

O. A. No.15/2018.

Coram : Shri Shree Bhagwan,
Member(A).

Dated : 02nd May, 2018.

M.C.A. No.-14/2018:-

Heard the applicant in person and Shri A.M.Ghogre, the learned P.O. for the respondents.

The applicant in person submitted one document on record which is already in record. At pg. no. 10 and 11 at Sr. No. 6, Dr. Vandana Agarwal tenure is shown 25 yrs. at Nagpur. This is a document from Government of Maharashtra file which is gone from the Secretary to the Hon'ble Chief Minister. The applicant contention is that calculation of 25 yrs. is not correct. This Tribunal directs to recheck the tenure and submitted the report by 10/06/2018.

Hence M.C.A. stands disposed of.

After receiving report from Government of Maharashtra, copy will be supplied to the applicant who appeared in person.

Member (A)

aps.

O.A. 418/2017 (SB)

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

Dated : 02.05.2018

There is a leave note from Shri S.N. Gaikwad, Id. counsel for the applicant. Shri P.N. Warjurkar, Id. P.O. for R-1. Await service of R-2 to 4.

S.O. After Vacation.

Vice Chairman (J)

dnk.

O.A. 501/2017 (SB)

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

Dated : 02.05.2018

C.A.Nos. 576/17, 359/17 & 92/17

Heard Shri S.R. Charpe, Id. counsel for the applicants and Shri V.A. Kulkarni, Id. P.O. for the respondents.

2. The learned P.O. files reply on behalf of R-2 in C.A.359/2017. It is taken on record. Copy is served on the applicant.

3. As regards the C.A. No.576/2017 for amendment is concerned, the learned counsel for the applicants submits that the applicants may be permitted to withdraw the application with permission to file separate O.A. on the same cause of action. In view thereof, the C.A. for amendment stands disposed of as withdrawn.

Matter be kept for hearing on C.A. for condonation of delay.

S.O. After Vacation.

Vice Chairman (J)

dnk.

O.A. 08/2018 (SB)

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

Dated : 02.05.2018

C.A.81/2018

Heard Shri A. Ramteke, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

For the reasons stated in the application, the C.A. for filing documents on record is allowed. No order as to costs.

O.A. 08/2018 -

Heard Shri A. Ramteke, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

Since the pleadings are complete, the matter is admitted and kept for final hearing.

The learned P.O. waives notice for the respondents.

S.O. 04/05/2018.

Vice Chairman (J)

dnk.

O.A. 166/2018 (SB)

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

Dated : 02.05.2018

None for the applicant. Shri P.N. Warjurkar, Id. P.O. for R-1. Await service of R-2 to 4.

S.O. After Vacation.

Vice Chairman (J)

dnk.

O.A. 416/2017 (SB)

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

Dated : 02.05.2018

Ms. R. Pande, Id. counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1 to 4 and Shri B.J. Lonare, Id. counsel for R-5.

2. The applicant by way of amendment has challenged his termination. The learned counsel for the applicant submits that subject of this matter comes under Division Bench and therefore the matter may be kept before Division Bench.

3. In view thereof, the Registrar is directed to remove the O.A. from Single Bench board and it be placed before Division Bench.

S.O. 1st week of After Vacation.

Vice Chairman (J)

dnk.

O.A. 30/2018 (SB)

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

Dated : 02.05.2018

Heard Shri N.D. Thombre, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1 to 4 and Shri Patil, Id. counsel holding for Shri M.R. Khan, Id. counsel for R-5.

2. Vide order dated 31/05/2017 (Annex-A-2) the applicant was transferred from the post of Pharmacist Officer, Class-III (Group-C), Rural Hospital, Katol to State Reserve Police Force (SRPF), Group-IV, Nagpur. The applicant was supposed to join on the post of respondent no.5, but no order was issued as regards posting of respondent no.5 and therefore the order could not be implemented.

3. In the meantime, vide order dated 29/09/2017 the applicant's transfer at Nagpur has been cancelled. The said order of cancellation of transfer has been challenged in this O.A. by the applicant and the applicant wants that the earlier transfer order dated 31/05/2017 be implemented and he be allowed to join at Nagpur.

4. During pendency of the O.A. the applicant has filed representation on 18/01/2018. The said representation has been received by the respondents. The copy of the same is taken on record and marked

Exh-X for the purposes of identification. The learned P.O. submits that the applicant's request may be considered at the time of annual general transfers of 2018. In view of this, the applicant wants that the application may be disposed of without going into the merits of the O.A., if the representation is considered on merits.

5. In view thereof, the O.A. stands disposed of with direction to respondent no.2 to take into consideration the representation filed by the applicant on 18/01/2018 and to consider the case of the applicant on its own merits at the time of annual general transfers of 2018. The respondent no.2 shall also consider the fact that the applicant's earlier request for transfer at Nagpur was accepted by respondent no.2 and in view thereof the order dated 31/05/2017 was issued. No order as to costs.

Vice Chairman (J)

dnk.

O.A. 37/2018 (SB)

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

Dated : 02.05.2018

Ms. R.V. Kukday, Id. counsel for
the applicant and Shri V.A. Kulkarni, Id.
P.O. for the respondents.

At the request of Id. P.O., **S.O.**
After Vacation for filing reply.

Vice Chairman (J)

dnk.

O.A. No. 100 of 2018 **(SB)**

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

Dated : 02.05.2018

Shri A.P. Sadavarte, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1&2 and Ms. R. Pande, Id. counsel holding for Shri K.S. Malokar, Id. counsel for R-3.

At the request of learned counsel for R-3, **S.O. 03/05/2018.**

Vice Chairman (J)

dnk.

O.A. 176/2018 (SB)

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

Dated : 02.05.2018

None for the applicant. Shri P.N.
Warjurkar, Id. P.O. for the respondents.

At the request of learned P.O.,
S.O. After Vacation for filing reply.

Vice Chairman (J)

dnk.

O.A. No. 99 of 2018 (SB)

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

Dated : 02.05.2018

Heard Shri A.P. Sadavarte, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1&2 and Ms. R. Pande, Id. counsel holding for Shri K.S. Malokar, Id. counsel for R-3.

2. In this O.A., the applicant has prayed a direction to respondent no.3 to allow him to join on the post of Block Development Officer, Group-A at Panchayat Samiti, Akola, Zilla Parishad, Akola. As per the Government order dated 10/04/2018 the applicant is allowed to join. The copy of the same is placed on record and marked Exh-X for the purposes of identification. The main grievance of the applicant has therefore been redressed. The learned counsel for the applicant submits that the applicant has yet not received the salary from August, 2017 till today. The learned counsel for R-3 makes a statement that the salary of the applicant will be released within two weeks.

3. In view thereof, the O.A. stands disposed of with direction to respondent no.3 to release the arrears of the salary of applicant from August,2017 within two weeks. No order as to costs.

Vice Chairman (J)

dnk.

O.A. No. 859/2012 (D.B.)

Coram: Shri J.D. Kulkarni,

Vice-Chairman (J) and

**Shree Bhagwan,
Member(A)**

Dated : 2nd May 2018.

C.A. No.99/2018.

Heard Shri B.D. Pandit, the Ld. counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents.

For the reasons stated in the application, C.A. for early hearing is allowed.

O.A. No. 859/2012

With the consent of parties, matter is fixed for final hearing on **4th June 2018.**

Member(A)
Chairman(J)

Vice-

pdg.

O.A. No. 97/2018 (D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan,
Member(A)**

Dated : 2nd May 2018.

C.A. No.102/2018.

Heard Shri D.T. Shinde, the Ld. counsel for the applicant and

Shri S.A. Deo, the learned C.P.O.
for the respondents.

Closed for orders.

Member(A)
Chairman(J)

Vice-

pdg.

O.A. No. 97/2018 (D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan,
Member(A)**

Dated : 2nd May 2018.

Rev.A. No.06/2018.

Heard Shri M.D. Lonkar, Adv. holding for Shri S. Sanyal, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents.

Closed for orders.

Member(A)
Chairman(J)

Vice-

pdg.

O.A. No. 113/2018 (D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan,
Member(A)**

Dated : 2nd May 2018.

There is a leave note from Shri S.N. Gaikwad, the Ld. counsel for the applicant. Shri M.I. Khan, the learned P.O. for the respondents 1 & 2. None for R.3..

S.O. after summer vacation.

Member(A)
Chairman(J)

Vice-

pdg.

O.A. No. 114/2018 (D.B.)

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

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. S.O. after summer vacation.

Member(A)
Chairman(J)

Vice-

pdg.

O.A. No. 281/2015 (D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan,
Member(A)
Dated : 2nd May 2018.

Heard Shri P.P. Khaparde,
the Ld. counsel for the applicant
and Shri S.A. Sainis, the learned
P.O. for the respondent No.1. Shri
H.D. Marathe, Adv. for R.2 to 5.

At the request of the Ld.
counsel for the applicant, S.O. **2nd**
week of June 2018 for final hearing
at the stage of admission.

Member(A)
Chairman(J)

Vice-

pdg.

O.A. No. 724/2017 (D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan,
Member(A)
Dated : 2nd May 2018.

Heard Shri R.V. Shiralkar, the
Ld. counsel for the applicant and
Shri S.A. Deo, the learned C.P.O.
for the respondents.

Closed for order.

Member(A)
Chairman(J)

Vice-

O.A. No. 46/2018 (D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan,
Member(A)**

Dated : 2nd May 2018.

Heard Shri Bharat Kulkarni,
the Ld. counsel for the applicant
and Shri VA. Kulkarni, the learned
P.O. for the respondent Nos.1 to 3.
None for R.4.

At the request of the Ld. P.O.
S.O. **after summer vacation.**

Member(A)
Chairman(J)

Vice-

O.A. No. 47/2018 (D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan,
Member(A)**

Dated : 2nd May 2018.

Heard Shri Bharat Kulkarni,
the Ld. counsel for the applicant
and Shri VA. Kulkarni, the learned
P.O. for the respondent Nos.1 to 3.
None for R.4.

At the request of the Ld. P.O.
S.O. **after summer vacation.**

Member(A)
Chairman(J)

Vice-

pdg.

O.A. No. 102/2018 (D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan,
Member(A)**

Dated : 2nd May 2018.

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

At the request of the Ld. P.O.,
S.O. **after summer vacation** as a
last chance.

Member(A)
Chairman(J)

Vice-

pdg.

O.A. No. 214/2018 (D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)**

Dated : 2nd May 2018.

Heard Shri A.B. Mahajan, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents 1 to 3. Miss Bhavna Suresh Choudhary, R.5 in person. None for R.4.

The Ld. counsel for the applicant submits that he has already filed service affidavit in respect of R.5.

Miss Bhavna Suresh Choudhary, R.5 has filed reply, it is taken on record

and a copy thereof is supplied to the applicant.

Ld. P.O. seeks time to file reply of R. 1 to 3.

S.O. 12th June 2018.

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 218/2018 (D.B.)

Coram: Shri J.D. Kulkarni,

Vice-Chairman (J) and

Shree

Bhagwan,

Member(A)

Dated : 2nd May 2018.

Heard Miss A.K. Shah, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondent No.1.

2. The applicant is claiming interim relief to restrain the

respondent Nos. 1 to 3 from appointing respondent No.4 as a Dean, Government Medical College, Akola. From the facts on record, it seems that the respondent No.4 has applied for the post of Dean in view of advertisement issued by M.P.S.C. on 14.9.2017 and admittedly seems to have been recommended by the M.P.S.C., since he got highest marks and stood merit. The only objection taken by the applicant is that, the applicant was already promoted on the said post and was working. But because of this direct recruitment, chance of the applicant, who stood second in merit, has been hampered. In any case, no prejudice will be caused to respondent No.4, if the order of appointment is not issued for time being. In view thereof, respondent No.1 is directed not to issue appointment order of respondent No.4 for the post of Dean as a

direct recruit till reply of respondent No.1 is filed in this O.A.

3. Issue notice to R. 2 to 4 returnable after four weeks.

4. Shri S.A. Deo, Ld. CPO 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. In case notice is not collected within **three days**, and if service report on affidavit is not filed within **three days** before returnable date,, O.A. shall stand dismissed without reference to the Tribunal and papers be consigned to record.

10. S.O. **four weeks**

Member(A)
Chairman(J)

Vice-

pdg.

O.A. No. 260/2018 (D.B.)

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

**Shree Bhagwan,
Member(A)**

Dated : 2nd May 2018.

Heard Mr. R.D. Khade, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents 1 and 2. None for R.3.

As per pursis filed by the Ld. counsel for the applicant, O.A. stands withdrawn with no order as to costs.

Member(A)
Chairman(J)

Vice-

pdg.

O.A. No. 261/2018 (D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan,
Member(A)
Dated : 2nd May 2018.

Heard Mr. R.D. Khade, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents 1 and 2. None for R.3. As per pursis filed by the Ld. counsel for the applicant, O.A. stands withdrawn with no order as to costs.

Member(A)
Chairman(J)

Vice-

O.A. No. 269/2018 (D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan,
Member(A)**

Dated : 2nd May 2018.

Heard Miss. Rucha Pande,
the Ld. counsel for the applicant
and Shri S.A. Deo, the learned
C.P.O. for the respondents.

At the request of the Ld.
counsel for the applicant, S.O. **after**
summer vacation.

Member(A)
Chairman(J)

Vice-

O.A. No. 290/2018 (S.B.)

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

Dated : 2nd May 2018.

Heard Shri R.S. Khobragade, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondent No.1.

2. Vide order dated 26.5.2017, the applicant was transferred from the post of Field Assistant to the post of Inspector, Legal Metrology, Saoner to Nagpur-I. The ground for transfer was that both the sons of the applicant mentally retarded. It was on the request of the applicant, the said order of transfer was issued. However, vide impugned order dated 30.5.2017, the said

order has been cancelled on administrative ground. According to the applicant, no opportunity was given to the applicant before cancelling of said order. The learned counsel for the applicant further submits that as per G.R. dated 9.4.2018 (A-6), preference should have been given to the applicant for choice posting. However, the respondents have issued the order dated 27.4.2018 whereby one Shri N.M. Fulzele has been transferred at Division No.1 which is a place given as choice posting to Division No.1 by the applicant.

3. The learned counsel for the applicant has pointed out that the application for choice posting from which it seems that the applicant has given as many as 10 places of choice which includes Hingna Division as well as Nagpur-I, Nagpur-IV, Nagpur-II, Nagpur-III, Nagpur-V, Nagpur-VI, Nagpur-VII

and Nagpur-VIII. The learned P.O. is requested to take instructions as to whether the applicant can be accommodated at any of these 10 places of choice given by the applicant. He also take instructions and make a statement before this Tribunal day after tomorrow i.e. on **4.5.2018** and as to whether the place on which the applicant was transferred vide order dated 26.5.2017 is still vacant.

4. In the meantime, issue notice to respondent Nos. 2 and 3 returnable **after two weeks.**

5. Shri P.N. Warjekar, the learned P.O. waives notice for respondent No.1. Hamdast granted.

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. In case notice is not collected within **three days**, and if service report on affidavit is not filed within **three days** before returnable date,, O.A. shall stand dismissed without reference to the Tribunal and papers be consigned to record.

9. 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.

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

Vice-Chairman(J)

pdg.