

O.A. 413/2016 (DB)

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

**Dated : 22.1.2018**

Heard Shri S.P. Palshikar, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1&2 and Shri A.D. Tote, Id. counsel for R-3.

2. Since the pleadings are complete, with the consent of learned counsel for parties the matter is admitted and kept for final hearing.

3. The learned P.O. and learned counsel for R-3 waive respective notices.

**S.O. 15/2/2018.**

**Vice Chairman (J)**

dnk.

O.A. 522/2017 (DB)

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

**Dated : 22.1.2018**

Shri Rahul Kishnani, Id. counsel for the applicant and Shri A.M. Khdatkar, Id. P.O. for the respondents.

2. The learned P.O. files reply on behalf of R-1&2. It is taken on record. Copy is served on the applicant.

3. **S.O. two weeks** for filing rejoinder, if necessary.

**Vice Chairman (J)**

dnk.

O.A. 544/2017 (DB)

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

**Dated : 22.1.2018**

Shri J.C. Shukla, Id. counsel for the applicants and Shri V.A. Kulkarni, Id. P.O. for the respondents.

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

**Vice Chairman (J)**

dnk.

O.A. 846/2017 (DB)

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

**Dated : 22.1.2018**

Shri D.T. Shinde, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the respondents.

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

**Vice Chairman (J)**

dnk.

O.A. 873/2017 (DB)

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

**Dated : 22.1.2018**

Shri D.T. Shinde, Id. counsel for the applicants and Shri A.M. Ghogre, 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. 342/2009 with C.A. 100/2017 **(DB)**

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

**Dated : 22.1.2018**

Shri M.V. Mohokar, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for the respondent nos. 1,2&5 and Shri P.R. Pudke, Id. counsel R-3&4.

At the request of Id. counsel for the applicant, **S.O.8/2/2018.**

**Vice Chairman (J)**

dnk.

**O.A. No. 944/2017. (S.B.)**

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

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

None for the applicant. Shri S.A. Sainis, the Ld. P.O. for the respondent No.1.

Await service to R. 2 and 3.

**S.O. three weeks.**

Vice-  
Chairman(J)

pdg

**O.A. No. 975/2017. (S.B.)**

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

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

**ORAL ORDER**

Heard Shri D.P. Dapurkar, the  
learned counsel for the applicant



and Shri V.A. Kulkarni, the Ld. P.O. for the respondent Nos.1, 2 and 4. None for R.3.

2. The learned counsel for the applicant submits that he will file service affidavit during the course of the day.

3. The applicant is serving in Melghat from last five years, which is admittedly a tribal area. The applicant is, therefore, due for transfer and he is claiming the transfer of his choice. He has accordingly filed representation on 17.11.2017 which is at Annexure A-12 in view of G.R. dated 6.8.2002. He is also claiming directions that his representation may be considered.

4. The learned counsel for the applicant submits that the application can be disposed of by giving directions to the respondents to consider his application in the ensuing Annual General Transfer to

be effected in the month of April/ May 2018. Similar order has been passed in O.A.No.68/2017 on 14.3.2017 by this Tribunal. In view of this, following order is passed:-

### **ORDER**

- (i) The respondents are directed to consider the representation filed by the applicant dated 17.11.2017 in view of G.R. dated 6.8.2002 as per its own merits. The same shall be considered at the time of Annual General Transfer to be effected in the month of April/ May 2018.
- (ii) With this, the O.A. stands disposed of with no order as to costs.

Vice-  
Chairman(J)  
pdg

**O.A. No. 977/2017. (S.B.)**

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

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

Heard Shri N.R. Saboo, the learned counsel for the applicant and Shri H.K. Pande, the Ld. P.O. for the respondent No.1.

Await service to R. 2.

The learned counsel for the applicant seeks time to file service affidavit.

S.O. **two weeks.**

Vice-  
Chairman(J)

Pdg

**O.A. No. 978/2017. (S.B.)**

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

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

Heard Shri B. Gajbhiye, the learned counsel for the applicant and Shri S.A. Sainis, the Ld. P.O. for the respondents

Ld. P.O. seeks time for filing reply on behalf of R. 1 and 2.

**S.O. four weeks.**

Vice-Chairman(J)

pdg

**O.A. No. 983/2017. (S.B.)**

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

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

Heard Shri Y. Shukla, the learned counsel for the applicant and Shri S.A. Sainis, the Ld. P.O. for the respondent Nos.1 to 2.

2. The applicant in this case has requested for a direction to respondent Nos.1 and 2 to take instructions / departmental action against respondent No.3 for not

following the Govt. order / Resolution dated 10.10.2017 and for withholding his relieving order as also directions to the respondents to allow him to join the duty at the place of his transfer vide order dated 10.10.2017.

3. The learned P.O. has placed on record the communication dated 10.1.2018 which is marked "X" for identification, from which it seems that the applicant was already relieved from Bhandara on 1.1.2018 so as to join at P.H.C., Mohdura, Distt. Bhandara and he has accordingly joined there on 2.1.2018. Joining report of the applicant is placed on record which is marked "X-1" for identification. O.A., therefore, seems to have become infructuous, since the grievance of the applicant has been redressed. Hence, the following order:-

**ORDER**

The O.A. is disposed of as it  
has become infructuous.

Vice-  
Chairman(J)

pdg



**O.A. No. 854/2017. (S.B.)**

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

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

**Oral order**

Heard Shri D.P. Dapurkar, the learned counsel for the applicant and Shri A.M. Ghogre, the Ld. P.O. for the respondent Nos. 1,2 and 4. None for R.3.

2. The applicant is serving in Somthana, Tehsil Chikhaldara, Distt. Amravati from last four years, which is admittedly a tribal area. The applicant is, therefore, due for transfer and he is claiming the transfer of his choice. He has accordingly filed representation on 25.10.2017 which is at Annexure A-2 in view of G.R. dated 6.8.2002. He is also claiming directions that his representation may be considered.

3. The learned counsel for the applicant submits that the application can be disposed of by giving directions to the respondents to

consider his application in the ensuing Annual General Transfer to be effected in the month of April/ May 2018. Similar order has been passed in O.A.No.68/2017 on 14.3.2017 by this Tribunal. In view of this, following order is passed:-

**ORDER**

- (i) The respondents are directed to consider the representation filed by the applicant dated 25.10.2017 in view of G.R. dated 6.8.2002 as per its own merits. The same shall be considered at the time of Annual General Transfer to be effected in the month of April/ May 2018.
- (ii) With this, the O.A. stands disposed of with no order as to costs.

Vice-  
Chairman(J)

**O.A. No. 855/2017. (S.B.)**

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

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

### **Oral order**

Heard Shri D.P. Dapurkar, the learned counsel for the applicant and Shri A.M. Ghogre, the Ld. P.O. for the respondent Nos. 1,2 and 4. None for R.3.

2. The applicant is serving in Veterinary Dispensary, Rahu, Tehsil Chikhaldara, Distt. Amravati from last four years, which is admittedly a tribal area. The applicant is, therefore, due for transfer and he is claiming the transfer of his choice. He has accordingly filed representation on 25.9.2017 which is at Annexure A-2 in view of G.R. dated 6.8.2002. He is also claiming directions that his representation may be considered.

3. The learned counsel for the applicant submits that the application can be disposed of by giving directions to the respondents to consider his application in the ensuing Annual General Transfer to be effected in the month of April/ May 2018. Similar order has been passed in O.A.No.68/2017 on 14.3.2017 by this Tribunal. In view of this, following order is passed:-

### **ORDER**

- (i) The respondents are directed to consider the representation filed by the applicant dated 25.9.2017 in view of G.R.

dated 6.8.2002 as per its own merits. The same shall be considered at the time of Annual General Transfer to be effected in the month of April/ May 2018.

- (ii) With this, the O.A. stands disposed of with no order as to costs.

Vice-  
Chairman(J)

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

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

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

Heard Shri V.A. Kothale, the learned counsel for the applicant and Shri H.K. Pande, the Ld. P.O. for the respondents.

At the request of the Ld. P.O., S.O. **29.1.2018** for filling counter affidavit by way of last chance.

Vice-Chairman(J)

pdg

**O.A. No. 916/2017. (S.B.)**

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

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

**Oral order**

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

2. It sees that in the O.A. No. 454/2017, this Tribunal vide order dated 31.10.2017 was pleased to direct the respondents to consider the representation filed by the applicant dated 17.3.2017 for revocation of suspension order within one month from the date of order. From the communication dated 18.11.2017 (Annexure A.2), it seems that the Superintendent of Police, Buldhana has even not kept the representation for consideration before the Committee and on the contrary has mentioned that his cases will be kept before the Committee after filing of chargesheet. This action seems to be nothing but the contempt of the order passed by this Tribunal and also against the judgment delivered by the Hon'ble Apex Court in case of **Ajay Kumar Choudhari V/s Union of India reported in (2015) 7 SCC 291.**

3. The Superintendent of Police, Buldhana is, therefore, directed to file his personal affidavit before this Tribunal and to state as to whether he is bound by the order passed by this Tribunal in O.A.No.454/2017 and also by the directions issued by the Hon'ble Apex Court in case of **Ajay Kumar Choudhari** (supra) and why action shall not be taken against him for not following the



directions of this Tribunal in O.A. No. 454/2017 as well as of the Hon'ble Apex Court.

S.O. **three weeks** as a last chance.

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

Vice-  
Chairman(J)

pdg