orders.

Vice Chairman (J)

dnk.

O.A.639/2016 (D.B.)

Coram : Hon. Shri J.D.Kulkarni,

Vice-Chairman (J).

Dated : 16.10.2017.

C.A.392/17 in C.P. St.2244/17

Shri P.V. Thakre, Id. counsel for
the applicant and Shri P.N. Warjurkar, Id.
P.O. for R-1,2,3&5. None for R-4.

S.O. After Vacation.

Vice Chairman (J)

dnk.

O.A.442/2016 (D.B.)

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

Dated : 16.10.2017.

None for the applicant.

Shri A.P. Potnis, Id. P.O. for R-1 to
3. Await service of R-4.

S.O. After Vacation.

Vice Chairman (J)

dnk.

O.A.679/2017 (D.B.)

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

Dated : 16.10.2017.

Shri N.R. Saboo, Id. counsel for
the applicant and Shri M.I. Khan, Id. P.O.
for R-1. Await service of R-2.

S.O. three weeks.

Vice Chairman (J)

dnk.

O.A.685/2017 (D.B.)

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

Dated : 16.10.2017.

None for the applicant.

Shri A.P. Potnis, Id. P.O. for R-1.
Await service of R-2 to 4.

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

Vice Chairman (J)

dnk.

C.P. 02/2015 in O.A. 642/2011 (D.B.)

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

Dated : 16.10.2017.

There is a leave note from Shri R.V. Shiralkar, Id. counsel for the applicant.

Shri A.M. Ghogre, Id. P.O. for the respondents.

S.O. After Vacation.

Vice Chairman (J)

dnk.

C.P. 02/2017 in O.A. 849/2014 (D.B.)

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

Dated : 16.10.2017.

Shri P.C. Marpakwar, Id. counsel
for the applicant and Shri H.K. Pande, Id.
P.O. for the respondents.

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

Vice Chairman (J)

dnk.

C.P. 03/2017 in O.A. 100/2010 (D.B.)

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

Dated : 16.10.2017.

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

2. The learned counsel for the applicant submits that the order of the Tribunal has been duly complied and therefore application may be disposed of. In view thereof , the C.P.No.03/2017 stands disposed of as complied with.

Vice Chairman (J)

dnk.

C.P. 05/2017 in O.A. 499/2014 (D.B.)

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

Dated : 16.10.2017.

Shri M.V.Mohokar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. The learned P.O. placed on record the communication dated 13/10/2017 which is marked Exh-X for the purposes of identification from which it seems that the proposal of the applicant has been sent to the Treasury. The learned counsel for the applicant submits that the applicant has not been called by the Treasury office. Hence, matter be kept on **3/11/2017**.

Vice Chairman (J)

dnk.

O.A. 580/2015 (D.B.)

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

Dated : 16.10.2017.

None for the applicant.

Shri M.I. Khan, Id. P.O. for R-1 to
3. None for R-4.

S.O. After Vacation.

Vice Chairman (J)

dnk.

O.A. 230/2016 (D.B.)

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

Dated : 16.10.2017.

C.A.429/2017

Heard Shri S.N. Gaikwad, Id. counsel for the applicants and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. According to the learned counsel for the applicants, the applicants are being appointed on 29 days time limit from time to time since 1994 and after giving technical break of one day, they are re-appointed every month. It is

stated that the term is to be completed on 29/10/2017 as per last order and they apprehend that they may not be given further order. In view thereof, the learned P.O. was requested to take instructions from the Dean of Vasantnao Naik Government Medical College and Hospital and Woman Hospital, Yavatmal (R/3) as to whether the competent authority was considering the applicants' request for further order for 29 days.

3. The learned P.O. has placed on record the communication received by e-mail on 16/10/2017. The same is marked Exh-X for the purpose of identification. Wherein it has been stated that it is the practice of appointing the employees for 29 days every month and thereafter issuing re-appointment after giving one day's technical break. It is further stated that as per the Lad Page Committee's recommendations the last employee on the list is to be discontinued while giving appointment. In view thereof, I do not find any difficulty for the respondents to issue order of appointment for 29 days even though the said appointment lapses on 29/10/2017. The C.A. is therefore stands disposed of with direction to respondent no.3 to issue fresh order as

per procedure, i.e., after given technical break in favour of the applicant i.e. for 29 days. No interim order can be granted in favour of applicant no.48 i.e. in respect of Saroj Choudhary.

4. The matter is already heard and it be kept for final hearing on 10/11/2017.

5. Steno copy be supplied to the ld. counsel for parties.

Vice Chairman (J)

dnk.

O.A. 584/2017 (D.B.)

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

Dated : 16.10.2017.

Shri S.P. Palshikar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 1/11/2017** along with other connected matter.

Vice Chairman (J)

dnk.

O.A. 585/2017 (D.B.)

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

Dated : 16.10.2017.

Shri S.P. Palshikar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 1/11/2017** along with other connected matter.

Vice Chairman (J)

dnk.

O.A. 687/2017 (D.B.)

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

Dated : 16.10.2017.

Shri D.M. Surjuse, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 to 3, 5&6. Shri Mahurkar, Id. counsel appears on behalf of R-4 and submits that he will file vakalatnama on behalf of R-4. He also seeks time to file reply.

The learned P.O. seeks time to file reply.

At the request of Id. P.O. as well as Id. counsel for R-4, **S.O. four weeks** for filing reply.

Vice Chairman (J)

dnk.

