

O.A. St.No. 1947/2016.

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

Dated : 03rd August 2017.

C.A.483/16:-

Shri S.P.Palshikar, Id. counsel for the applicant. Shri Pandey, the learned P.O. for the Respondents no. 1. Service affidavit filed by Counsel for applicant but service acknowledgement not filed by Counsel for applicant for R-2 to 4.

The Id. counsel for the applicant submits that he will remove the office objection during the course of the day. The Id. P.O. seeks time to file the reply affidavit on behalf of Respondent no. 1 to 4. **S.O.**
four weeks.

Vice-Chairman(J)

aps

O.A. No. 57/2017.

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

Dated : 03rd August 2017.

C.A.No. 28 & 357 of 2017:-

Heard Shri R.A.Haque, Id. counsel for the applicant. Smt. Kolhe, the learned P.O. for the State.

2. The Id. counsel for the applicant submits that he has already substituted the original application by way of amendment, the same is C.A. 357/2017. C.A. 28/17 is not pressed. Hence disposed off.

3. Issue notices to respondent Nos.1 returnable within **four weeks.**

4. Smt. Kolhe, the learned P.O. waives notice for respondent No.2. 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. **four weeks.**

Vice-Chairman(J)

aps

O.A. No. 530/2017.

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

Dated : 03rd August 2017.

Shri K.V.Bhoskar, Id. counsel for the applicant. Shri S.Deo, the learned C.P.O. for the State. Await service of R-2 & 3.

The Id. counsel for the applicant submits that he will file service affidavit for Respondent no. 2 & 3 during the course of the day. The Id. C.P.O. submits that there is no need to file the reply affidavit and the matter be hear on the point of maintainability. At the request of Id. counsel for the applicant, **S.O. 09/08/2017.**

Vice-Chairman(J)

aps

O.A. No. 407/2017.

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

Dated : 03rd August 2017.

Shri N.R.Saboo, Id. counsel for the applicant. Shri Pande, the learned P.O. for the Respondents no. 1 & 2. Shri K.V.Bhoskar holding for Adv.P.Rane, Id. counsel for R-3. None for R-4

The Id. counsel for the applicant filed the affidavit in support of service of Respondents, today, in court. He further submits that he will remove the office objection during the course of the day. The Id. P.O. seeks time to file the reply affidavit on behalf of R-1 & 2. **S.O. three weeks.**

Vice-Chairman(J)

aps

O.A. No. 840/2012.

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

Dated : 03rd August 2017.

Shri A.M.Haque holding for Shri A.I.Sheikh, Id. counsel for the applicant. Shri M.I.Khan, the learned P.O. for the Respondents.

As per the order dated 20/07/2017, the Id. P.O. was directed to place on record the communication dated 26/07/2012. The copy of the said letter is placed on record by the Id. P.O. today in court, the same is mark exh. "X" for the purpose of identification. The matter is closed for order.

Vice-Chairman(J)

aps

O.A. No. 565/2017.

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

Dated : 03rd August 2017.

Heard Shri P.V.Thakre, the learned counsel for the applicant and Shri S.Deo the learned C.P.O. for the respondent No.1.

2. Issue notice to respondent Nos.2 to 4 returnable within **two weeks.**
3. Shri A.M. Ghogre, the learned P.O. for 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. **two weeks.**

Vice-Chairman(J)

aps

O.A. No. 470/2017.

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

Dated : 03rd August 2017.

Shri N.R.Saboo, Id. counsel for the applicant. Shri M.I.Khan, the learned P.O. for the Respondents no. 1 to 3. None for R-4.

The Id. P.O. files on record the reply affidavit of R-2 & 3. The same is taken on record. Copy is served to other side. The Id. counsel for the applicant seeks time to go through it and to file rejoinder, if necessary.

S.O. two weeks.

Vice-Chairman(J)

aps

O.A. No. 439/2017.

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

Dated : 03rd August 2017.

Shri P.P.Khaparde, Id. counsel for the applicant. Shri M.I.Khan, the learned P.O. for the Respondents.

The Id. P.O. placed on record the order copy of relieving of the applicant, the same is marked ex. "X". The Id. counsel for the applicant submits that the applicant has been relieved and therefore the application can be disposed off since it has become infructuous. In view thereof the O.A. stands disposed as infructuous.

Vice-Chairman(J)

aps

O.A. No. 317 & 362 of 2017.

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

Dated : 03rd August 2017.

Shri Verma, Id. counsel for the applicant. Shri A.M.Ghogre, the learned P.O. for the Respondents.

The Id. P.O. files the reply affidavit on behalf of Respondent no. 4. The same is taken on record. Copy is served to the other side. **S.O. one week** for final hearing.

Vice-Chairman(J)

aps

O.A. No. 98/2017.

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

Dated : 03rd August 2017.

Leave application of Id. counsel for the applicant. Shri Kulkarni, the learned P.O. for the Respondents.

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

Vice-Chairman(J)

aps

O.A. No. 325/2017.

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

Dated : 03rd August 2017.

Shri A.V.Bhide, Id. counsel for the applicant. Shri Kadatkar, the learned P.O. for the Respondent No. 1. Shri P.D.Meghe, Id. counsel for Respondent No. 2.

The Id. counsel for Respondent No. 2 files the affidavit as directed by the Tribunal order dated 27/07/2017. The copy of the same has been supplied to the other sides.

S.O. 09/08/2017.

Vice-Chairman(J)

aps

O.A. No. 332/2017.

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

Dated : 03rd August 2017.

Leave note of Id. counsel for the applicant. Shri A.M.Ghogre, the learned P.O. for the Respondents.

S.O. one week.

Vice-Chairman(J)

aps

O.A. No. 341/2017.

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

Dated : 03rd August 2017.

None for the applicant. Shri Kulkarni,
the learned P.O. for the Respondents.

The Id. P.O. seeks time to file reply
affidavit. **S.O. three weeks.**

Vice-Chairman(J)

aps

O.A. No. 432/2017.

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

Dated : 03rd August 2017.

Shri N.D.Thombre, Id. counsel for the applicant. Shri S.Deo, the learned C.P.O. for the Respondents.

The Id. C.P.O. seeks time to file reply affidavit. **S.O. three weeks.**

Vice-Chairman(J)

aps

O.A. No. 438/2017.

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

Dated : 03rd August 2017.

Shri A.S.Chakotkar, Id. counsel for the applicant. Shri S.Deo, the learned C.P.O. for the Respondents.

The Id. C.P.O. seeks time to file reply affidavit. **S.O. four weeks.**

Vice-Chairman(J)

aps

O.A. No. 563/2017.

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

Dated : 03rd August 2017.

Heard Shri G.N.Khanzode, Id. counsel for the applicant. Shri S.Deo, the learned C.P.O. for the Respondents no. 1 to 3. Shri S.M.Khan, Id. counsel for Respondent no. 4.

The Id. counsel for the applicant Shri Khanzode submits that his client is not ready to withdraw the O.A. with liberty to file fresh O.A. as per para 11 of the order dated 02/08/2017 and insisted that order be passed on merits. Since the matter has been argued on merits.

Vide impugned order dated 20/05/2017, Respondent no. 4, Shri Manoj Namdeo Chauhan has been transferred to the vacant post of RFO. It is stated that said post is not vacant and that applicant is working as RFO at Aheri.

The only substantial ground is that the applicant is not due. The applicant is joint the present post on 04/05/2013 and as on today he is almost due for transfer. The impugned order dated 25/05/2017 shows

that the Respondent no. 4 has been transferred at Aheri on a vacant post. The applicant name however has not been shown as transferred in the said order, merely because his proposal for transfer was under consideration before the competent authority. Strictly speaking there was no cause of action for the applicant to challenge the order dated 20/05/2017, since his name is not appearing in the said order. The detail order has been passed on 02/08/2017, from which it is clear that the competent authority has every right to issue order of transfer under administrative exigency or as exceptional case and as per the provision of section 4(2)(2) and 4(5) of the transfer act. Accordingly, the proposal for applicant's transfer was sent to the competent authority and the competent authority has passed the order of applicant's transfer as per ex. "X1" not only that the said order has been implemented. The applicant has been relieved from his post of Aheri and in his place the Respondent no. 4, Shri Manoj Namdeo Chauhan has already joined. The application therefore has become infructuous. If at all the applicant wants to transfer as per ex. "X1", he will be at liberty to file separate O.A., challenging the said

order of the transfer as per exh. "X1". Hence the following orders :-

ORDER

1. O.A. stands dismissed.
2. No order as to costs.

Vice-Chairman(J)

Aps

O.A. No. 513/2015.

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

Dated : 3rd August 2017.

MCA 86/2016 in C.A.167/2016 in C.P.(St.)
702/2016

Heard Shri V.A. Dhabe, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

The learned P.O. has filed reply affidavit on behalf of R.2, it is taken on record and a copy thereof is supplied to the learned counsel for the applicant.

S.O. whenever regular D.B. is available.

Vice-
Chairman(J)

pdg

O.A. No. 289/2016. (S.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 3rd August 2017.

Shri N.R. Saboo, the learned counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents 1 to 3. None for R.4.

At the request of the learned counsel for the applicant, S.O. **two weeks.**

Vice-
Chairman(J)

Pdg

O.A. No. 222/2013. (S.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 3rd August 2017.

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

At the request of the learned counsel for the applicant, S.O. **two weeks.**

Vice-
Chairman(J)

pdg

O.A. No. 566/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 3rd August 2017.

Heard Shri N.D. Thombre, the learned counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondent No.1.

2. The applicant has been appointed on temporary basis as Assistant Professor in Anatomy vide order dated 25.4.2017 with the condition that his services will come to an end as soon as new regular employee is made available on the said post. Vide order dated 1.8.2017 (A.5), his services have been terminated, since regular employee was made available. Only claim of the

applicant is that respondent No.4 is junior to him and, therefore, as per Govt. directions issued in various circulars, the juniormost must first go. He will file the document on record showing the appointment of respondent No.4. He is directed to supply a copy of the said document to the learned CPO. The applicant has already been terminated and, therefore, there is no reason to stay that order at this juncture. If he has been terminated illegally, same issue can be considered on merit.

3. In view thereof, issue notice to respondent Nos. 2 to 4 returnable after **four weeks.**

4. Shri S.A. Deo, the learned C.P.O. waives notice for the 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. **four weeks.**

Vice-
Chairman(J)

pdg

O.A. No.446 /2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 3rd August 2017.

Heard Shri M.M. Sudame, the learned counsel for the applicants and Shri S.A. Sainis, the learned P.O. for the respondents.

Closed for orders.

Vice-
Chairman(J)

pdg

O.A. No. 100 /2010.

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

Dated : 3rd August 2017.

C.P.No. 03/2017.

Heard Shri S.P. Palshikar, the
learned counsel for the applicant and

Shri P.N. Warjekar, the learned P.O. for the respondents.

2. The learned P.O. submits that Shri Sanjaykumar Bawiskar, the then Superintendent of Police, Budhana has been transferred and his place Shri Shashikumar Meena, new Superintendent of Police, Budhana has been posted. The learned counsel for the applicant seeks permission to add new Superintendent of Police, Budhana as party respondent to the proceedings. Permission is granted.

3. Shri N.P. Tandale, In-charge Deputy Superintendent of Police (Home), Budhana is personally present before this Tribunal representing Shri Shashikumar Meena, new Superintendent of Police, Budhana, newly added respondent No.3.

4. The learned P.O. is directed to file an affidavit stating as regards the compliance made by the respondents in detail and shall work out as to what

is remained to be complied with, if any. After filing of an affidavit in reply, the applicant may go through it and make a statement for filing reply affidavit by the respondents.

5. S.O. **two weeks** at the request of Ld.P.O.

6. Steno copy be provided to the learned P.O.

Vice-
Chairman(J)

pdg

O.A. No. 860 /2010.

Coram: Shri J.D. Kulkarni,

Vice-Chairman (J).
Dated : 3rd August 2017.
C.A.No. 13/2016 in C.P.(St.) 47/2016.

Heard Shri N.N. Thengre, the learned counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents 1 to 3. Shri W.G. Paunikar, Adv. for R.4 & 5. None for R.6.

The learned counsel for R.4 & 5 submits that bill only for Rs. 10,000/- or more is to be paid to the applicant and rest of the amount has already been paid. The bill for the said amount was submitted to the Treasury office. But due to some office objection, it was again re-submitted and there is likelihood of payment being made within one or two weeks. He, therefore, seeks two weeks' time for compliance.

S.O. **two weeks.**

Vice-
Chairman(J)

pdg

O.A. No. 530/2013.

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

Dated : 3rd August 2017.

C.A.No. 126/2016 in C.P.(St.) 490/2016.

None for the applicant. Shri P.N. Warjekar, the learned P.O. for the respondents.

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

S.O. 31st August 2017.

Vice-
Chairman(J)

pdg

O.A. No. 673/2013.

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

Dated : 3rd August 2017.

C.A.No. 159/2016 in C.P.(St.) 634/2016.

None for the applicant. Shri S.A. Sainis, the learned P.O. for the respondents.

The order to be complied with dated 2.7.2015 whereby the amount of pension and interest was to be paid within three months from the date of order. Till today, interest has not been paid. Respondent Nos. 2 and 3 are, therefore, directed to pay interest amount within one week or to appear before this Tribunal. If the amount is not paid within one week, the competent authorities responsible for not paying interest i.e. Respondent Nos. 2 and 3 shall appear before this Tribunal.

S.O. 31st August 2017.

Vice-
Chairman(J)

pdg

O.A. No. 61/2010.

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

Dated : 3rd August 2017.

C.A.No. 270/2016 in C.P.(St.) 1057/2016.

Shri Bharat Kulkarni, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents 1 & 2. None for R.3.

At the request of the Ld. counsel for the applicant, S.O. **31st August 2017.**

Vice-
Chairman(J)

Pdg

O.A. No. 233/2011.

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

Dated : 3rd August 2017.

C.A.No. 09/2017 in C.P.(St.) 44/2017.

Heard Shri S.P. Kshirsagar, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

At the request of the Ld. counsel for the applicant, S.O. **three weeks.**

Vice-
Chairman(J)

pdg

O.A. Nos. 614 to 616 of 2013.

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

Dated : 3rd August 2017.

C.A.No. 252/2017 in C.P.(St.) 677/2017.

Heard Shri D.S. Wasnik, the Ld. counsel for the applicants and Shri P.N. Warjekar, the learned P.O. for the respondents.

S.O. **two weeks.**

Vice-
Chairman(J)

pdg

O.A. Nos. 90/2016.

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

Dated : 3rd August 2017.

C.A.No. 254/2017 in C.P.(St.) 861/2017.

None for the applicant. Shri S.A. Sainis, the learned P.O. for the respondents.

The Ld. P.O. submits that the respondents are planning to file Writ Petition before the Hon'ble High Court against the order of this Tribunal. The order in this O.A. dated 25.4.2017, however, specifically states that respondent No.2 shall recommend the applicant's name for the post of Head of the Department (Electronics) from Open (General) category within four weeks and will take action to appoint the applicant as Head of the Department (Electronics) within a further period of four

weeks. The said period is already over and, therefore, there is no reason as to why the proceedings shall not be continued for contempt. However in the interest of justice, **two weeks**, since the applicant is absent.

Vice-
Chairman(J)

Pdg

O.A. Nos. 319/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 3rd August 2017.

C.A.No. 309/2017 in C.P.(St.) 1039/2017.

Shri S.B. Tiwari, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondent No.3. None for R.1 & 2.

The Ld. counsel for the applicant submits that he will file service affidavit in respect of R.4 during the course of the day.

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

Vice-
Chairman(J)

Pdg

O.A. Nos. 305/2017.

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

Dated : 3rd August 2017.

C.A.No. 311/2017 in C.P.(St.) 1037/2017.

Heard Shri M.R. Patil, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondent No.1. None for R.2 & 3.

In this O.A., respondents were directed to consider the claim of the applicant for Class-III post in view of his representation dated 11.7.2014 and said appointment was to be issued within two months from the date of the order. It has been observed in the order itself that the applicant is well qualified and there is no reason as to why he cannot be considered for Class-III post. The purport of the order is clear. It seems that there is no other go for the respondents, but to appoint the applicant on

Class-III post. The respondents, however, rejected the application by saying that they want to challenge the decision of this Tribunal before the High Court. Period given for compliance is already over and no appeal / writ is filed within the period of compliance. Thus, *prima facie* there seems to be non compliance of the order of this Tribunal. The Ld. P.O. submits that such proceedings for contempt be initiated after two weeks in case no order is passed by Hon'ble High Court and the order not complied with. In view thereof, S.O. **two weeks.**

Vice-
Chairman(J)

pdg

O.A. No. 318/2017.

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

Dated : 3rd August 2017.

C.A.No. 321/2017 in C.P.(St.) 2047/2017.

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

The Ld. counsel for the applicant seeks time to file service affidavit of R.3.

Ld. P.O. also seeks time to file reply affidavit of R. 1 & 2.

S.O. 7th August 2017.

Vice-
Chairman(J)

pdg

O.A. No. 670/2016.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 3rd August 2017.

C.A.No. 366/2017 in C.P.(St.) 2230/2017.

Heard Shri Bharat Kulkarni, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondent No.1.

2. Issue notice on C.A. to R.2 returnable after four weeks.

3. Shri A.M. Khadatkar, the learned P.O. waives notice for the 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)

pdg

O.A. No. 799/2014.

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

Dated : 3rd August 2017.

M.C.A.Nos. 41 & 42 of 2017 in C.A. 557/2016 in
C.P.(St.) 2286/2016.

Heard Shri C.A. Babrekar, Adv. holding for Shri S.S. Upadhyaya, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents.

The Ld. P.O. submits that he has not received copy of the MCA for condonation of delay. Applicant is directed to serve copy of the said document to the Ld. P.O.

S.O. **four weeks.**

Vice-
Chairman(J)

pdg

O.A. No. 639/2009.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 3rd August 2017.

C.As. 362/2017 & 371/2016 in C.P.(St.) 1477/2016.

None for the applicant. Smt. S.V. Kolhe, the learned P.O. for the respondents.

At the request of Ld. P.O., S.O. **31.8.2017** for filing reply affidavits to the C.As.

Vice-
Chairman(J)