

O.A.726/2016

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

**Dated : 10.07.2017.**

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

2. The Office has received a letter dated 16/6/2017 from the applicant, in which it is stated that the applicant wants to withdraw the O.A. since the applicant and other Pensioners have filed similar group matters for same cause of action before the M.A.T., Bench at Mumbai and therefore he seeks permission to withdraw the O.A. Today none appeared for the applicant.

**S.O. 11/7/2017** for orders.

**Vice Chairman (J)**

dnk.

O.A.Nos. 448 & 449 of 2017

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

**Dated : 10.07.2017.**

Heard Shri D.M. Kakani, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. for the State.

2. Vide impugned order dated 31/5/2017 the applicant, Dr. N.H. Lokhande in O.A.No.448/2017 has been transferred from P.H.C., Parwa, Dist. Yavatmal to P.H.C., Wagholi, Dist. Pune. Whereas, the applicant, Dr. S.Y. Murmure in O.A.No.449/2017 has been transferred from P.H.C., Kayar, Dist. Yavatmal to Kinwat, Dist. Nanded. As per the Condition no.1 of the transfer order the Competent Authority has been directed to relieve the persons who are transferred with immediate effect and the Officers were directed to join at the new postings immediately. The Condition no.6 of transfer order stated that the Officers shall be relived and shall join their respective postings on or before 15/6/2017, failing which, the Officers will not be entitled to pay and allowances.

Inspite such conditions, the respondent nos. 2 and 3 are not reliving the respective applicants. The applicants have filed representations to that effect also.

3. The respondent nos. 2 and 3 shall file affidavit stating the reasons as to why they have not complied with the Conditions of the order and not relived the applicant. They shall also mention as to whether they are bound to oblige the order of respondent no.1 or not.

5. Issue notice to R-2 and 3, returnable on 21/7/2017. Learned P.O. waives notice for R-1. Hamdast allowed.

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

7. 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.

8. 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.

9. 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.

10. **S.O. 21/7/2017.**

**Vice Chairman (J)**

dnk.

O.A.No. 455 of 2017

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

**Dated : 10.07.2017.**

Heard Shri S. Borkar, Id. counsel for the applicants and Shri P.N. Warjurkar, Id. P.O. for the State.

2. The applicant has joined as a Junior Engineer at Bhandara on 18/10/2012. The said Division has been shifted to Gadchiroli on 26/5/2017 and since then the applicant is working at Gadchiroli.

3. Vide impugned order dated 31/5/2017, the applicant has been transferred from Vidarbha Hydroelectric and Lift Irrigation, Sub Division no.3, Bhandara to Vidarbha Hydroelectric and Lift Irrigation, Sub Division no.1, Khamgaon. The learned counsel for the applicant invited my attention to one Notification issued by Government of Maharashtra on 28/4/2015. The copy of which is placed on record and marked Anex-A-6 from which, it seems that some rules have been formulated for allotment of various Divisions. The Bhandara

comes within the Division of Nagpur, whereas, Buldhana and Akola comes under the Amravati Division. The applicant has been transferred from Bhandara to Khambhaon, Dist. Buldhana. As per the said Notification the persons to be transferred in another Division must have completed at least 9 years as per Clause 8 (1) (b) of that Notification.

4. The applicant has made a statement in his affidavit that he is yet to be relived from the post of Deputy Engineer, Sub- Division, Gadchiroli and nobody is posted in his place. In view thereof, the respondents are directed not to relieve the applicant from Gadchiroli, if not yet relived till further orders.

5. In the meantime, Issue notice to R-2 to 5, returnable in **two weeks**. Learned P.O. waives notice for R-1. Hamdast allowed.

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

7. 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.

8. 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.

9. 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.

10. **S.O. two weeks.**

**Vice Chairman (J)**

dnk.

O.A.No. 456 of 2017

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

**Dated : 10.07.2017.**

Heard Shri S. Borkar, Id. counsel for the applicants and Shri S.A. Sainis, Id. P.O. for the State.

2. The applicant is a Livestock Development Officer and vide impugned order dated 31/5/2017 he has been transferred from Gondia to Gadchandur, Tq. Korpana, Dist. Chandrapur (P-17). The applicant has given history of tenure of his posting in para no.1 of the application from which it seems that the applicant since 1/6/1989 to 31/5/2017 has practically worked for 27 years in the naxalite affected areas. Again vide impugned order dated 31/5/2017 he has been posted to naxalite affected area. It is admitted fact that the applicant has not yet been relieved.

3. The applicant has filed representation on 31/5/2017. The copy of which is placed on record at Annex-A-2 at P.B. page no.31. The applicant is due for retirement in 2020 and has requested that



he may be accommodated in Bhandara District. He has also given choice for his posting in the said representation. The learned counsel for the applicant submits that the directions may be issued to the respondent authority to consider his representation dated 31/5/2017 and till that time the applicant may not be relieved and for this purpose the O.A. is filed. In view thereof, the following order:-

**ORDER**

The O.A. stands disposed of with a direction to respondent no.1 to take decision on the representation filed by applicant on 31/5/2017 within six weeks from the date of receipt of that representation and the decision shall be intimated to the applicant in writing. Till the decision is taken as aforesaid, the applicant shall not be relieved from his post at Gondia. No order as to costs.

**Vice Chairman (J)**

dnk.

O.A.No. 467 of 2017

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

**Dated : 10.07.2017.**

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

2. The applicant has challenged the impugned order dated 4/7/2017 whereby the applicant has been transferred from Economic Offence Wing to Traffic Branch at Nagpur itself. It is stated that the order is in the interest of administration. The learned counsel for the applicant submits that it is not mentioned in the order as to whether the same is in the public interest and exceptional circumstances, have not been made out. The learned P.O. submits that he will take instructions and will file reply till day after tomorrow. Prima facie, it seems that the applicant was posted in the Property Cell in Economic Offence Wing, just six months prior to impugned order is issued and therefore he is not due for transfer. It is stated that the applicant has not yet been relived. The respondents are therefore

directed not to relive the applicant, in case he is not yet relived. The respondents shall file reply till 14/7/2017.

3. In the meantime, Issue notice to R-2 and 3, returnable on 14/7/2017 . Learned P.O. waives notice for R-1. Hamdast allowed.

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

5. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

6. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

7. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one

week. Applicant is directed to file Affidavit of compliance and notice.

8. **S.O. 14/7/2017.**

**Vice Chairman (J)**

dnk.

O.A.509/2010

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

**Dated : 10.07.2017.**

Shri Renu, Id. counsel holding for Shri R. Joshi, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

2. The Id. counsel for the applicant submits that the issue involved in this O.A. has been decided by this Tribunal in O.A.Nos. 683 & 719 of 2010 and therefore he seeks permission to keep on record Judgment delivered in these O.As. This office is directed to place the record of the said O.As. for perusal of this Tribunal.

3. **S.O. 14/7/2017** along with other connected matter.

**Vice Chairman (J)**

dnk.

O.A.642/2010

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

**Dated : 10.07.2017.**

Shri R.V. Shiralkar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

2. The Id. counsel for the applicant submits that the issue involved in this O.A. has been decided by this Tribunal in O.A.Nos. 683 & 719 of 2010 and therefore he seeks permission to keep on record Judgment delivered in these O.As. This office is directed to place the record of the said O.As. for perusal of this Tribunal.

3. **S.O. 14/7/2017** along with other connected matter.

**Vice Chairman (J)**

dnk.

O.A.724/2016

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

**Dated : 10.07.2017.**

Shri S. Borkar, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1 to 3 and Shri A.P. Tathod, Id. counsel for R-4.

2. The learned counsel for the applicant submits that he will take instructions as to whether the applicant wants to file representation. At his request, **S.O. 24/7/2017.**

**Vice Chairman (J)**

dnk.

O.A.453/2017

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

**Dated : 10.07.2017.**

None for the applicant. Smt. M.A. Barabde, Id. P.O. for the State.

2 Issue notice to R-2 to 4, returnable **three weeks**. Learned P.O. waives notice for R-1. Hamdast allowed.

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

4. 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.

5. 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.



6. 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.

7. **S.O. three weeks.**

**Vice Chairman (J)**

dnk.

O.A.445/2017

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

**Dated : 10.07.2017.**

Heard Shri D.M. Kakani, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1.

2. The applicant has challenged the impugned order dated 26/5/2017 whereby he has been transferred from Ramtek Bhamragad as BDO. Admittedly, the applicant has been relived and therefore the learned counsel for the applicant submits that the matter be disposed of on merit for which purpose the respondents will have to be given to file reply.

3. Hence, issue notice to R-2 and 3, returnable **two weeks**. Learned P.O. waives notice for R-1. Hamdast allowed.

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

5. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with

complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

6. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

7. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

8. The respondents are directed to file reply-affidavit without fail before the next date.

8. **S.O. two weeks.**

**Vice Chairman (J)**

dnk.

O.A.293/2017

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

**Dated : 10.07.2017.**

None for the applicant. Shri P.N. Warjurkar, Id. P.O. for R-1 to 3 and Ms. A. Lanjewar, Id. counsel for R-4.

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.

O.A.186/2017

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

**Dated : 10.07.2017.**

Shri N. Autkar, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

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

**Vice Chairman (J)**

dnk.

O.A.143/2017

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

**Dated : 10.07.2017.**

Shri Kakani, Id. counsel holding for Shri M.R. Pillai, Id. counsel for the applicant, Shri S.A. Deo, Id. CPO for R-1 to 3 and Shri K.D. Deshpande, Id. counsel for R-4.

Learned CPO seeks time to file reply on behalf of R-1&2.

**S.O. two weeks.**

**Vice Chairman (J)**

dnk.

O.A.134/2017

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

**Dated : 10.07.2017.**

Shri V.M. Moon, Id. counsel for the applicant and Smt. Kolhe, Id. P.O. for the Respts.

`Ld. P.O. file reply on behalf of R-3. It is taken on record. Copy is given to the Id. counsel for the applicant. She seeks time to file reply of R-1.

**S.O. four weeks.**

**Vice Chairman (J)**

dnk.

O.A.101/2017

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

**Dated : 10.07.2017.**

Shri V.A. Kothale, Id. counsel for the applicant and Smt. Kolhe, Id. P.O. for the Respts.

Ld. P.O. file reply on behalf of R-3. It is taken on record. Copy is given to the Id. counsel for the applicant. She submits that reply of other respondents is not necessary.

**S.O. two weeks.**

**Vice Chairman (J)**

dnk.



O.A.704/2016

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

**Dated : 10.07.2017.**

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

Ld. P.O. seeks further time to file reply. In fact so many chances have been given for filing reply. In the interest of justice last chance is given to file reply. It is made clear that in case reply is not filed on the next date, heavy cost will be saddled on the respondents.

**S.O. three weeks.**

**Vice Chairman (J)**

dnk.

O.A.22/2016

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

**Dated : 10.07.2017.**

**C.A.257/2016**

Shri S.P. Palshikar, Id. counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for the respondents. None for Intervener.

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

**S.O. one week.**

**Vice Chairman (J)**

dnk.

O.A.329/2017

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

**Dated : 10.07.2017.**

**C.A.107/2017**

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

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

**S.O. four weeks.**

**Vice Chairman (J)**

dnk.

O.A.339/2016

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

**Dated : 10.07.2017.**

**M.C.A.27/2017**

Heard Shri M.I. Khan, Id. P.O. for the applicants ( Original respondents) and Shri R.V.Shiralkar, Id. counsel holding for Shri A.C. Dharamdhikari, Id. counsel for the respondents (Original applicant).

2. The applicant has claimed three months' time to comply with the order passed by this Tribunal dated 13/2/2017 in O.A.339/2016. The application has been filed on 6/4/2017. Today is 10<sup>th</sup> July,2017, therefore, the time sought is already over. The application, therefore, stands disposed of as infructuous.

**Vice Chairman (J)**

dnk.

O.A.675/2016

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

**Dated : 10.07.2017.**

**C.A.318/2017**

Heard Shri S.C. Deshmukh, Id. counsel for the applicant, Smt. M.A. Barabde, Id. P.O. for R-1 & 5 and Shri K.D. Deshpande, Id. Counsel for R-2 to 4.

2. The respondent nos. 2 to 4 have filed this application for permission to engage a Counsel to assist the prosecutor. For the reasons stated in the application, the C.A. is allowed.

**C.A.319/2017 –**

The learned counsel for the applicant seeks time to file reply-affidavit. At his request **S.O. 24/7/2017.**

**Vice Chairman (J)**

dnk.

O.A.339/2016

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

**Dated : 10.07.2017.**

**M.C.A.27/2017**

Heard Shri M.I. Khan, Id. P.O. for the applicants ( Original respondents) and Shri R.V.Shiralkar, Id. counsel holding for Shri A.C. Dharamdhikari, Id. counsel for the respondents (Original applicant).

2. The applicant has claimed three months' time to comply with the order passed by this Tribunal dated 13/2/2017 in O.A.339/2016. The application has been filed on 6/4/2017. Today is 10<sup>th</sup> July,2017, therefore, the time sought is already over. The application, therefore, stands disposed of as infructuous.

**Vice Chairman (J)**

dnk.

O.A.440/2017

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

**Dated : 10.07.2017.**

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

2. Vide impugned order dated 5/6/2017, the applicant has been transferred from Warora to Tekmandwa on the post Naik Constable . From the fact on the record, it seems that he was transferred to Warora on request, but because of some complaints against him, he was temporarily posted at Bhari on 2/2/2017. In the said inquiry, he was not found guilty and therefore he was against re-posted at Warora on 3/5/2017 and immediately within one month he has been transferred by the impugned order. The applicant has been relieved and therefore no stay can be granted. However, the respondent no.2, the Superintendent of Police, Chandrapur is directed to file an affidavit on the following points :-

- (i) Whether he has Authority to pass the impugned order of transfer, if yes, under what Provision ?
- (ii) Whether he agrees that the Competent Authority to pass order of transfer is the Establishment Board as per Bombay Police Act ?
- (iii) Whether he wants to give second thought to the impugned order passed by him.

3. The reply-affidavit shall be filed within two weeks. In the meantime, issue notice to R-2 to 4, returnable in **two weeks**. Learned P.O. waives notice for R-1. Hamdast allowed.

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

5. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

6. This intimation / notice is ordered under Rule 11 of the Maharashtra



Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

7. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

8. **S.O. two weeks.**

**Vice Chairman (J)**

dnk.

O.A.466/2017

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

**Dated : 10.07.2017.**

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the State.

2. Vide impugned order dated 27/6/2017 the applicant has been transferred from the post of Assistant Charity Commissioner, Amravati to Greater Bombay. The reason for transfer is administrative as well as vacancy of the post. In the order itself mentioned that the order is passed by Competent Authority after obtaining sanction from the higher authority and the same has been passed as per the provisions of section 4 (4) (2) and 4 (5) of the Maharashtra Government Servants Regulation of Transfers & Prevention of Delay in Discharge of Official Duties Act,2005. The learned counsel for the applicant submits that the powers under Transfer Act cannot be delegated and the Competent Authority in this particular case is the concerned Ministry. Whether

the same provisions has been complied or not will have to be considered on merit for which the reply of the respondents will be necessary.

3. In view thereof, issue notice to R-2 & 3, returnable in **two weeks**. Learned P.O. waives notice for R-1. Hamdast allowed.

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

5. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

6. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

7. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of

compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

8. **S.O. two weeks.**

**Vice Chairman (J)**

dnk.

**O.A. No. 724/2011.**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J).**  
**Dated : 10<sup>th</sup> July 2017.**

Heard Shri S.P. Palshikar,  
the learned counsel for the  
applicant and Smt. M.A. Barabde,  
the learned P.O. for respondents.

At the request of the learned  
counsel for the applicant, S.O. **11<sup>th</sup>**  
**July 2017.**

Vice-  
Chairman(J)

pdg

**O.A. (St.) No.1919/2016.**

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

**Dated : 10<sup>th</sup> July 2017.**

**C.A. No.475/2016.**

Heard Shri S.P. Palshikar, the learned counsel for the applicant and Shri A.M. Khadatkhar, the Ld. P.O. for the respondent No.1.

2. At the request of the learned counsel for the applicant, issue fresh notice to the respondent Nos. 2 to 17 returnable after **three weeks.**

3. Shri A.M. Khadatkhar, the Ld. P.O. waives notice for respondent No.1. Hamdast granted.

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

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

6. 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.

7. 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.137/2016.**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J).**  
**Dated : 10<sup>th</sup> July 2017.**

Shri R.S. Bhagat, Adv.  
holding for Shri S.K. Tambde, the  
learned counsel for the applicant  
and Shri P.N. Warjekar, the Ld.  
P.O. for the respondents.



The Ld. P.O. seeks time to file reply on behalf of R.1.

S.O. **four weeks.**

Vice-  
Chairman(J)

pdg

**O.A. No.447/2017.**

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

**Dated : 10<sup>th</sup> July 2017.**

**ORDER**

Heard Shri M.M. Sudame,  
the learned counsel for the

applicant and Shri S.A. Deo, the Ld. C.P.O. for the respondent No.1.

2. The applicant responded to the advertisement dated 29.12.2012 whereby the posts of Group-D employees were being filled in. The applicant admittedly had participated in the selection process and has been appointed. However, it seems that while issuing appointment order, the applicant was treated as Group-C employee and the pay scale as Group-C employee is paid to the applicant. Subsequently, when this fact came to the knowledge of the respondent authority, the said order has been rectified and now the applicant is appointed as Group-D employee and the salary paid in the Group-C post is being recovered. The learned counsel for the applicant submits that there was no fault on the part of the applicant and, therefore, recovery be stayed. The Ld. CPO submits that the

applicant had responded to the advertisement and was knowing fully well that he has applied for the post of Group-D and inadvertent mistake has been rectified. Whether the case of **Rafiq Messiah** is applicable or not, will have to be seen after the reply of respondents is received in this matter.

3. Hence issue notice to the respondent Nos. 2 and 3 returnable after **three weeks**.

4. Shri S.A. Deo, the Ld. C.P.O. waives notice for 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.

9. S.O. **three weeks.**

**10.** Applicant is allowed to file Recruitment Rules and other documents on record.

Vice-  
Chairman(J)

Pdg

**O.A. No.336/2017.**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J).**  
**Dated : 10<sup>th</sup> July 2017.**

Heard Shri R.V. Shiralkar,  
the learned counsel for the  
applicant and Shri M.I. Khan, the  
Ld. P.O. for the respondents.

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

Vice-  
Chairman(J)

Pdg

**O.A. No.288/2017.**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J).**  
**Dated : 10<sup>th</sup> July 2017.**

Heard Shri S.D. Ghodeswar,  
the learned counsel for the  
applicant and Shri V.A. Kulkarni,  
the Ld. P.O. for the respondents.

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

Vice-  
Chairman(J)

pdg

**O.A. No.108/2017.**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J).**  
**Dated : 10<sup>th</sup> July 2017.**

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

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

Vice-  
Chairman(J)

pdg

**O.A. No.446/2017.**

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

**Dated : 10<sup>th</sup> July 2017.**

**C.A. 307/2017.**

Heard Shri M.M Sudame, the  
learned counsel for the applicants and



Shri S.A. Deo, the Ld. C.P.O. for the respondent No.1.

2. For the reasons stated in the application, application to sue jointly is allowed.

3. Since the cause claim is the same to all the applicants, C.A. stands disposed of.

**O.A. No.446/2017.**

1. Issue notice to R.2 returnable on **24<sup>th</sup> July 2017.**

2. Shri S.A. Deo, the Ld. C.P.O. waives notice for respondent No.1. Hamdast granted.

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

4. 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.

5. 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.

6. 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.

7. S.O. **24<sup>th</sup> July 2017.**

Vice-

Chairman(J)

pdg

**O.A. No.844/2016.**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J).**  
**Dated : 10<sup>th</sup> July 2017.**

Heard Shri Y.P. Kaslikar, the learned counsel for the applicants and Shri S.A. Deo, the Ld. C.P.O. for the respondent No.1.

2. At the request of Ld. counsel for the applicant, issue notice to R. 2 to 4 returnable on **7<sup>th</sup> August 2017.**

3. Shri S.A. Deo, the Ld. C.P.O. waives notice for respondent No.1. Hamdast granted.

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

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

6. 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.

7. 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.

8. The Ld. counsel for the applicant submits that the office objections have been removed.

**S.O. 7<sup>th</sup> August 2017.**

Vice-

Chairman(J)

pdg

**O.A. No. 925/2010.**

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

**Dated : 10<sup>th</sup> July 2017.**

**C.A. 303/2017.**

None for the applicant. Shri A.M. Khadatkar, the learned P.O. for respondents 1 to 3. None for R.4.

This is an application for grant of early hearing. Since nobody is appearing for the applicant, matter

be placed as usual whenever regular D.B. is available. C.A. stands disposed of.

Vice-  
Chairman(J)

pdg