

ORIGINAL APPLICATION NO.169/2015.

(RR Muley Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--07.09.2016.

ORAL ORDER:-

Heard Shri AD Gadekar, learned Advocate for the applicant and Smt SK Ghate Deshmukh, learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time to file reply affidavit. Time granted.
3. S.O. to 6.10.2016.

MEMBER (J)

07.09.2016-ATP (SB)

ORIGINAL APPLICATION NO.510/2015.

(Abdul Rashid Sandalji Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--07.09.2016.

ORAL ORDER:-

None present for the applicant. Shri DR Patil, learned Presenting Officer for the Respondents.

2. The pleadings are complete, hence the matter is admitted and kept for final hearing.

3. S.O. to 3.11.2016.

MEMBER (J)

07.09.2016-ATP (SB)

ORIGINAL APPLICATION NO.395/2015.

(RJ Gaikwad & Ors. Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--07.09.2016.

ORAL ORDER:-

None present for the applicants. Smt PR Bharaswadkar, learned Presenting Officer for the Respondents 1 to 6 and Shri SD Dhongde, learned Advocate for the Respondent No.7.

2. The pleadings are complete, hence the matter is admitted and kept for final hearing.

3. S.O. to 2.11.2016.

MEMBER (J)

07.09.2016-ATP (SB)

ORIGINAL APPLICATION NO.701/2016.

(MR Chaudhari Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--07.09.2016.

ORAL ORDER:-

Shri AD Sugdare, learned Advocate for the applicant has filed leave note. Shri DR Patil, learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time to file reply affidavit. Time granted.
3. S.O. to 4.10.2016.

MEMBER (J)

07.09.2016-ATP (SB)

ORIGINAL APPLICATION NO.81/2016.

(SS Kukade Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--07.09.2016.

ORAL ORDER:-

Heard Shri KG Salunke, learned Advocate for the applicant and Smt PR Bharaswadkar, learned Presenting Officer for the Respondents.

2. Learned P.O. files reply affidavit on behalf of Respondents no.2 to 5. The same is taken on record. Its copy is served on the applicant.

3. At the request of both the counsels, S.O. to 20.9.2016.

MEMBER (J)

07.09.2016-ATP (SB)

OA Nos.86, 88, 89, 90, 92 & 93 of 2016.

(BN Ghule &Ors Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--07.09.2016.

ORAL ORDER:-

Shri AD Gadekar, learned Advocate for the applicants in all matters, S/Shri NU Yadav, MS Mahajan, Smt. DS Deshpande, Smt. RS Deshmukh and NU Yadav, learned Presenting Officers for the Respondent no.1 in respective matters, and Shri Sham Patil, learned Advocate for the Respondents no.2 to 4 in all matters.

2. Learned Presenting Officers for the respondent no.1 and learned Advocate for the Respondents no.2 to 4 seeks time to file reply affidavits. Time granted.

3. S.O. to 4.10.2016.

MEMBER (J)

07.09.2016-ATP (SB)

ORIGINAL APPLICATION NO.104/2016.

(Dr. LN Dolas Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--07.09.2016.

ORAL ORDER:-

Smt. Vidya Taksal, learned Advocate holding for Shri AS Deshmukh, learned Advocate for the applicant and Shri IS Thorat, learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time to file reply affidavit. Time granted.
3. S.O. to 26.9.2016.

MEMBER (J)

07.09.2016-ATP (SB)

ORIGINAL APPLICATION NO.175/2016.

(B.B. Chilgar Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--07.09.2016.

ORAL ORDER:-

Shri KG Salunke, learned Advocate for the applicant, Shri NU Yadav, learned Presenting Officer for the Respondents no.1 to 3 and Shri Ashish Rajkar, learned Advocate holding for Shri S.V. Munde, learned Advocate for the Respondent no.4.

2. Learned P.O. seeks time to file reply affidavit. Time granted as most last chance.

3. S.O. to 22.9.2016.

MEMBER (J)

07.09.2016-ATP (SB)

ORIGINAL APPLICATION NO.277/2016.

(BV Pawar & Ors. Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--07.09.2016.

ORAL ORDER:-

Shri YK Kanade, learned Advocate holding for Shri Hemant Surve, learned Advocate for the applicant, Shri SK Shirse, learned Presenting Officer for the Respondents no. 1 to 3 and Shri V.B. Wagh, learned Advocate for the Respondent no.4.

2. Learned Advocate for the applicant seeks time to file rejoinder. One week time is granted as last chance to file rejoinder. The applicant shall serve copy of the rejoinder in advance to the other side.

3. S.O. to 26.9.2016.

MEMBER (J)

07.09.2016-ATP (SB)

ORIGINAL APPLICATION NO.258/2016.

(AP Kapse Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--07.09.2016.

ORAL ORDER:-

None present for the applicant. Heard Shri SK Shirse, learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time to file reply affidavit. Time granted.
3. S.O. to 5.10.2016.

MEMBER (J)

07.09.2016-ATP (SB)

ORIGINAL APPLICATION NO.304/2016.

(Smt.C.R. Shirsat Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--07.09.2016.

ORAL ORDER:-

Heard Shri JM Murkute, learned Advocate for the applicant and Shri MS Mahajan, learned Chief Presenting Officer for the Respondents.

2. The applicant is claiming pensionary benefits. The learned Advocate for the applicant invited my attention to the reply of the respondent no.2 and the letter issued by AG Nagpur, (R-3) to the Collector, Aurangabad on 6.1.2006, from which it seems that, the A.G.Nagpur asked for no dues and no inquiry certificate from the Collector. As per letter dated 26.4.2007 (Annexure A-3) such certificate was already issued, but till today the pensionary benefits are not granted to him.

3. Learned C.P.O. is therefore, directed to take instructions from A.G. Nagpur and to make as statement as to within how many days the said dues will be released. Respondent no.4 A.G. Nagpur shall file short affidavit to that effect within two weeks.

4. S.O. to 22.9.2016.

MEMBER (J)

07.09.2016-ATP (SB)

ORIGINAL APPLICATION NO.329/2016.

(Z.M. Khan Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--07.09.2016.

ORAL ORDER:-

Shri Ashish Rajkar, learned Advocate for the applicant and Shri MP Gude, learned Presenting Officer for the Respondents.

2. The applicant has challenged the order passed by the Superintendent of Police, Jalgaon on 12.5.2015 as per Annexure A-1, whereby an amount of Rs.63,231/- have already been already recovered from the applicant, who is serving as Superintendent at Jalgaon. In view of the said order Dy.S.P. Jalna has recovered the amount from the applicant as per Annexure A-2 and both these orders have been challenged in this O.A.

3. It seems that, the Civil Suit No.277/2008 was filed by M/s. Himalaya Tractors Parts against the Respondents and the Superintendent of Police Motor Vehicle Division, D.S.P. Office, Jalgaon. The said suit came to be decreed for Rs.45,907/- on 31.1.2013.

4. Another suit was filed, bearing Civil Suit No.48/2013 by one Manraj Motors Pvt. Ltd., Jalgaon for recovery of Rs.2,02,029/-. The said suit was partly decreed for Rs.90,098.90ps. The S.P. Jalna has recovered both these amounts from the applicant vide impugned order.

-2- ORIGINAL APPLICATION NO.329/2016.

5. According to the applicant, he was neither party to the said litigations in his personal capacity nor he was having any knowledge about said suits. The recovery in Civil Suit No.277/2008 pertains to the period in between 10 to 11 months prior to 31.3.2008, whereas the recovery in Civil Suit No.48/2013 pertains to the period after 2005 till 2008. The applicant has placed on record copy of the relieving order from which it seems that, he was transferred from Jalgaon to Jalna and he was relieved on 1.5.1998. Prima facie, the applicant was not serving at Jalgaon during the relevant time. It is therefore, surprising as to how the amount is recovered from the applicant. The Superintendent of Police Jalgaon is therefore, directed to file short affidavit making it clear as to under what circumstances he has recovered the amount from the applicant. It is necessary to find out the personal responsibility of the person issuing order on recovery. The necessary affidavit shall be within two weeks.

6. S.O. to 23.9.2016. The matter is treated as Part Heard.

MEMBER (J)

07.09.2016-ATP (SB)

ORIGINAL APPLICATION NO. 387/2016.

(Dr. N. M. Tahir Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--07.09.2016.

ORAL ORDER:-

None present for the applicant. Heard Shri IS Thorat, learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time to file reply affidavit. Time granted.

3. S.O. to 10.10.2016.

MEMBER (J)

07.09.2016-ATP (SB)

ORIGINAL APPLICATION NO.424/2016.

(R.V. Sonune Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--07.09.2016.

ORAL ORDER:-

Shri VB Wagh, learned Advocate for the applicant, Shri SK Shirse, learned Presenting Officer for the Respondents no.1 & 2 and Smt Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the Respondent no.3.

2. The learned Advocate for the applicant submits that, the impugned order of transfer in respect of the applicant has been cancelled. The learned Advocate for the applicant has also placed on record communication to that effect, which is marked as Exh.X for the purpose of identification. The applicant is therefore, seeking permission to withdraw the O.A. In view thereof, the O.A. stands disposed of, as withdrawn, with no order as to costs.

MEMBER (J)

07.09.2016-ATP (SB)

ORIGINAL APPLICATION NO.428/2016.

(Y.K. Shevgan Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--07.09.2016.

ORAL ORDER:-

Smt Vidya Taksal, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant, Shri NU Yadav, learned Presenting Officer for the Respondents no.1 to 3, and Shri S.B. Mene, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the Respondent no.4.

2. The learned Advocate for the applicant submits that, the impugned order of transfer in respect of the applicant has been cancelled. The learned Advocate for the applicant has also placed on record communication to that effect, which is marked as Exh.X for the purpose of identification. The applicant is therefore, seeking permission to withdraw the O.A. In view thereof, the O.A. stands disposed of, as withdrawn, with no order as to costs.

MEMBER (J)

07.09.2016-ATP (SB)

ORIGINAL APPLICATION NO.252/2016.

(S. K. Ingole Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE :--07.09.2016.

ORAL ORDER:-

Heard Shri S. K. Chavan, learned Advocate for the applicant and Shri D. R. Patil, learned Presenting Officer for the Respondents.

2. The applicant has filed representation to Respondent no.2 i.e. The Commissioner of Agriculture, Pune on 23.6.2015 on the ground that, the applicant was acquitted by the Sessions Court in Sessions Trial No. 98/2010. The Sessions Court was pleased to acquit the applicant on 18.11.2013. Thereafter, the Respondents have filed appeal against the said judgment of acquittal before Hon'ble High Court, Bombay, Bench at Aurangabad bearing Criminal Appeal No.1037/2014, but it was also dismissed on 30.6.2014.

3. After acquittal from the criminal charges the applicant preferred Writ Petition No.11087/2010, which was allowed since the Hon'ble High Court given liberty to the applicant to file representation. In spite of such facts the respondents did not take any action on the representation of the applicant dated 23.6.2015. The applicant has claimed in this O.A. for direction to the Respondent no.2 to take decision on the representation dated 23.6.2015.

4. Respondents were given liberty to file reply affidavit but till today no reply has been filed.

-2- ORIGINAL APPLICATION NO.252/2016.

5. Considering the claim of the applicant I feel that, the matter can be disposed of by giving direction to the Respondent no.2. In view thereof the following order.

ORDER

- i) The O.A. is partly allowed.
- ii) The Respondent no.2 is directed to take proper decision on the representation filed by the applicant on 23.6.2015 (Annexure A-8) and communicate its decision to the applicant in writing by Registered Post. The decision on the representation shall be taken within two months from the date of this order.
- iii) No order as to costs.

MEMBER (J)

07.09.2016-ATP (SB)

ORIGINAL APPLICATION NO.470/2016

(T.K.Patil V/s. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 07-09-2016

ORAL ORDER:-

Shri M.K.Deshpande learned Advocate for the applicant is absent. Shri M.P.Gude learned Presenting Officer for respondents is present.

2. Learned P.O. prays for time for filing affidavit in reply on behalf of the respondents. Time granted.

3. S.O.06-10-2016.

MEMBER (J)

YUK oral order 07-09-2016

ORIGINAL APPLICATION NO.505/2016

(M.A.Suralkar V/s. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 07-09-2016

ORAL ORDER:-

Heard Shri N.K.Tungar learned Advocate for the applicant is absent. Shri S.K.Shirse learned Presenting Officer for respondent nos.1 to 3 is present. Shri N.L.Jadhav learned Advocate for respondent no.4 is absent.

2. Learned P.O. prays for time for filing affidavit in reply on behalf of the respondents. Time granted.

3. S.O.10-10-2016.

MEMBER (J)

YUK oral order 06-09-2016

ORIGINAL APPLICATION NO.623/2016

(A.P.Katkar V/s. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 07-09-2016

ORAL ORDER:-

Heard Shri S.B.Mene learned Advocate holding for Shri A.S.Deshpande learned Advocate for the applicant and Shri V.R.Bhumkar learned Presenting Officer for respondents.

2. Shri G.N.Patil learned Advocate has filed Vakalatnama on behalf of respondent no.2. It is taken on record. He prays for time for filing affidavit in reply on behalf of respondent no.2.

3. Learned P.O. also prays for time for filing reply on behalf of the respondents. Time granted.

4. S.O.04-10-2016.

MEMBER (J)

YUK oral order 07-09-2016

ORIGINAL APPLICATION NO.661/2016

(V.V.Dudhe V/s. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 07-09-2016

ORAL ORDER:-

Heard Shri S.B.Mene learned Advocate for the applicant, Shri M.S.Mahajan learned Chief Presenting Officer for respondent authorities.

2. Learned CPO has filed affidavit in reply on behalf of respondent no.3. It is taken on record. Copy thereof has been served on the other side.

3. Shri M.R.Kulkarni learned Advocate has filed Vakalatnama on behalf of respondent no.4. It is taken on record. He prays for time for filing affidavit in reply on behalf of respondent no.4 and submits that he is ready to serve copy of the reply in advance to the other side.

4. Hence, S.O. 19-09-2016 for final hearing.

MEMBER (J)

YUK oral order 07-09-2016

ORIGINAL APPLICATION NO.669/2016

(C.S.Shinde V/s. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 07-09-2016

ORAL ORDER:-

Heard Smt. Vidya Taksal learned Advocate holding for Shri A.S.Deshmukh learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for respondents.

2. Learned CPO prays for time for filing affidavit in reply on behalf of the respondents. Time granted.

3. S.O.24-10-2016.

MEMBER (J)

YUK oral order 07-09-2016

ORIGINAL APPLICATION NO.670/2016

(D.L.Patil V/s. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 07-09-2016

ORAL ORDER:-

Heard Smt. Vidya Taksal learned Advocate holding for Shri A.S.Deshmukh learned Advocate for the applicant and Shri I.S.Thorat learned Presenting Officer for respondents.

2. Learned PO prays for time for filing affidavit in reply on behalf of the respondents. Time granted.

3. S.O.24-10-2016.

MEMBER (J)

YUK oral order 07-09-2016

M.A.No.268/2016 IN O.A.St.No.209/2016

(K.S.Pawra V/s. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 07-09-2016

ORAL ORDER:-

Heard Shri A.P.Avhad learned Advocate for the applicant and
Shri I.S.Thorat learned Presenting Officer for respondents.

2. Learned PO prays for time for filing affidavit in reply on behalf
of the respondents. Time granted.

3. S.O.05-10-2016.

MEMBER (J)

YUK oral order 07-09-2016

ORIGINAL APPLICATION NO.912/2011

(Mahemood Khad V/s. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 07-09-2016

ORAL ORDER:-

Shri H.I.Pathan learned Advocate for the applicant and Smt. Deepali Deshpande learned Presenting Officer for respondents are present.

2. Heard arguments of Shri H.I.Pathan learned Advocate for the applicant.

3. Learned P.O. states that she will argue the matter on tomorrow.
Time granted.

4. Matter is part heard.

5. S.O.08-09-2016.

MEMBER (J)

YUK oral order 07-09-2016

ORIGINAL APPLICATION NO.234/2012

(Y.D.Lodhe V/s. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 07-09-2016

ORAL ORDER:-

Heard Shri Y.P.Deshmukh learned Advocate for the applicant,
Shri N.U.Yadav learned Presenting Officer for respondent nos.1 and 2
and Shri S.D.Dhongde learned Advocate for respondent nos.3 and 4.

2. Shri S.D.Dhongde learned Advocate for respondent nos.3 and 4
prays for time for filing reply. Time granted.

3. S.O.29-09-2016.

MEMBER (J)

YUK oral order 07-09-2016

ORIGINAL APPLICATION NO.413/2014

(Swati K. Dhole V/s. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 07-09-2016

ORAL ORDER:-

Shri N.B.Narwade learned Advocate for the applicant is absent. Heard Shri M.S.Mahajan learned Chief Presenting Officer for respondents.

2. It seems that nobody is appearing for the applicant since last number of dates. Detailed order was passed on 09-06-2016 and it was specifically observed that the applicant may not be interested in prosecuting the O.A., and therefore, matter was kept for dismissal on 30-06-2016.

3. On 30-06-2016, learned Advocate for the applicant appeared and made a submission that he wants to take instruction from his client as to whether to continue prosecution of O.A. or to withdraw the same, and therefore, matter was posted on 10-08-2016.

4. Again on 10-08-2016, nobody was present for the applicant. Matter is posted on today. Today also nobody appears for the applicant. Applicant is claiming direction for appointment on compassionate ground. The matter is of 2014 and it seems the applicant may not be interested in prosecuting the matter. Hence, the O.A. stands dismissed in default.

MEMBER (J)

YUK oral order 07-09-2016

ORIGINAL APPLICATION NO.803/2015

(Ku. Usha B. Bansode V/s. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 07-09-2016

ORAL ORDER:-

Heard Shri K.B.Jadhav learned Advocate for the applicant and Smt. Sanjivani Ghate learned Presenting Officer for respondents.

2. Arguments of both sides are heard at length. Learned Advocate for the applicant prays for time for filing on record relevant G.R. Time granted.

3. Matter be treated as part heard.

4. S.O. tomorrow i.e. on 08-09-2016.

MEMBER (J)

YUK oral order 07-09-2016

M.A.No.351/2016 WITH M.A.St.No.1540/2016 IN
C.P.St.No.1541/2016 IN O.A.No.571/2012

(Ghatge & Ors V/s. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)
(This matter is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 07-09-2016

ORAL ORDER:-

Heard Shri M.B.Kolpe learned Advocate holding for Shri A.S.Shelke learned Advocate for the applicant and Shri V.R.Bhumkar learned Presenting Officer for respondents.

2. It is submitted that M.A.No.351/2016 has been filed for condonation of delay caused in filing the M.A. for contempt petition.
3. Hence, issue notice to the respondents in the M.A.No.351/2016, returnable on 06-10-2016.
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 M.A./O.A. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

=2=

M.A.No.351/2016 WITH M.A.St.No.1540/2016 IN C.P.St.No.1541/2016 IN
O.A.No.571/2012

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 acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

8. Steno copy and Hamdast is allowed to both parties.

9. S.O. 06-10-2016.

MEMBER (J)

YUK oral order 07-09-2016

T.A.No.01/2016 IN W.P.No.115/2016

(A.G.Sanap V/s. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)
(This matter is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 07-09-2016

ORAL ORDER:-

Heard Shri R.D.Sanap learned Advocate for the applicant, Smt. Deepali Deshpande learned Presenting Officer for respondent authorities and Shri M.B.Kolpe learned Advocate for respondent no.2.

2. Interim relief granted earlier to continue till 04-10-2016.

3. S.O.04-10-2016.

MEMBER (J)

YUK oral order 07-09-2016

ORIGINAL APPLICATION NO.667/2016

(B.L.Chole V/s. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)
(This matter is placed before the Single Bench
due to non-availability of Division Bench)

DATE : 07-09-2016

ORAL ORDER:-

Heard Shri N.S.Kadam learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for respondents.

2. Applicant has appeared in the competitive examination for the post of Lecturer in District Education and Training Institute from NT-D category. According to the learned Advocate for the applicant duplicate copy of the answer sheet was provided by the MPSC and thereafter key was also published for the benefit of the candidates to verify the marks that might have been obtained by them. MPSC has declared cut-off marks for NT-D general category as 110 and NT-D Female category as 96. However, according to the applicant, as per the answer sheet, he must have obtained 125 marks but his name does not figure in the list of the candidates to be called for interview. Interviews are being held in between

02-08-2016 till 08-09-2016. The applicant, has therefore, prayed that respondent no.2 be directed to call the applicant for oral interview.

3. However, considering the fact that tomorrow is the last day of interview, I am of the opinion that it will be in the interest of justice to direct the respondent no.2 to take interview of the applicant. Result of the said interview shall, however, be declared only after further orders that may be passed by this Tribunal.

4. In view thereof, respondent no.2 is directed to allow the applicant to appear for oral interview for the post of Lecturer in District Education and Training Institute.

5. Learned CPO is directed to file affidavit in reply till 28-09-2016.

6. Steno copy and hamdust granted to both parties on their request.

7. S.O.28-09-2016.

MEMBER (J)

ORIGINAL APPLICATION NO.709/2016

(R.S.Ransing V/s. State of Maharashtra & Ors.)

CORAM: Hon'ble Shri J.D.Kulkarni, Member (J)

DATE : 07-09-2016

ORAL ORDER:-

Heard Shri Ajay Deshpande learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for respondents.

2. Applicant is serving on the post of Deputy Superintendent of Police at Nandurbar. He was transferred on the same post at Shirpur vide order dated 01-06-2016 in place of one Shri Shevgan. Shri Shevgan, however, filed O.A. before the Tribunal. Transfer order in respect of Shri Shevgan was stayed and ultimately it was cancelled. Because of the cancellation of his transfer, Shri Shevgan withdrew the O.A. filed before this Tribunal.

3. It is the case of the applicant that earlier his representation for transfer at Shirpur was considered but due to cancellation of order of transfer of Shri Shevgan, applicant continued to work at Nandurbar.

4. Applicant has filed representation on 26-07-2016 for his transfer at Shirpur. It is the case of the applicant that Shri Shevgan is going to retire on superannuation on 30-09-2016, and therefore, he can be accommodated at Shirpur after retirement of Shri Shevgan. It is stated that earlier the applicant's personal reasons have been considered which were mentioned in earlier representation since he was transferred at Shirpur in place of Shri Shevgan. Applicant, has therefore, prayed that respondents be directed to consider his representation dated 26-07-2016.

5. Learned CPO submits that he will take instruction to file reply affidavit on behalf of the respondents. However, learned Advocate for the applicant submits that there is likelihood of filling up of post at Shirpur since promotion orders of some officers are to be issued, and if applicant's case is not considered, post at Shirpur may be filled in after retirement of Shri Shevgan.

6. Learned CPO frankly admitted that O.A. can be disposed of if direction is given to the respondent authorities to consider the applicant's representation dated 26-07-2016 within a stipulated time period. In view thereof, I pass following order:

ORDER

- (i) Respondent no.1 is directed to consider representation filed by the applicant on 26-07-2016 on or before 30-09-2016 as per rules and considering the case of the applicant on its own merit as per law.
- (ii) In case, such decision cannot be taken within stipulated period, respondents shall keep post of SDPO, Shirpur vacant till consideration of the applicant's representation. The decision taken shall be communicated to the applicant in writing.
- (iii) There shall be no order as to costs.

MEMBER (J)