

03.07.2017

**C.A 43/16 in C.A 52/2016 in C.A 53/16 in C.A
428/16 in C.A 101/17 in C.A 246/17 in C.A 247/17
in O.A 556/95**

Dr B. R Kamble ... Applicant

Vs.

The State of Mah & Ors ... Respondents

Heard Shri B.B Raipure, learned advocate for the Applicant, Smt S.V Kolhe, learned Presenting Officer for the Respondents 1 to 3 and Shri R.M Ahirrao for Respondent no.4

This Tribunal has given detailed order regarding serving persons who are likely to be affected by the proceedings in the present O.A. The order was issued on 4.1.2017. It is seen that the notices have not been published in the News Paper as directed by this Tribunal by the aforesaid order. Similarly, it is not clear whether the persons likely to be affected by the outcome of this O.A were informed by publishing notices on the website of this Tribunal.

The matter therefore be placed before the appropriate bench after order dated 4.1.2017 is complied with.

**(Rajiv Agarwal)
Vice-Chairman (A)**

**(J.D Kulkarni)
Vice-Chairman (J)**

Akn

03.07.2017

C.A 107/2017 in O.A 573/2007

Shri R.M Kamble ... Applicant

Vs.

The State of Mah & Ors ... Respondents

Heard Shri R. Shiralkar, H.A Pande,
learned Presenting Officer for the Respondents.

Learned Advocate Shri Shiralkar stated
that the Applicant passed away on 9.11.2016 during
the pendency of this Original Application. His legal
heirs have filed the present Civil Application to be
brought on record.

Legal heirs of the deceased applicant may
be brought on record and they should be allowed to
pursue the O.A.

C.A stands disposed of accordingly.

(Rajiv Agarwal)
Vice-Chairman (A)

(J.D Kulkarni)
Vice-Chairman (J)

Akn

03.07.2017

C.A 287/2017 in O.A 436/2017

Shri P.R Kewate & Ors ... Applicants

Vs.

The State of Mah & Ors ... Respondents

Heard Ms M Chandurkar, learned advocate for the Applicants and Shri Shrikant Deo, learned Chief Presenting Officer for the Respondents.

The present C.A is filed to sue jointly. As all the Applicants are seeking similar relief against the same Respondents, permission to sue jointly is allowed, subject to payment of Court fees, if not already paid.

C.A stands disposed of.

(Rajiv Agarwal)
Vice-Chairman (A)

(J.D Kulkarni)
Vice-Chairman (J)

Akn

03.07.2017

O.A 436/2017

Shri P.R Kewate & Ors ... Applicants

Vs.

The State of Mah & Ors ... Respondents

1. Heard Mrs M Chandurkar, learned advocate for the Applicants and Shri Shrikant Deo, learned Chief Presenting Officer learned Presenting Officer for the Respondents.

2. Issue notice to R. 2 to 5 returnable after four weeks.

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.

(Rajiv Agarwal)
Vice-Chairman (A)

(J.D Kulkarni)
Vice-Chairman (J)

Akn

03.07.2017

O.A 547/2006

Shri H.B Sable ... Applicant

Vs.

The State of Mah & Ors ... Respondents

None for the Applicant. Heard Shri S.A Saini, learned Presenting Officer for the Respondents.

O.A is kept for final hearing on 7.7.2017.

(Rajiv Agarwal)
Vice-Chairman (A)

(J.D Kulkarni)
Vice-Chairman (J)

Akn

03.07.2017

O.A 627/2007

Shri P.T Shinde & Ors ... Applicants

Vs.

The State of Mah & Ors ... Respondents

Heard Shri S.V Wankhede, learned advocate for the Applicant and Shri A.M Ghogre, learned Presenting Officer for the Respondents.

In the affidavit in reply dated 13.2.2008 filed by Respondent no. 3, it is stated in para 6 that the Applicants could not be promoted as they were required to pass a Departmental Promotion Examination. However, the relevant rules which required Head Constable, Driver (Technician) to pass the departmental examination to qualify for next promotion as A.S.I, Driver (Technician), has not been placed on record.

Learned P.O undertakes to placed on record the relevant Recruitment Rules within a period of two days.

S.O to 5.7.2017.

(Rajiv Agarwal)
Vice-Chairman (A)

(J.D Kulkarni)
Vice-Chairman (J)

Akn

03.07.2017

O.A 241/2008

Shri R.E Gajbhiye ... Applicant

Vs.

The State of Mah & Ors ... Respondents

Heard Shri N.D Thombre, learned advocate for the Applicant, Shri P.N. Warjurkar, learned Presenting Officer for the Respondents no 1 & 2 and none present for Respondents no 3 to 6.

Learned Advocate Shri Thombre has filed additional affidavit in reply on 2.4.2016, wherein a large number of instances have been quoted where persons who have been promoted as Principals of Polytechnics who did not have Post Graduate qualification in Engineering, the Applicant is also seeking a similar relief.

Though more than a year has elapsed, the Respondents have not filed their reply about the specific plea taken by the Applicant in support of his contention that he is being discriminated against.

Respondents no 1 & 2 are directed to file reply to the additional affidavit within two days, failing which it will be presumed that they have nothing to say regarding the contentions raised by the Applicant in the aforesaid additional affidavit in reply.

S.O to 6.7.2017.

(Rajiv Agarwal)
Vice-Chairman (A)

(J.D Kulkarni)
Vice-Chairman (J)

Akn

03.07.2017

O.A 323/2008

Shri S.D Rodge & Ors ... Applicants

Vs.

The State of Mah & Ors ... Respondents

None for the Applicant. Heard Shri P.N.
Warjurkar, learned Presenting Officer for the
Respondents.

Closed for orders.

(Rajiv Agarwal)
Vice-Chairman (A)

(J.D Kulkarni)
Vice-Chairman (J)

Akn

03.07.2017

O.A 323/2008

Shri S.D Rodge & Ors ... Applicants

Vs.

The State of Mah & Ors ... Respondents

Heard Shri Vishal Anand learned advocate for the Applicant and Shri P.N Warjurkar, learned Presenting Officer for the Respondents.

The Applicant in this Original Application is challenging the provisional Seniority List of Mechanic, Assistant Driller etc working in Ground Water Survey Development Agency, Nagpur as on 1.1.2008.

Learned Presenting Officer stated that this was only a provisional seniority list and the Applicant could have objected to it before it was finalized and final seniority list was published on 15.2.2008. However, the Applicant has chosen not to challenge the final seniority list and this Original Application is, therefore, not maintainable.

We fully agree with the contention raised by the Learned Presenting Officer. Final seniority list of Mechanic, Assistant Driller etc. was published in Ground Water Survey Development Agency, Nagpur on 15.2.2008 and the Applicant has not challenged the same.

This Original Application is, therefore, not maintainable and is dismissed with no order as to costs.

(Rajiv Agarwal)
Vice-Chairman (A)

(J.D Kulkarni)
Vice-Chairman (J)

Akn

O.A.295/2017

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

Dated : 03.07.2017.

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

2. In this O.A. the applicant has challenged her impugned order of transfer dated 31/5/2017 (A-4,P-14) whereby she has been transferred from Nagpur to Pune on the post of Public Health Nurse Instructor. The learned counsel for the applicant submits that he has been instructed by the applicant to withdraw the O.A. since her representation dated 5/6/2017 is under consideration and there is likelihood of it being considered. The copy of the same is placed on record and marked "Exh-X" for the purpose of identification. She only wants liberty to file fresh O.A., in case the representation will not be accepted positively. In view thereof, the following order :-

3. The O.A. stands disposed of as withdrawn with no order as to costs. The applicant will be at liberty to file separate O.A., in case her representation is rejected.

4. Steno copy be provided to the learned counsel for the parties.

Vice Chairman (J)

dnk.