

T.A. 392/92 in W.P. 2786/88 (D.B.)

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

Dated : 28.09.2017.

None for the applicant.

Smt. S.V. Kolhe, Id. P.O. for the respondents.

2. On the last occasion Mr. Abhishek Pathak, Id. counsel appeared through S.V. Sirpurkar, Id. counsel for the applicant. It was stated, though it is not mentioned in the order that the learned counsel wants to withdraw the Vakalatnama of the applicant. By way of abundant precaution notice was issued by this Tribunal to the applicant on the address given in the application. The said envelope by RPAD has returned with the endorsement that the addressee was not found. In such circumstances, the matter be kept for dismissal.

3. **S.O. 6/10/2017.**

Vice Chairman (J)

dnk.

O.A.699/2017 (D.B.)

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

Dated : 28.09.2017.

C.A.465/2017

None for the applicants. Shri A.M. Ghogre, Id. P.O. for the State.

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.699/2017 –

Issue notice to R-2 to 6, returnable in **four weeks**. Learned P.O. waives notice for R-1. Hamdast allowed.

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

3. 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.

4. 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.

5. 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.

6 **S.O. four weeks.**

Vice Chairman (J)

dnk.

O.A.829/2016 (D.B.)

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

Dated : 28.09.2017.

C.A.13/2017

None for the applicant.

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

At the request of Id. P.O., **S.O.**
three weeks for filing reply to the C.A.

Vice Chairman (J)

dnk.

O.A.761/2016 (D.B.)

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

Dated : 28.09.2017.

Heard Shri A. Deshpande, Id. Counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

2. Since the pleadings are complete, the matter is admitted and with the consent of parties, same be kept for final hearing after four weeks.

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

S.O. after four weeks.

Vice Chairman (J)

dnk.

O.A.91/2017 (D.B.)

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

Dated : 28.09.2017.

Shri Ankit Dighe, Id. Counsel holding for Shri S.Y. Deopujari, 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 his senior counsel Shri S.Y. Deopujari has been appointed as Government Pleader and therefore his client wants to file fresh Vakalatnama.

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

Vice Chairman (J)

dnk.

O.A.411/2017 (D.B.)

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

Dated : 28.09.2017.

Shri S.P. Palshikar, Id. Counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1&2. None for R-3.

2. The learned P.O. seeks time to file reply. At his request, time is granted by way of last chance subject to the condition that in case the reply is not filed on the next date, heavy cost will be saddled.

S.O. three weeks.

Tagged along with O.A.22/2016 (S.B.).

Vice Chairman (J)

dnk.

O.A.447/2017 (D.B.)

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

Dated : 28.09.2017.

Shri M.M. Sudame, Id. Counsel for
the applicant and Shri P.N. Warjurkar, Id.
P.O. for the respondents.

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

Vice Chairman (J)

dnk.

O.A.614/2015 (D.B.)

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

Dated : 28.09.2017.

Shri S.M. Khan, Id. Counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1 to 3. None for R-4 to 8.

The learned P.O. submits that the MPSC wants to file reply to the amended O.A. for which he seeks further time. At his request, **S.O. three weeks.**

Vice Chairman (J)

dnk.

O.A. No. 358/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 28th September 2017.

Heard Shri N.S. Autkar, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

Reply filed on behalf of R. 2 and 3 is taken on record and its copy is served on the applicant.

The learned counsel for the applicant admits that the applicant has already joined at the place of his transfer and, therefore, the application has become infructuous and therefore, same may be disposed of accordingly. In view thereof, O.A. is disposed of as infructuous with no order as to costs.

Vice-
Chairman(J)

pdg

O.A. No. 453/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 28th September 2017.

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

Respondent No.3 is yet to be served. From the last occasion also, nobody appeared for the applicant.

Applicant to file service affidavit in respect of rest of the respondents.

S.O. **four weeks** for filing reply of R.1.

Vice-

Chairman(J)

pdg

O.A. No. 704/2016.

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 28th September 2017.**

Heard Shri S.P. Palshikar, the learned counsel for the applicant and Mrs. S.V. Kolhe, the learned P.O. for the respondents.

The Ld. P.O. submits that respondent No.1 has adopted the reply filed by respondent No.2. Therefore, there is no need to file separate reply.

As the pleadings are complete, matter is admitted and kept for final hearing after **four weeks.**

Mrs. S.V. Kolhe, the learned P.O. waives notice for all the respondents.

. Vice-Chairman(J)

pdg

O.A. No. 117/2017.

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 28th September 2017.**

Applicant is present in person. His counsel is absent. Shri S.A. Sainis, the learned P.O. for the respondents.

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

Vice-
Chairman(J)

pdg

O.A. No. 330/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 28th September 2017.

Heard Shri P.V. Thakre, the
learned counsel for the applicant and Shri

H.K. Pande, the learned P.O. for the respondents 1 to 3. Shri S.N. Gaikwad, Adv. for R.4.

Ld. P.O. for R. 1 to 3 as well as Ld. Adv. for R.4 seek time to file reply affidavit.

S.O. **two weeks.**

Vice-
Chairman(J)
pdg

O.A. No. 344/2017.

Coram: Shri J.D. Kulkarni,

Vice-Chairman (J).
Dated : 28th September 2017.

Heard Miss K.K. Pathak, the learned counsel for the applicant and Smt. S.V. Kolhe, the learned P.O. for the respondents.

Since pleadings are complete, matter is admitted and kept for final hearing on **3rd October 2017.**

Mrs. S.V. Kolhe, the learned P.O. waives notice for all the respondents.

Vice-
Chairman(J)

pdg

O.A. No. 507/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 28th September 2017.

Heard Shri T. Rahul, the learned counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

The applicant has challenged the impugned order of recovery dated 9.11.2016. The learned counsel for the applicant submits that almost an amount of Rs. 1,00,000/- has been recovered from the applicant out of Rs. 2,05,915/- which was alleged to be paid to him in excess. The Ld. P.O. seeks time to file reply. Time is granted, subject to condition that rest of the amount shall not be recovered till further orders.

S.O. four weeks.

Vice-
Chairman(J)

pdg

O.A. No. 586/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 28th September 2017.

Heard Shri P.V. Thakre, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

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

Chairman(J) . Vice-

pdg

O.A. No. 629/ 2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 28th September 2017.

Heard Shri N.D. Thombre, the learned counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents.

S.O. 29th September 2017.

Chairman(J) . Vice-

pdg

O.A. No. 641/ 2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 28th September 2017.

Heard Shri N.D. Thombre, the learned counsel for the applicant and Smt. S.V. Kolhe, the learned P.O. for the respondents 1 to 4. None for R.5.

At the request of Ld. P.O., S.O. **three weeks** for filing reply.

Chairman(J) . Vice-

pdg

O.A. No. 642/ 2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 28th September 2017.

Heard Shri N.D. Thombre, the learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

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

Chairman(J) . Vice-
pdg

O.A. No. 644/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 28th September 2017.

Heard Shri T.S. Dadhe, the
learned counsel for the applicant and Shri
H.K. Pande, the learned P.O. for the
respondents.

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

Chairman(J) . Vice-
pdg

O.A. No. 647/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 28th September 2017.

Heard Shri M.M. Sudame, the learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents 1 to 5. None for R.6.

At the request of the learned P.O., S.O. **one week** for filing reply.

. Vice-Chairman(J)

pdg

O.A. No. 702/2017.

Coram: Shri J.D. Kulkarni,

Vice-Chairman (J).

Dated : 28th September 2017.

Heard Shri G.G. Bade, the learned counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents.

2. Vide order dated 31.5.2017, the applicant Shri P.W. Arode has been transferred from Pusagondi (Kondhali) Forest Area to Nawegaon Khurd (Deolapar) Forest Area as a Forest Guard.

3. The learned counsel for the applicant submits that the applicant has filed one representation on 30.6.2017 for his transfer at various places instead of Nawegaon Khurd (Deolapar). However, the applicant has come to know that the places of which he has requested for his transfer, are not vacant and, therefore, his representation may not be considered. He, however, submits that one post at Envira is vacant and he wants to file representation for consideration of his transfer at that place i.e. at Envira. He submits that he is still on medical leave. He submits that he will file representation today itself to the competent authority with liberty to file the same and it may be disposed of. In view thereof, following order is passed:-

(i) Application stands disposed of with liberty to the applicant to file representation within a period of one week to the competent authority.

(ii) It is expected that the respondent authority will take appropriate decision on the said representation, if filed within a stipulated period and in any case within a **period of two months** from the date of receipt of the representation.

Vice-
Chairman(J)

pdg

O.A. No. 721/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 28th September 2017.

Heard Shri A.A. Kathane, the learned counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondent No.1.

2. The applicant has challenged the order of his dismissal dated 4.9.2017. It seems that before passing the impugned order of dismissal, a show cause notice was already given to the applicant. Therefore, it is necessary to hear the respondents before passing any order on interim relief.

3. In the meantime, issue notice to the respondent No. 2 returnable after **four weeks.**

4. Shri V.A. Kulkarni, the learned P.O. waives notice for the 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.

Vice-

Chairman(J)

pdg

O.A. No. 722/2017.

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 28th September 2017.**

Heard Shri A.A. Kathane, the learned counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondent No.1.

2. The applicant has challenged the order of his dismissal dated 4.9.2017. It seems that before passing the impugned order of dismissal, a show cause notice was already given to the applicant. Therefore, it is necessary to hear the respondents before passing any order on interim relief.

3. In the meantime, issue notice to the respondent No. 2 returnable after **four weeks.**

4. Shri V.A. Kulkarni, the learned P.O. waives notice for the 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.

Vice-

Chairman(J)

pdg

O.A. No. 176/2010.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 28th September 2017.

Heard Shri S.K. Bansod, Adv. holding for Shri M.B. Agasti, the learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

At the request of the learned counsel for the applicant, S.O. 3rd **October 2017.**

Chairman(J) . Vice-

pdg

O.A. No. 727/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 28th September 2017.

Heard Shri V.P. Marpakwar, the learned counsel for the applicant and Shri M.I.Khan, the learned P.O. for the respondent No. 1.

2. The applicant has been transferred from the post of Junior Geologist, Groundwater Survey and Development Agency (GSDA), Chandrapur to the post of Junior Geologist, Water Supply Department, Z.P., Chandrapur vide order dated 12.5.2017.

3. The Ld. P.O. submits that the applicant was relieved on 15.5.2017, but she has not yet joined at her transferred place. The learned counsel for the applicant submits that the applicant is on medical leave. The applicant is Junior Geologist and it was expected that she should have joined immediately at her transferred place which is in the same town i.e. Chandrapur. The respondents will be at liberty to take departmental

action for non joining of the applicant at the new post.

4. The learned counsel for the applicant submits that the applicant has served for 3 years and 7 months in naxalite affected area and, therefore, as per various circulars issued in the field, she is entitled to claim choice posting. Her husband is working at Nagpur as Jr. Geologist and in the same transfer order, he has been transferred to Nagpur and has joined there. The applicant is also claiming her transfer at Nagpur on the subject of union of husband and wife at one place as per the G.R. It is stated that the applicant has earlier filed representation on 16.5.2017 to the Deputy Secretary to the Govt. of Maharashtra, Department of Water Supply and Sanitation, Mantralaya, Mumbai. Thereafter, she has again filed representation to the concerned Minister on 23.8.2017. However, till today nothing has been heard about her representation. Considering the facts and circumstances of the case, as the applicant has been transferred at Chandrapur itself, she shall immediately join at Chandrapur without prejudice to her rights of transfer claimed in this O.A.

5. The learned P.O. is also directed to take instructions as to what is the status of representation filed by the applicant for cancelation of her transfer.

6. In the meantime, issue notice to the respondents 2 to 4 returnable after **two weeks.**

7. Shri M.I. Khan, the learned P.O. waives notice for the respondent No. 1. Hamdast granted.

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

9. 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.

10. 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.

11. 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.

Chairman(J) . Vice-

pdg