

O.A. 571/2017

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

Dated : 08.08.2017.

Shri N.R. Saboo, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the State.

At the request of Id. counsel for the applicant, **S.O. 09/08/2017.**

Vice Chairman (J)

dnk.

O.A. 126/2017

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

Dated : 08.08.2017.

Shri Tripathi, Id. counsel holding for Shri A. Deshpande, Id .counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1. None for R-2&3.

At the request of Id. counsel for the applicant ,**S.O. Next week.**

Vice Chairman (J)

dnk.

O.A. 454/2017

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

Dated : 08.08.2017.

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

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

Vice Chairman (J)

dnk.

O.A. 324/2017

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

Dated : 08.08.2017.

Shri N.R. Saboo, Id. counsel for
the applicant and Shri P.N. Warjurkar, Id.
P.O. for R-1&2. None for R-3.

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

dnk.

Vice Chairman (J)

O.A. 297/2017 with C.A.337/2017

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

Dated : 08.08.2017.

Shri N.R. Saboo, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the State.

At the request of Id. counsel for the applicant, **S.O. 09/08/2017.**

Vice Chairman (J)

dnk.

O.A. 567/2017

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

Dated : 08.08.2017.

O.A.567/2017 –

Heard Shri A.Z. Jibhkate, Id. Counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the State.

2. Vide order dated 19/10/2011 (A-5, P-30) the applicant was transferred to the post of Medical Officer (Group-B) as Taluka Medical Officer at Sadak Arjuni. In fact, the applicant was transferred to Ayurvedic Hospital, Seoni, Dist. Gondia vide order dated 1/7/2015 (A-6,P-32). However said order has not been implemented and the applicant continued to work at Sadak Arjuni.

3. The respondent no.1 has issued the impugned order dated 31/5/2017 (A-1,P-17) whereby one Dr. H.U. Meshram (R/5) has been shown to be posted in place of applicant at Sadak Arjuni. The applicant has challenged this order in this O.A. The applicant is going to retire on superannuation within one

year. The applicant has therefore prayed that he shall be continued at Sadak Arjuni for one more year till his retirement. However, when the matter was pending before this Tribunal, the CEO, Z.P., Gondia, i.e., respondent no.4 had issued the order dated 3/8/2017 whereby the applicant has been asked to join at Pandhari. Admittedly, the applicant is a Medical Officer and his Appointing and Transferring Authority is the Government. Therefore the CEO, Z.P., Gondia has no authority to ask the applicant to join at Pandhari without therein any order of transfer in respect of applicant issued by respondent no.1. However, the respondent no.5 has been shown to have joined at Sadak Arjuni in the absence of applicant.

4. In view of the aforesaid facts, the respondent no.4 is directed not to insist the applicant to join at Pandhari till further orders.

5. In the meantime Issue notice to R-2 to 5, returnable in **four 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. **S.O. four weeks.**

C.A.379/2017 -

Heard Shri A.Z. Jibhkate, Id. Counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the State.

2. The applicant wants to amend the O.A. I am satisfied that the amendment is required in view of the subsequent events that had happened during the pendency of the O.A. and therefore the application for amendment is allowed. The copy of the amended O.A. shall be served on the respondents.

Vice Chairman (J)

dnk.

O.A. 297/2017 with C.A. 337/2017

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

Dated : 08.08.2017.

Shri S.A. Kalbande, Id. Counsel for the applicant and Shri A.M. Ghogre, 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. 16/8/2017.

Vice Chairman (J)

dnk.

O.A. 185/2017

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

Dated : 08.08.2017.

Shri T. Rahul, Id. Counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. one week** for filing reply.

Vice Chairman (J)

dnk.

O.A. 140/2017

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

Dated : 08.08.2017.

Shri M.K. Mishra, Id. counsel for
the applicant and Shri H.K. Pande, Id.
P.O. for the Respts.

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

Vice Chairman (J)

dnk.

O.A. 137/2017

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

Dated : 08.08.2017.

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

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

Vice Chairman (J)

dnk.

O.A. 132/2017

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

Dated : 08.08.2017.

Shri S.P. Palshikar, Id. Counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the Respts.

Ld. P.O. files reply on behalf of R-2. It is taken on record. Copy is served on the applicant. The Id. Counsel for the applicant seeks two weeks time to file rejoinder if necessary.

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A. 125/2017

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

Dated : 08.08.2017.

None for the applicant. Shri S.A. Sainis, Id. P.O. for the Respts.

Ld. P.O. files reply on behalf of R-4. It is taken on record. He seeks time to file reply of R-1 to 3.

S.O. four weeks.

Vice Chairman (J)

dnk.

O.A. 123/2017

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

Dated : 08.08.2017.

Heard Shri S.P. Palshikar, Id. Counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the Respts.

2. Since last so many dates reply has not been filed. On the earlier date i.e. on 17/4/2017 the matter was adjourned to after Summer Vacation and now the period of four months has already been lapsed, but the reply is yet not ready. The learned P.O. seeks time to file reply. Time is granted by way of last chance subject to the condition that if the reply is not filed on or before the next date, the cost of Rs.10,000/- will be saddled on the respondents.

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A. 793/2016

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

Dated : 08.08.2017.

Shri R.V. Shiralkar, Id. Counsel for
the applicant and Shri S.A. Sainis, Id.
P.O. for the Respts.

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

Vice Chairman (J)

dnk.

O.A. 501/2016

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

Dated : 08.08.2017.

Heard Shri P.S. Kadam, Id. Counsel for the applicant and Shri A.P. Potnis, 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. four weeks.

Vice Chairman (J)

dnk.

O.A. 418/2017

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

Dated : 08.08.2017.

C.A.281/2017

None for the applicant. Shri S.A. Deo, Id. CPO for R-1. Await service of R-2 to 4.

Notices of R-2 to 4 are awaited. Ld. CPO seeks time to file reply of R-1. At his request, **S.O. four weeks.**

Vice Chairman (J)

dnk.

O.A. 28/2017

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

Dated : 08.08.2017.

C.A.48/2017

None for the applicant. Shri A.P.
Potnis, Id. P.O. for the Respts.

Ld. P.O. files reply on behalf of
R-2&3 to the C.A. It is taken on record.

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A. St. 2213/2016

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

Dated : 08.08.2017.

C.A.537/2017

None for the applicants. Shri A.P.
Potnis, Id. P.O. for the Respts.

Ld. P.O. files reply on behalf of
R-6 to the C.A. It is taken on record.

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A. 175/2010

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

Dated : 08.08.2017.

M.C.A.31/2017

Ms. Bhagyashree Savhale, Id. Counsel holding for Shri A.P. Patil, Id. Counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1. Await service of R-3.

Ld. P.O. files reply on behalf of R-2 to the C.A. it is taken on record.

At the request of Id. Counsel for the applicant , **S.O. 16/8/2017.**

Vice Chairman (J)

dnk.

O.A. 829/2014

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

Dated : 08.08.2017.

MCA 17/2017

Heard Shri A.M. Ghogre, Id. P.O. for the applicant (original respondent no.4) and none for the respondent (original applicant).

2. On 24/7/2017 Id. P.O. Smt. S.V. Kolhe made a statement that the decision has reached to the finality and within two weeks the order of the Tribunal will be complied and therefore she sought two weeks time. Today, Id. P.O. Shri A.M. Ghogre submits that the order of the Tribunal is not yet complied and seeks time till 31/8/2017. Considering the facts and circumstances, time for complying the order dated 13/2/2017 is extended till 31/8/2017. Accordingly, the MCA stands disposed of.

Vice Chairman (J)

dnk.

O.A. No. 499/2014.

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

Dated : 08th August 2017.

C.P. No.05/2017:-

Shri M.V.Mohokar, Id. counsel for the applicant. Shri S.A.Sainis, the learned P.O. for the Respondents.

At the request of Id. P.O., **S.O.**
24/08/2017.

Vice-
Chairman(J)

aps

O.A. No. 535/2016.

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

Dated : 08th August 2017.

Shri N.S.Warulkar, Id. counsel for the applicant. Shri Kulkarni, the learned P.O. for the Respondents no. 1 & 2. None for R-3. Shri P.S.Kadam holding for Shri S.S.Bhalerao, Id. counsel for R-4.

S.O. 16th August, 2017.

Vice-
Chairman(J)

aps

O.A. No. 285/2017.

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

Dated : 08th August 2017.

Mrs.P.T.Joshi, Id. counsel for the applicant. Shri Pande, the learned P.O. for the Respondents.

The Id. P.O. seeks four weeks time to file the reply, **S.O. four weeks.**

Vice-
Chairman(J)

aps

O.A. No. 529/2017.

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

Dated : 08th August 2017.

Shri D.M.Kakani, Id. counsel for the applicant. Shri Kulkarni, the learned P.O. for the State.

The Id. P.O. seeks two weeks time to file the reply, **S.O. two weeks.**

Vice-
Chairman(J)

aps

O.A. No. 160/2017.

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

Dated : 08th August 2017.

Shri S.D.Kotkar, Id. counsel for the applicant. Shri S.A.Sainis, the learned P.O. for the Respondents.

At the request of Id. P.O., **S.O.**
18/08/2017.

Vice-
Chairman(J)

aps

O.A. No. 457/2017.

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

Dated : 08th August 2017.

None for the applicant. Shri S.Deo,
the learned C.P.O. for the Respondents.

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

Vice-
Chairman(J)

aps

O.A. No. 447/2017.

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

Dated : 08th August 2017.

Shri Sudame, Id. counsel for the applicant. Shri P.N.Warjurkar, the learned P.O. for the Respondents.

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

Vice-
Chairman(J)

aps

O.A. No. 569/2016.

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

Dated : 08th August 2017.

None for the applicant. Shri S.A.Sainis, the learned P.O. for the Respondents no. 1 to 6. Shri Muley, Id. counsel for the R-7.

At the request of Id. counsel for R-7, **S.O. two weeks** for filing reply, as a last chance.

Vice-
Chairman(J)

aps

O.A. No. 755/2015.

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

Dated : 08th August 2017.

C.A.259/17:-

Heard Shri Warulkar holding for Shri V.Bhise, Id. counsel for the applicant. Shri Khadatkar, the learned P.O. for the Respondents no. 1 & 2. Await services of R-3 to 18.

The Id. counsel for the applicant submits that he has tried his level best to served the Respondents no. 3 to 18, but there envelops come back by comments that "There addresses are not sufficient". Admittedly, these respondents are working under Respondents no. 1 & 2. Hence the Respondents no. 1 & 2 are directed to supply the addresses of Respondents no. 3 to 18. **S.O. three weeks.**

Vice-

Chairman(J)

aps

O.A. No. 562/2016.

Coram: Shri J.D. Kulkarni,

Vice-Chairman (J).

Dated : 08th August 2017.

C.A.240/17:-

Heard Shri A.C.Dharmadhikari, Id. counsel for the applicant. Shri A.M.Ghogre, the learned P.O. for the Respondents no. 1 to 3. Shri D.M.Kakani, Id. counsel for Respondents no. 4 & 5. None for R-6 & 7.

The Respondents have moved the Civil Application no. 240/17 for vacating the Interim order. All the parties agreed that the C.A. along with O.A. be heard on merits. Therefore, the matter is admitted and take for final hearing on 10/08/2017.

The Id. P.O. waives notices for the Respondents no. 1 to 3 & Counsel waives notices for Respondents no. 4 & 5.

Interim orders to continue.

Vice-
Chairman(J)

aps

O.A. No. 472 & 473 of 2017.

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

Dated : 08th August 2017.

None for the applicant. Shri S.A.Sainis, the learned P.O. for the Respondents no. 1. The notices of Respondents no. 2 and 3 are awaited.

S.O. two weeks.

Vice-
Chairman(J)

aps

O.A. No. 578/2017.

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

Dated : 08th August 2017.

C.A. No. 376/17:-

Shri K.Malokar, Id. counsel for the applicant. Shri S.Deo, the learned C.P.O. for the Respondents no. 1. C.A. is allowed.

O.A.578/2017:-

2. Issue notices to respondent Nos. 2 & 3 returnable within **four weeks.**
3. Shri S.Deo, the learned 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. S.O. **four weeks.**

Vice-

Chairman(J)

aps

O.A. No. 544/2017.

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

Dated : 08th August 2017.

C.A. No. 364/17:-

Heard Shri J.C.Shukla, Id. counsel for the applicant. Shri S.Deo, the learned C.P.O. for the Respondents no. 1.

The claims of seniority and the cause of action of almost all the applicants those who are working as a Civil Engineering Assistants and therefore, the application to sue jointly be allowed in the interest of justice.

By this C.A., the applicants are seeking leave to sue jointly. For the reason stated in the C.A., leave to sue

jointly as prayed for is granted, subject to the Applicants paying requisite court-fees, if not already paid. C.A. disposed off accordingly.

O.A. No. 544/2017:-

2. Issue notice to respondent Nos. 2 to 5 returnable within **four weeks.**

3. Shri S.Deo, the learned 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. S.O. **four weeks.**

Vice-

Chairman(J)

aps

O.A. No. 199/2015.

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

Dated : 08th August 2017.

C.A.296/17:-

Heard Shri A.C.Dharmadhikari, Id. counsel for the applicant. Shri A.M.Ghogre, the learned P.O. for the Respondents.

The application for early hearing is allowed in the interest of justice. The matter be kept for final hearing on **10/08/2017.**

Vice-

Chairman(J)

aps

O.A. No. 844/2016.

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

Dated : 08th August 2017.

None for the applicant. Shri Kulkarni, the learned P.O. for the Respondent no. 1 to 3. Await service of R-4.

The Id. P.O. seeks time to file reply affidavit. **S.O. two weeks for filing reply.**

Vice-

Chairman(J)

aps

O.A. No. 695/2015.

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

Dated : 08th August 2017.

None for the applicant. Shri Kulkarni, the learned P.O. for the Respondent no. 1 & 2. None for R-3.

The service affidavit of Respondent no. 3 is not filed. Hence await service of Respondent no. 3. **S.O. two weeks.**

Vice-
Chairman(J)
aps

O.A. No. 572, 573, 574 & 575 of 2017.

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

Dated : 08th August 2017.

Heard Shri D.T.Shinde, the learned counsel for the applicant and Shri A.M.Ghogre, the learned P.O. for the respondent No.1.

2. All the applicants are claiming regular promotion to the post of P.S.I. (M.T.) in the Motor Transport Department. As per the recruitment rules, the appointment from direct

recruit and promotee is in the ratio of 70:30. The Id. counsel for the applicant submits that the applicants were appointed vide order dated 10/10/2011 for a period of 364 days. The said promotion was adhoc and temporary in nature, since the applicants from reserved categories were not available. It is stated that the same promotional order is continued till today. For granting regular promotion to the applicants, they have moved the Respondents as per letter dated 27/03/2017. The Id. counsel for the applicants has invited my attention to the letter dated 16/05/2017 issued by the Special Inspector General of Police where-by in it has been mentioned that 28 posts are to be filled in by conducting fresh examination and that the PSIs, who have already been promoted on temporary basis are to be reverted. The Id. counsel for the applicants submits that if the fresh examination is conducted, the applicants will be out of promotional post, which they are enjoying from 2011.

3. The Id. P.O., however submitted that the applicants were promoted on adhoc basis i.e. temporary for a certain period, since the posts for reserved category were not available at that time. Now the posts of reserved category are available and, therefore, the applicants cannot be continued on the said post. Even accepting the fact that if the Respondents are conducting a fresh

examination for promotional post from A.S.I. to P.S.I., it will take time.

4. Issue notices to respondent Nos. 2 to 4 returnable within **four weeks.**

5. Shri A.M. Ghogre, the learned P.O. for 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 need 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.

8. 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.

9. 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.

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

aps