

**O.A. No. 681 /2015**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

\*\*\*

Shri J.R. Kidilay, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondent no. 1 and 2. Shri P.V. Thakre, Id. Counsel for R/3 to 5.

Ld. Counsel for the applicant wants to file application for amendment. Hence **S.O. after vacation.**

**Member (J)**

Skt.

**O.A. No. 71 /2016**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

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Shri S.P. Palshikar, Id. Counsel  
for the applicant and Shri M.I. Khan,  
Id. P.O. for the respondents.

At the request of Id. Counsel for  
the applicant , **S.O. after vacation.**

**Member (J)**

Skt.

**O.A. No. 681 /2015**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

\*\*\*

Shri J.R. Kidilay, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondent no. 1 and 2. Shri P.V. Thakre, Id. Counsel for R/3 to 5.

Ld. Counsel for the applicant wants to file application for amendment. Hence **S.O. after vacation.**

**Member (J)**

Skt.

**O.A. No. 181 /2015**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

\*\*\*

Shri N.R. Saboo, Id. Counsel  
for the applicant and Shri M.I. Khan,  
Id. P.O. for the respondents 1 and 2.  
Shri P.V. Thakre, Id. Counsel for R/3.

At the request of Id. Counsel for  
the applicant , **S.O. after vacation.**

**Member (J)**

Skt.

**O.A. No. 681 /2015**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

\*\*\*

Shri J.R. Kidilay, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondent no. 1 and 2. Shri P.V. Thakre, Id. Counsel for R/3 to 5.

Ld. Counsel for the applicant wants to file application for amendment. Hence **S.O. after vacation.**

**Member (J)**

Skt.

**O.A. No. 619 /2016**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

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Adv. P.S. Choudhari, Id.  
Counsel for the applicant and  
Smt. S.V. Kolhe, Id. P.O. for the  
respondents.

At the request of Id. Counsel for  
the applicant , **S.O. 27-10-2016.**

**Member (J)**

Skt.

**O.A. No. 681 /2015**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

\*\*\*

Shri J.R. Kidilay, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondent no. 1 and 2. Shri P.V. Thakre, Id. Counsel for R/3 to 5.

Ld. Counsel for the applicant wants to file application for amendment. Hence **S.O. after vacation.**

**Member (J)**

Skt.

**O.A. No. 71 /2016**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

\*\*\*

Shri S.P. Palshikar, Id. Counsel  
for the applicant and Shri M.I. Khan,  
Id. P.O. for the respondents.

At the request of Id. Counsel for  
the applicant , **S.O. after vacation.**

**Member (J)**

Skt.



**O.A. No. 681 /2015**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

\*\*\*

Shri J.R. Kidilay, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondent no. 1 and 2. Shri P.V. Thakre, Id. Counsel for R/3 to 5.

Ld. Counsel for the applicant wants to file application for amendment. Hence **S.O. after vacation.**

**Member (J)**

Skt.

**O.A. Nos. 42 /2016**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

\*\*\*

Heard Shri N.R. Saboo, Id. Counsel for the applicant, Shri M.A. Barabde, Id. P.O. for the respondents 1 to 3 and Shri C.V. Khadse, Id. Counsel for R/4.

**closed for order.**

**Member (J)**

Skt.

**O.A. Nos. 75 /2016**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

\*\*\*

Heard Shri N.R. Saboo, Id. Counsel for the applicant, Shri M.A. Barabde, Id. P.O. for the respondents 1 to 3 and Shri V. Sawarkar, Id. Counsel for R/4.

**closed for order.**

**Member (J)**

Skt.

**O.A. No. 704 /2016**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

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Heard Shri S.P. Palshikar, Id. Counsel for the applicant and Shri A.M. Ghogare, Id. P.O. for the R/1.

The applicant has challenged the conditions in the impugned order of his transfer order dtd. 5/10/2016, in which as many as 7 conditions are incorporated for allowing the applicant to join at the transferred post. It seems that the applicant has accordingly joined on 10/10/2016 but the said joining is on temporary basis and the applicant has been directed to follow the conditions mentioned in the appointment order within 15 days. So far as the fact as to whether such conditions in the transfer order are legal or not will be considered on merits. The respondents are therefore, directed to allow the applicant to

continue to work on the transferred post till the matter is decided on merits. In the meantime, issue notices to the respondents returnable **after 4 weeks.**

Hamdast granted.

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

Applicant is authorized and directed to serve on the Respondent intimation/ notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.

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.

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 three weeks. Applicant is directed to file Affidavit of compliance of notice.

**Member (J)**

Skt.

**O.A. No. 711 /2016**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

\*\*\*

Heard Shri G.G. Bade, Id. Counsel for the applicant and Shri S. Deo, Id. C.P.O. for the R/1.

The applicant has challenged the impugned order of his transfer dtd. 17/10/2016 from which it seems that he has been transferred from the post of Hindi Shorthand Reporter from Nagpur to Mumbai. The Id. Counsel for the applicant submits that the applicant has not yet been relieved. The only reason for the order as mentioned seems to be 'administrative'. Admittedly, the order seems to be mid-term order and no specific reasons are given. In view thereof, the respondents are directed not to relieve the applicant if he is not yet relieved from his post at Nagpur.

Issue Notice to the respondents returnable **after vacation.**

Hamdast granted.

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

Applicant is authorized and directed to serve on the Respondent intimation/ notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.

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.

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 three weeks. Applicant is directed to file Affidavit of compliance of notice.

**Member ( J )**

Skt.



**O.A. No. 712/2016**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

\*\*\*

Heard Shri G.G. Bade, Id. Counsel for the applicant and Shri S. Deo, Id. C.P.O. for the R/1.

The applicant has challenged the impugned order of his transfer dtd. 17/10/2016 from which it seems that he has been transferred from the post of Hindi Shorthand Reporter from Akola to Mumbai. The Id. Counsel for the applicant submits that the applicant has not yet been relieved. The only reason for the order as mentioned seems to be 'administrative'. Admittedly, the order seems to be mid-term order and no specific reasons are given. In view thereof, the respondents are directed not to relieve the applicant if he is not yet relieved from his post at Akola.

Issue Notice to the respondents returnable **after vacation.**

Hamdast granted.

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

Applicant is authorized and directed to serve on the Respondent intimation/ notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.

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.

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 three weeks. Applicant is directed to file Affidavit of compliance of notice.

**Member ( J )**

Skt.

**O.A. No. 714 /2016**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

\*\*\*

Heard Shri G.G. Bade, Id. Counsel for the applicant and Shri S. Deo, Id. C.P.O. for the R/1.

The applicant has challenged the impugned order of his transfer dtd. 17/10/2016 from which it seems that he has been transferred from the post of Hindi Shorthand Reporter from Amravati to Mumbai. The Id. Counsel for the applicant submits that the applicant has not yet been relieved. The only reason for the order as mentioned seems to be 'administrative'. Admittedly, the order seems to be mid-term order and no specific reasons are given. In view thereof, the respondents are directed not to relieve the applicant if he is not yet relieved from his post at Amravati.

Issue Notice to the respondents returnable **after vacation.**

Hamdast granted.

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

Applicant is authorized and directed to serve on the Respondent intimation/ notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.

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.

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 three weeks. Applicant is directed to file Affidavit of compliance of notice.

**Member ( J )**

Skt.

**O.A. No. 715 /2016**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

\*\*\*

Heard Shri G.G. Bade, Id. Counsel for the applicant and Shri S. Deo, Id. C.P.O. for the R/1.

The applicant has challenged the impugned order of his transfer dtd. 17/10/2016 from which it seems that he has been transferred from the post of Hindi Shorthand Reporter from Yavatmal to Mumbai. The Id. Counsel for the applicant submits that the applicant has not yet been relieved. The only reason for the order as mentioned seems to be 'administrative'. Admittedly, the order seems to be mid-term order and no specific reasons are given. In view thereof, the respondents are directed not to relieve the applicant if he is not yet relieved from his post at Yavatmal. Issue Notice to the respondents returnable **after vacation.**

Hamdast granted.

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

Applicant is authorized and directed to serve on the Respondent intimation/ notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.

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.

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 three weeks. Applicant is directed to file Affidavit of compliance of notice.

**Member ( J )**

Skt.

**O.A. No. 433 /2014**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

\*\*\*

None for the applicant.  
Shri A.M. Ghogare, Id. P.O. for the  
respondents.

**S.O. after vacation.**

**Member (J)**

Skt.

**O.A. No. 357 /2014**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

\*\*\*

None for the applicant.  
Shri A.M. Ghogare, Id. P.O. for the  
respondents.

**S.O. after vacation.**

**Member (J)**

Skt.



**O.A. No. 747 /2015**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

\*\*\*

None for the applicant.  
Shri A.M. Ghogare, Id. P.O. for the  
respondents.

**S.O. after vacation.**

**Member (J)**

Skt.

**O.A. No. 34 /2016**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

\*\*\*

None for the applicant.  
Shri A.M. Ghogare, Id. P.O. for the  
respondents.

**S.O. after vacation.**

**Member (J)**

Skt.

**O.A. No. 827 /2015**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

\*\*\*

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

Ld. P.O. seeks time to file reply-  
in-affidavit of R/2.

The applicant to file service  
affidavit in respect of R/2.

**S.O. after vacation.**

**Member (J)**

Skt.

**O.A. No. 647 /2015**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

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Shri S.N. Gaikwad, Id. Counsel holding for Shri G.K. Bhusari, Id. Counsel for the applicant and Shri A. Khadarkar, Id. P.O. for the respondents.

Ld. Counsel for the applicant submits that he will collect the Hamdast today itself and requested time for service.

**S.O. 4 weeks.**

**Member (J)**

Skt.

**O.A. No. 410 /2016**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

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Shri S.N. Gaikwad, Id. Counsel for the applicant. Shri M.I. Khan, Id. P.O. for the respondents.

The Id. Counsel for the applicant submits that the applicant wants to withdraw the O.A. and he is awaiting for proper instructions. On his request, **S.O. after vacation.**

**Member (J)**

Skt.

**O.A. No. 428 /2016**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

\*\*\*

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

Hamdast notices are not  
collected . Hence place for dismissal  
after vacation.

**S.O. after vacation.**

**Member (J)**

Skt.

**O.A. St. No. 1870 /2016**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

**C.A. No.471/2016.**

Heard Shri N.S. Agrawal, Id. Counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the respondents.

This is an application for condonation of delay, wherefrom it seems that there is a delay of 9 months for filing the O.A.

In the O.A., the applicant has claimed his legitimate dues worth Rs. 14,67,533/- along with the interest. For the reasons stated in the application and considering the fact that the legitimate monetary benefits are being prayed by the applicant , the delay of 9 months caused in filing the O.A., is condoned in the interest of justice and equity.

**O.A.**

Issue Noticed to the respondents returnable in 4 weeks.

Hamdast granted.

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

Applicant is authorized and directed to serve on the Respondent intimation/ notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.

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.

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 three



weeks. Applicant is directed to file Affidavit of compliance of notice.

**Member ( J )**

Skt.

**O.A. No. 479 /2016**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

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None for the applicant.  
Shri H.K. Pande, Id. P.O. for the  
respondent no. 1 and 2.

No steps have been taken to  
serve the notice on R/3. The applicant  
is directed to file service affidavit. .

**S.O. after vacation.**

**Member (J)**

Skt.

**O.A. No. 528 /2016**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

\*\*\*

Shri M.L. Vairagade, Id. Counsel for the applicant and Shri A.M. Ghogare, Id. P.O. for the respondents.

The Ld. Counsel for the applicant submits that he has been instructed to withdraw the O.A. He has also filed a written Purnis dtd. 20/10/2016 . In view thereof, the O.A. is disposed of as withdrawn with no order as to costs.

**Member (J)**

Skt.

**O.A. No. 673 /2016**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

\*\*\*

Heard Shri D.M. Kakani, Id. Counsel for the applicant , Shri S. Deo, Id. C.P.O. for the respondent no. 1, Shri J.R. Kidilay, Id. Counsel for R/3 and Shri S.G. Jagtap, Id. Counsel for R/2.

In this O.A., the applicant has challenged his order of transfer dtd. 4/10/2016 from Lower Wardha Canal Sub-division no. 1, Pulgaon to Tultuli Project, sub-division No. 1, Gadchiroli. The Ld. P.O. has placed on record the communication dtd. 15/10/2016 issued by the Under Secretary, Govt. of Maharashtra, wherein the Govt. has agreed to consider the applicant's representation if any for his choice posting considering the fact that the applicant is going to retire in near future. The said communication is

taken on record and marked as 'X' for the purpose of identification. The Id. Counsel for the applicant however objects disposing of the application . Therefore, the respondents are directed to file their reply.

**S.O. after vacation.**

**Member (J)**

Skt.

**O.A. No. 336 /2016**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

\*\*\*

Shri D.M. Kakani, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondent no. 1 and 2. Shri S.P. Palshikar, Id. Counsel for R/3 .

Ld. Counsel for R/3 seeks time to file reply-in-affidavit.

**S.O. after vacation.**

**Member (J)**

Skt.

**O.A. No. 596 /2016**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

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**C.A. No.477/2016**

Shri R.S. Suryavanshi, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondent no. 1 and 2. None for R/3 and 4.

At the request of Id. Counsel for the applicant, **S.O. after vacation.**

**Member (J)**

Skt.

**O.A. No. 196 /2016**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

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Heard Shri S.N. Gaikwad, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

The applicant is serving as Co-operative Officer, Grade-I under the respondents and has been kept under suspension vide the impugned order dtd. 10/3/2016. The said order is at Annexure-A-1 at paper book page nos. 9 to 11 ( both inclusive). The applicant has been kept under suspension since a criminal case under the Prevention of Corruption Act has been registered against him at Police Station, Mehkar, Distt. Buldhana. It is stated that no departmental enquiry has yet been initiated against the applicant though the applicant has been kept under suspension from 10/3/2016. The reply-in-affidavit is also filed on behalf



of R/1 to 3. The preliminary objection is taken in respect of an appeal is not filed against the order of suspension as required under Rule 17(1) and (2) of the Maharashtra Civil Services ( Discipline and Appeal ) Rules, 1979 .

In the reply-in-affidavit a reference has been given to the resolution dtd. 14/10/2011 whereby some competent Review Committees have been formed and it is stated that the applicant can therefore be approached such Review Committee.

Perused the G.R. dtd. 14/10/2011 issued by the Govt. of Maharashtra . It is in the form of guidelines for taking stock of the cases of the employees under suspension periodically. As per the G.R. different levels are formed to consider the cases of such employees who are under suspension.

The Id. Counsel for the applicant submits that the case of the applicant shall be forwarded to such Committee for taking appropriate decision and the Committee shall be directed to take such decision within a stipulated period. In view of the discussions as aforesaid, the O.A. stands disposed of with directions to the respondents to place the case of the applicant before the Review Committee as per the G.R. dtd. 14/10/2011 for considering the case of the applicant for revocation of suspension. If the Committee comes to the conclusion that the applicant's suspension be revoked, it may pass necessary orders accordingly or otherwise. The decision shall be taken within 2 months from the date of this order and shall be communicated to the applicant in writing. No order as to costs.

**Member (J)**

Skt.

**O.A. No. 248 /2016**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

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Shri D.M. Kakani, Id. Counsel for the applicant and Shri A.M. Ghogare, Id. P.O. for the respondent no. 1 a to 3. None for R/4 and 5.

Ld. P.O. files reply-in-affidavit to the amended O.A. on behalf of R/2. The Id. Counsel for the applicant submits that he will go through the same and hence the matter be kept for final hearing.

**S.O. after vacation.**

**Member (J)**

Skt.

**O.A. No. 334 /2016**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

\*\*\*

Shri N.R. Saboo, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondent no. 1 and 2. Shri S.C. Deshmukh, Id. Counsel for R/3 . None for R/4 and 5.

Ld. Counsel for the applicant submits that he has received the copy of the reply filed by R/4 and wants to go through it. Hence, **S.O. after vacation.**

**Member (J)**

Skt.

**O.A. No. 473 /2016**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

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Shri S.N. Gaikwad, Id. Counsel  
for the applicant and Shri S. A.  
Sanis, Id. P.O. for the respondents.

Ld. P.O. seeks time to file reply.

**S.O. after vacation.**

**Member (J)**

Skt.

**O.A. No. 507 /2016**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

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Heard Shri U.Y. Sonkusare, Id. Counsel for the applicant and Shri A. Khadatkar, Id. P.O. for the respondents.

The Id. P.O. seeks time to file reply-in-affidavit on the ground that he has received some more instructions in this matter and he requests that the matter be adjourned to after vacation. The Id. Counsel for the applicant

strongly objected for the said prayer on the ground that the Id. P.O. has already taken so many chances. He has requested that in the meantime stay be granted. The said interim order is in the form of stay to the transfer order dtd. 27/5/2016 at Annexure-A-11. The Id. Counsel for the applicant submits that he could not join the posting since he was not allowed. From the facts on record it

seems that the applicant was absent from duty and according to the respondents, the said absence is unauthorized. The applicant has been directed to appear before the Medical Board but he did not appear. All these matters will have to be considered on merits and the reply of the respondents is necessary.

**S.O. after vacation.**

**Member (J)**

Skt.

**O.A. No. 604 /2016**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

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None for the applicant. Shri S.  
Deo, Id. C.P.O. for the respondents.  
At his request, **S.O. 4 weeks.**

**Member (J)**

Skt.



**O.A. No. 697 /2016**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

\*\*\*

Shri N.R. Saboo, Id. Counsel  
for the applicant and Shri A. M.  
Ghogare, Id. P.O. for the  
respondents. At his request, **S.O. 2**  
**weeks to file reply in affidavit.**

**Member (J)**

Skt.

**O.A. No. 686 /2016**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

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Shri D.S. Raut, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondent no. 1 and 2. Ld. Counsel holding for R/3 submits that he will file his Vakalatnama and seeks time to file reply-in-affidavit on behalf of R/3. Ld. P.O. also seeks time to file reply-in-affidavit of R/1 and 2. At the request of Id. P.O. as well

as Id. Counsel for R/3, **S.O. after vacation.**

**Member (J)**

Skt.

**O.A. No. 610 /2016**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

\*\*\*

Shri S. Katkar, Adv. holding for Shri N.R. Saboo, Id. Counsel for the applicant and Shri S.A. Sanis, Id. P.O. for the respondents. He seeks time to file reply-in-affidavit. At his request , **S.O. after vacation**

Skt.

**O.A. No. \_\_\_\_\_/2016**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

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Shri J.R. Kidilay, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondent no. 1 and 2. Shri P.V. Thakre, Id. Counsel for R/3 to 5.

Ld. Counsel for the applicant wants to file application for amendment. Hence **S.O. after vacation.**

**Member (J)**

Skt.

**O.A. No. 713 /2016**

**Coram : J.D. Kulkarni : M (J).**

**Dated : 26<sup>th</sup> October, 2016.**

\*\*\*

Heard Mrs. Mugdha Chandurkar, the Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondent no.1.

2. The applicant was working as Block Technology Manager (BTM ) at Bramhapuri, Distt. Chandrapur under Respondent No. 5. He has been terminated vide order dtd. 30/8/2016. Prior to that his services came to an end as per the order passed by the Project Director ( ATMA), Chandrapur vide order dtd. 16/4/2016. These two orders are subject matter of this O.A. and the applicant is claiming that these orders be quashed and set aside. The applicant is also claiming stay to the effect and operation of these orders and also direction to the respondents to re-appoint the applicant as BTM under the

jurisdiction of Respondent No. 5 in view of the order passed by the Aurangabad Bench of the Hon'ble High Court in W.P. No.5060/2015 and not to appoint any person on the vacant post during the pendency of this petition. By way of interim relief the applicant is claiming stay to the effect and operation of the order dtd. 30/8/2016 and also a direction that one post of BTM be kept vacant and the respondents be directed to appoint the applicant with immediate effect on the said post.

3. The Id. Counsel for the applicant invited my attention to various orders which are placed on record of the paper book at page no. 27 onwards from which it seems that the applicant has been appointed time and again for a temporary period of one year as BTM. It seems that the applicant has been so appointed since the existence of the scheme from 2010 also. However, vide the impugned orders

the services of the applicant have come to an end.

4. The Id. Counsel for the applicant also invited my attention to the order passed by the Hon'ble High Court of Judicature at Bombay, Bench at Aurangabad in W.P. No.5060/2015 on 24/8/2016. The relevant operative order is as under :-

“ **ORDER**

- (i) The impugned communication dated 9<sup>th</sup> April, 2015, to the extent of Clause-2 issued by respondent no. 2 directing appointment on contract basis through outsourcing, is hereby quashed and set aside.
- (ii) The respondents shall continue the services of the members of the petitioner until continuation of the scheme sponsored by



Respondent no.1 –Union of India or until they attain the age of superannuation, whichever occurs earlier, subject of course to earlier termination either on medical or disciplinary ground or for unsatisfactory performance.”

5. The Id. Counsel for the applicant therefore submits that the services of the applicant should have been protected.

6. The plain reading of the aforesaid orders shows that the respondents were directed to continue the services of the members of the Association i.e. ‘ATMA’ Employees Welfare Association, Aurangabad until its member attains the age of superannuation subject to certain conditions. The said order clearly shows that the continuation was subject to course to earlier termination either on medical or

disciplinary ground or for unsatisfactory performance.

7. Perusal of the documents placed on record particularly, Annexure-A-1 shows that against the order of termination of contract dtd. 16/4/2016 the applicant preferred an appeal and the appellate authority i.e. the Director, ATMA, Commissioner of Agriculture, Pune passed the impugned order annexed with the letter dtd. 20/8/2016. The said decision is as under :-

“ fu.kz

1½ Jh- dSyk'k l gkjsysi dYi l pkyd vkRek] pni j ; kauh l krR; kus i = nmul q k dk; kzy; kr vuq fLFkr jkghysvkgr-

2½ i dYi l pkyd vkRek] pni j ; kauh i =k}kjsr l p ekf l d vk<kok l Hke/; sl puk nmugh vko' ; d

ekghrh ofj" B dk; kŷ; kl foghr  
emrhe/; sl knj dŷh ukgh-

3½ 'kr djh fe=kph fuoM ; knh i dYi  
l pkyd vkRek] pni j ; k  
dk; kŷ; kl l knj djrkauk  
dkskrhgh dkG th?kryh ukgh-

4½ djkj rRokojhy i nHkjrhP; k vVh o  
'krhLud kj fuoM gkoq rkyok  
ra-Kku 0; oLFki d inkoj dke  
djhr vl rkauk vVh o 'krhpk Hkx  
d: u tkxrh vkks QM+ bñM; k  
ik; Ogŷ/ fyehMM] iajig ; k  
[ktxh dā uhpsdke dŷ; kpsLi "V  
gkr vkgs

Jh- dŷk'k 'kgkjs ; kps ckcrhr i dYi  
l pkyd ¼vkRek½] pni j ; kauh dŷh dk; bkgh  
; kŷ; vkgs"

8. Considering the facts that the applicant was given full opportunity to submit his case before the appellate authority to consider, did not avail that opportunity and considering the fact

that the services are not continued for valid reasons as mentioned in the appellate order, it will not be in the interest of justice and equity to grant any interim relief in applicant's favour. Whatever interim order is to be granted can be only after hearing the parties on merits. The interim relief claimed if granted, that will amount to decision of the O.A. itself and it will be necessary to see as to whether the termination of the services of the applicant falls within the Clause 2 of the order passed in W.P. 5060/2015. The Id. Counsel for the applicant submits that nobody is appointed in place of applicant till today. In view of this, the respondents are directed not to appoint anybody in place of the applicant, provided nobody is appointed, till filing of the reply in this O.A. In view thereof, Issue notices to the respondents returnable within 3 weeks.

Hamdast granted.

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

Applicant is authorized and directed to serve on the Respondent intimation/ notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.

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.

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 three weeks. Applicant is directed to file Affidavit of compliance of notice.

**Member ( J )**

Skt.

Rev. Appn. No.07/16in O.A.  
No.243/2015.

**CORAM** : J.D. Kulkarni, Member (J)

**DATE** : 26<sup>th</sup> October 2016.

Shri N.R. Saboo, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents 1 to 3. Shri D.A. Sonwane, Id. counsel for R/4. At his request, **S.O. after Diwali Vacation.**

**Member**

**(J)**

Skt/

**O.A. No.17/2016.**

**CORAM** : J.D. Kulkarni, Member (J)

**DATE** : 26<sup>th</sup> October 2016.

Shri S.P. Palshikar, Id. counsel for the applicant. Shri M.I. Khan, Id. P.O. for the respondents 1 and 2. Shri C.V. Khadse, Adv. holding for Shri P. Rane, Id. counsel for R/3 and 4. At his request, .

**S.O. after Diwali Vacation.**

Member

(J)

skt

**O.A. No.503/2015.**

**CORAM** : J.D. Kulkarni, Member (J)

**DATE** : 26<sup>th</sup> October 2016.

Shri S.C. Deshmukh, Id. counsel  
for the applicant and Smt. M.A. Barabde,  
Id. P.O. for the respondents.

Ld. P.O. seeks time to file reply in  
affidavit.

S.O. after Diwali Vacation.

Member  
(J)

skt



**O.A. No.476/2015.**

**CORAM** : J.D. Kulkarni, Member (J)

**DATE** : 26<sup>th</sup> October 2016.

Shri S.N. Gaikwad, Adv. holding for Shri I.S. Charlewar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents 1 to 3. Shri C.V. Khadse, Id. counsel for R/4 and 5.

Ld. P.O. seeks time to file reply in affidavit of R/1 to 3. Ld. counsel for R/4 and 5 submits that he has not received the Annexures appended to the O.A. Ld. counsel for the applicant undertakes to supply the same before the next date.

**S.O. after Diwali Vacation.**

Member  
(J)

skt

**O.A. No.132/2016.**

**CORAM** : J.D. Kulkarni, Member (J)

**DATE** : 26<sup>th</sup> October 2016.

**C.A. No.484/2015**

Heard Shri P.D. Meghe, Id.  
counsel for the applicant and M.I. Khan,  
Id. P.O. for the respondents.

**Closed for orders.**

Member  
(J)

skt

**O.A. No.77/2016.**

**CORAM** : J.D. Kulkarni, Member (J)

**DATE** : 26<sup>th</sup> October 2016.

Shri A.K. Waghmare, Id. counsel  
for the applicant and Shri M.I. Khan, Id.  
P.O. for the respondents.

**S.O. 27/10/2016 at 3.00 p.m.**

**Member**

**(J)**

skt



**O.A. No.177/2015.**

**CORAM** : J.D. Kulkarni, Member (J)

**DATE** : 26<sup>th</sup> October 2016.

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

The respondent no. 1 has filed reply the same has been taken on record, copy has been served to the applicant.

The applicant has challenged the show cause notice relating to dismissal. In view of the order dated 29/03/2016 the applicant is already dismissed. The Id. counsel for the applicant submits that the application has become infructuous and the same may be disposed off. The applicant has already challenged the dismissal order before the competent authority. All aspects are kept open.

Hence the O.A. become disposed of with no order as to costs.

Steno copy is to be given.

Member  
(J)

aps

**O.A. No.204/2015.**

**CORAM** : J.D. Kulkarni, Member (J)

**DATE** : 26<sup>th</sup> October 2016.

**C.A. No.501/2016.**

Smt. S.K.Paunikar, Id. counsel for the applicant and Shri Warjurkar, Id. P.O. for the respondents no. 1 to 3. None for R-4.

The applicant wants to delete the name of the applicant number 6 to 8 from the original application for the reason in the application the applicant is allowed to delete the name of the applicant 6 to 8 from O.A.. In view of this C.A. 501/16 stands disposed off. The Id. counsel for the applicants submits that she wants to move the Principle Bench of the Tribunal for transfer of this O.A. to Mumbai.

**O.A.No.204/2015.**

S.O. after Diwali Vacation.

Member  
(J)

aps

**O.A. No.400/2015.**

**CORAM** : J.D. Kulkarni, Member (J)

**DATE** : 26<sup>th</sup> October 2016.

Smt. S.K.Paunikar, Id. counsel for  
the applicant and Shri Warjurkar, Id. P.O.  
for the respondents.

S.O. after Diwali Vacation.

*Put up this O.A. alongwith  
connected O.A. No. 400/2015.*

Member  
(J)

aps

**O.A. No.676/2016.**

**CORAM** : J.D. Kulkarni, Member (J)

**DATE** : 26<sup>th</sup> October 2016.

Shri Pravin J. Pandey holding for Shri S.S.Dhengale, Id. counsel for the applicant and Shri S.Deo, Id. C.P.O. for the respondents no 1 to 3.

At the request of Id. counsel for the applicant, **S.O. tomorrow (27.10.2016).**

Member  
(J)

aps



**Cont. P.St.1190/2016 in O.A.  
No.358/2015.**

**CORAM** : J.D. Kulkarni, Member (J)

**DATE** : 26<sup>th</sup> October 2016.

**C.A.No.295/16:-**

Shri D.Patil, Id. counsel for the applicant and Smt. Kolhe, Id. P.O. for the respondents no. 1 to 3. Shri P.K.Raulkar, Id. counsel for R-4 and Shri N.B.Kalwaghe for R-5.

C.A. is for permission to initiate contempt proceeding against the respondents no. 1 & 2.

The Ld. counsel for the applicant invites my attention to the order passed in O.A. 358/2015 on 06/05/2016. In the said O.A. the applicant has challenged his transfer from the post of District Health Officer Buldhana to Washim, District – Akola. In the said O.A. this Tribunal was pleased to observe in paragraph no. 9, 10 and 11 as under:-

**10. Any how fact remains that the applicant's transfer is a**

**mid-term without compliance of provisions of Section 4 (4) (ii) of the Transfer Act and as such the order cannot be legal and valid.**

**11. Consequently, the O.A. is allowed. The transfer of the applicant vide order dated 29.06.2015 (A-5, P-23) is quashed. No order as to costs.**

According to the Id. counsel for the applicant the respondents should have cancelled his transfer order from Buldhana to Washim and thereafter should have passed necessary order. Instead of doing so they have issued the impugned order dated 31/05/2016 where by the applicant has been transferred to Latur and he was soon transferred at Washim. The Id. counsel submits that even for one day the applicant should have been posted at Buldhana in view of setting aside of earlier order of transfer from Buldhana to Washim and therefore the respondent have committed Contempt of the order of this Court.

It seems from the record that the impugned order of transfer against which the Contempt has been alleged, has been passed on 06/05/2016 and by the order of transfer dated 31/05/2016 the applicant has been transferred from Washim to Latur. The Id. counsel for the applicant admitted that no

stay was granted to his transfer order from Buldhana to Washim and therefore he was required to join at Washim. Thus admittedly on the date of issuing of such transfer order dated 31/05/2016 the applicant was serving at Washim.

In view of these circumstances I don't find any merits in the applicant's claim. If the applicant is aggrieved by his subsequent order of transfer from Washim to Latur, he will be at liberty to challenge the same by filing separate O.A. In the result there is no merit in the application. Hence the C.A. and the Cont. Pet. St.1190/16 for contempt stands dismissed.

Member  
(J)

aps

**O.A. No.440/2015.**

**CORAM** : J.D. Kulkarni, Member (J)

**DATE** : 26<sup>th</sup> October 2016.

Heard Shri Bharat Kulkarni, Id. counsel for the applicant and Shri Pandey, Id. P.O. for the respondents.

This O.A. is at the admission stage itself, however the Ld. counsel for the applicant submits that he wants to file some of the Judgments on the record and seeks time, S.O. after Diwali Vacation.

Member  
(J)

aps

**O.A. No.461/2016.**

**CORAM** : J.D. Kulkarni, Member (J)  
**DATE** : 26<sup>th</sup> October 2016.

None for the applicant and Shri S.Deo, Id. C.P.O. for the respondents.

Heard, Id. C.P.O., in this O.A. the applicant has claim appointment to the post of Police Constable. During pendency of the application the Id. counsel for the applicant filed Pursis mentioning that he has no instruction to prosecute the O.A. The Id. C.P.O. has

placed on record the copy of the order dated 19/03/2016 from which it seems that the applicant has been given appointment, the said copy of the order is marked as exhibit "X" for the purpose of identification. In view thereof it seems that the grievance in O.A. has been satisfied and therefore the applicant may not be interested in proceeding the O.A. Hence the O.A. stands dismissed.

Member  
(J)

aps

**O.A. No.483/2016.**

**CORAM** : J.D. Kulkarni, Member (J)

**DATE** : 26<sup>th</sup> October 2016.

Shri N.R.Saboo the Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the respondents.

The Id. counsel for the applicant submits that this is the third chance given to the respondents and the respondents are likely to fill up the post. If such post is

filled in it will be subject to outcome of this O.A.

The Id. P.O. seeks time to file the reply, **S.O. after Diwali Vacation.**

Member  
(J)

aps

**O.A. No.618/2016.**

**CORAM** : J.D. Kulkarni, Member (J)

**DATE** : 26<sup>th</sup> October 2016.

Shri S.M.Khan, the Id. counsel for the applicant and Shri S.Deo, Id. C.P.O. for the respondents.

At the request of Id. C.P.O., S.O. four weeks time to file the reply.

Member  
(J)

aps

**O.A. No.52, 53, 54, 55, 56, 57, 224, 226,  
227 of 2016.**

**CORAM** : J.D. Kulkarni, Member (J)  
**DATE** : 26<sup>th</sup> October 2016.

Shri R.S.Khobragade, the Id.  
counsel for the applicant and Shri



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

The Id. P.O. seeks time to file reply on behalf of Respondent no. 1. **S.O. after Diwali Vacation.**

Member  
(J)

aps

**O.A. No.52, 53, 54, 55, 56, 57, 224, 226, 227 of 2016.**

**CORAM** : J.D. Kulkarni, Member (J)  
**DATE** : 26<sup>th</sup> October 2016.

Shri R.S.Khobragade, the Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the respondents.

The Id. P.O. seeks time to file reply on behalf of Respondent no. 1. **S.O. after Diwali Vacation.**

Member  
(J)

aps

**O.A. No.52, 53, 54, 55, 56, 57, 224, 226, 227 of 2016.**

**CORAM** : J.D. Kulkarni, Member (J)

**DATE** : 26<sup>th</sup> October 2016.

Shri R.S.Khobragade, the Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the respondents no. 1 to 4.

The Id. P.O. seeks time to file reply on behalf of Respondents. **S.O. after Diwali Vacation.**

Member  
(J)

aps

**CORAM** : J.D. Kulkarni, Member (J)

**DATE** : 26<sup>th</sup> October 2016.

Shri R.S.Khobragade, the Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the respondents.

The Id. P.O. seeks time to file reply on behalf of Respondent no. 1. **S.O. after Diwali Vacation.**

Member  
(J)

aps

**O.A. No.52, 53, 54, 55, 56, 57, 224, 226,  
227 of 2016.**

**CORAM** : J.D. Kulkarni, Member (J)

**DATE** : 26<sup>th</sup> October 2016.

Shri R.S.Khobragade, the Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the respondents.

The Id. P.O. seeks time to file reply on behalf of Respondent no. 1. **S.O. after Diwali Vacation.**

Member  
(J)

aps

**O.A. No.52, 53, 54, 55, 56, 57, 224, 226,  
227 of 2016.**

**CORAM** : J.D. Kulkarni, Member (J)

**DATE** : 26<sup>th</sup> October 2016.

Shri R.S.Khobragade, the Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the respondents.

The Id. P.O. seeks time to file reply on behalf of Respondent no. 1. **S.O. after Diwali Vacation.**

Member  
(J)

aps

**O.A. No.52, 53, 54, 55, 56, 57, 224, 226,  
227 of 2016.**

**CORAM** : J.D. Kulkarni, Member (J)  
**DATE** : 26<sup>th</sup> October 2016.

Shri R.S.Khobragade, the Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the respondents.

The Id. P.O. seeks time to file reply on behalf of Respondents. **S.O. after Diwali Vacation.**

Member  
(J)

aps

**O.A. No.52, 53, 54, 55, 56, 57, 224, 226,  
227 of 2016.**

**CORAM** : J.D. Kulkarni, Member (J)  
**DATE** : 26<sup>th</sup> October 2016.

Shri R.S.Khobragade, the Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the respondents.

The Id. P.O. seeks time to file reply on behalf of Respondents no.1 to 3 & 5.

**S.O. after Diwali Vacation.**

Member  
(J)

aps



**O.A. No.52, 53, 54, 55, 56, 57, 224, 226,  
227 of 2016.**

**CORAM** : J.D. Kulkarni, Member (J)  
**DATE** : 26<sup>th</sup> October 2016.

Shri R.S.Khobragade, the Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the respondents.

The Id. P.O. seeks time to file reply on behalf of Respondents. **S.O. after Diwali Vacation.**

Member  
(J)

aps