

O.A. 344/2018 (SB)

**Coram : Hon. Shri Shree Bhagwan,
Member (A).**

Dated : 04.09.2018

Shri P.V. Thakre, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. The learned P.O. files reply-affidavit on behalf of respondent nos. 2 to 4. It is taken on record. Copy is served on the applicant. However, while going through the reply, it seems that the vacancies in Gadchiroli District as mentioned in the earlier order is not given.

3. The learned P.O. is requested to get that before next date of hearing or supply the relevant documents on record. The learned counsel for the applicant seeks time to file rejoinder, if necessary. He is permitted to do so.

4. In the meantime, in order dated 05/06/2018 in para 2 – *“The impugned order of transfer dated 31/05/2018 (Annex-A-8) in respect of applicant and*

respondent no.5 only is stayed till the next date of hearing. In the meanwhile, the transferring authority may file in reply vacancies in Gadchiroli District". The same order dated 05/06/2018 is continued till next date of hearing.

S.O. two weeks.

Member (A).

dnk.

O.A. 375/2018 (SB)

**Coram : Hon. Shri Shree Bhagwan,
Member (A).**

Dated : 04.09.2018

Heard Shri A.P. Sadavarte, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. The learned P.O. files reply-affidavit on behalf of respondent nos. 3 and 4. It is taken on record. Copy is served on the applicant.

3. Vide order dated 16/08/2018 the impugned order 31/05/2018 (Annex-A-5) has been stayed. However, the learned P.O. pointed out that the order dated 31/05/2018 (Annex-A-5) has been modified because in that order in the last column written as "fourth" was wrongly mentioned and the same has been modified vide order no. ~~del~~ 443/2018, dated 25th June, 2018 (Annex-R-3-5, P-69) which has been annexed by the learned CPO in his reply-affidavit at P.B. page no.69. However, the learned counsel

for the applicant desires to go through the reply and wants to file rejoinder within two weeks. He is permitted to do so.

4. In the meantime, at the request of learned counsel for the applicant in order dated 08/06/2018 in para no.2 the impugned order dated 31/05/2018 (Annex-A-5) was stayed till next date of hearing. The said stay is continued till next date of hearing.

5. **S.O. two weeks.**

Member (A).

dnk.

O.A. 424/2018 (SB)

**Coram : Hon. Shri Shree Bhagwan,
Member (A).**

Dated : 04.09.2018

None for the applicant. Shri V.A. Kulkarni, Id. P.O. for the respondents and Shri N.D. Thombre, learned counsel for Intervener.

2. The learned P.O. submits that he has already filed reply-affidavit. Today, nobody appeared for the applicant. Shri N.D. Thombre learned counsel for intervener appears and submits that vide order dated 28/08/2018 the intervention application was allowed. However, the learned counsel for the applicant has not added Intervener as a party. The same should be done at the earliest.

3. In view of the directions given by the Hon'ble High Court, the matter is admitted and be kept for final hearing after two weeks.

4. In the meantime, Shri N.D. Thombre, learned counsel for Intervener is at liberty to file reply, if any.

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

6. **S.O. after two weeks.**

Member (A).

dnk.

O.A. 450/2018 (SB)

**Coram : Hon. Shri Shree Bhagwan,
Member (A).**

Dated : 04.09.2018

C.A.254/2018 -

Heard Shri A.S. Tiwari, learned counsel for the applicant and Shri S.A. Deo, learned CPO for the respondents.

2. For the reasons stated in the application, the C.A. for amendment is allowed. Necessary amendment be carried out within one week. The amended copies be supplied to the other side well in advance.

O.A.450/2018 –

The learned CPO seeks time to file reply to amended portion as well as to the main O.A. also. At his request, **S.O. two weeks** for filing reply.

Member (A).

dnk.

O.A. 497/2018 (SB)

**Coram : Hon. Shri Shree Bhagwan,
Member (A).**

Dated : 04.09.2018

Herd Shri T.U. Tathod, Id. counsel for the applicant, Shri S.A. Deo, Id. CPO for R-1 to 4 and Shri S.N. Gaikwad, Id. counsel for R-4.

2. The learned counsel for the applicant pointed out that this is a transfer matter and the applicant has filed the application before two months, but till today the reply of State has not been filed. The learned CPO submits that he will file reply within 10 days and for that purpose he seeks time. At his request, **S.O. 17/09/2018** for filing reply.

Member (A).

dnk.

**Coram : Hon. Shri Shree Bhagwan,
Member (A).**

Dated : 04.09.2018

Heard Meenaxi Iyer, learned counsel for the applicant and Shri S.A. Deo, learned CPO for the respondents.

2. In this case the relief sought by the applicant at P.B. page no. 10 in prayer clause no.9 (i) is as under :-

“9 (i) Direct the respondents to award higher scale of pay on the post of Civil Engineering Assistant w.e.f. 31/01/2004 to 30/01/2007 and on the higher scale of pay of Junior Engineer from 31/01/2007 to 31/01/2017 (i.e. date of retirement) with consequential benefits attached thereto, revising his pension with 18% interest p.a.”

3. In view of that the reply of State will be necessary to go further. The learned CPO seeks four weeks time to file reply. At his request, **S.O. four weeks.**

Member (A).

O.A. 678/2017 (SB)

**Coram : Hon. Shri Shree Bhagwan,
Member (A).**

Dated : 04.09.2018

None for the applicant. Shri V.A. Kulkarni, Id. P.O. for the respondents.

2. The matter was heard on 04/07/2018 and it was kept today for filing rejoinder by the learned counsel for the applicant. Today, none appeared for the applicant and rejoinder has not been filed.

3. In view thereof, since the pleadings are complete, the matter is admitted and be kept for final hearing.

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

5. **S.O. in due course** for filing hearing.

Member (A).

dnk.

O.A. 784/2017 (SB)

**Coram : Hon. Shri Shree Bhagwan,
Member (A).**

Dated : 04.09.2018

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

2. The matter was heard on 28/08/2018 and it was kept today for filing rejoinder by the learned counsel for the applicant. Today, none appeared for the applicant and rejoinder has not been filed. The matter pertains to correction of date of birth in the service book.

3. In view thereof, since the pleadings are complete, the matter is admitted and be kept for final hearing.

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

5. **S.O. in due course** for filing hearing.

Member (A).

dnk.

O.A. 205/2018 (SB)

**Coram : Hon. Shri Shree Bhagwan,
Member (A).**

Dated : 04.09.2018

Heard Shri S.C. Deshmukh, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1 to 3. None for R-4&5.

2. The learned counsel for the applicant seeks two weeks' time to file rejoinder. He is permitted to do so. However, interim relief was granted vide order dated 28/03/2018 in para-3, the same is continued till next date of hearing.

3. In the meantime, since the pleadings are complete, the matter is admitted and be kept for final hearing.

4. The learned P.O. waives notice for R-1 to 3.

5. **S.O. 19/09/2018.**

Member (A).

dnk.

O.A. 368/2018 (SB)

**Coram : Hon. Shri Shree Bhagwan,
Member (A).**

Dated : 04.09.2018

Heard Shri S.N. Gaikwad, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. The learned P.O. has filed the Government letter no.f'kml@vklFkk&c@fo'kkyns'ked[ke6063@18 dk; ky;] f'k{k.k mi l pkyd] ukxij foHkkx] ukxij] dated 17th July,2018 which is marked Exh-X for the purposes of identification and the last page of this letter, it seems that the respondents had asked choices from the applicant and the applicant has given 10 choices in which at sr.no.5 he has given choice for Chimur, District Chandrapur. Accordingly, the Government has modified order no. U;k;ki@2918@izdz160@izkk&2] e=ky;] epb] dated 1st August,2018 at P.B. page no.96 and the applicant's transfer order has been modified and he has been posted at Chimur, District Chandrapur. From both

these orders i.e. dated 17th July,2018 and 1st August,2018 it appears that the applicant's grievance has been redressed by the respondents. However, the learned counsel for the applicant wants to go through the same and requested that the matter may be kept tomorrow for final disposal.

3. In view thereof, the matter be kept on 05/09/2018 for final disposal at the admission stage.

4. In the meantime, vide order dated 7th June,2018 in para-3 the stay was granted. The same will be continued till tomorrow.

5. **05/09/2018 (P.H.)**.

Member (A).

dnk.

O.A. 445/2018 (SB)

**Coram : Hon. Shri Shree Bhagwan,
Member (A).**

Dated : 04.09.2018

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri S.A. Sanis, Id. P.O. for R-1 to 3. None for R-4.

It seems that the learned counsel of applicant has not filed rejoinder.

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

The learned P.O. waives notice for R-1 to 3.

S.O. 11/09/2018.

Member (A).

dnk.

O.A. 694/2018 (SB)

**Coram : Hon. Shri Shree Bhagwan,
Member (A).**

Dated : 04.09.2018

Heard Shri A.P. Sadavarte, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The learned counsel for the applicant has pointed out that the applicant has been transferred vide order no. [del@cnym@1918@i@d56@b3e-ky; lepb](#) dated 23/08/2018 at P.B. page no.22 at Annex-A-3 in which the applicant is at sr.no.10. The applicant has completed only two years and two months at the present post. Therefore, this case seems to be a premature transfer. The learned CPO however submits that the transfer order has been issued as per the directions given by the Election Commission of India. The copy of the same has been placed on record at P.B. page no.24 at Annex-A-4.

3. In the meanwhile, the respondent no.1 is requested to consider the letter

no.vldk'k@e-'k-4@dkfo@1941@2018] dated 24/08/2018 (Annex-A-6,P-31) issued by respondent no.2 during filing of the reply.

4. Issue notice to R-2 returnable in **one week**. Learned C.P.O. waives notice for R-1. Hamdast allowed.

5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall 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. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

7. 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.

8. 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.

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

10. **S.O. one week.**

Steno copy is granted.

Member (A).

dnk.

O.A. 695/2018 (SB)

**Coram : Hon. Shri Shree Bhagwan,
Member (A).**

Dated : 04.09.2018

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The learned counsel for the applicant has pointed out letter at Annex-A-1 wherein the applicant is at sr.no.1 and his transfer has been shown on request and he has been transferred to Talegaon, Wardha forest division in Nagpur Circle. However, the learned counsel for the applicant has invited my attention at page no.18, wherein the applicant has made representation dated 16/05/2018 from which it seems that the applicant has requested for his transfer to Gondia Forest Division. The learned counsel for the applicant submits that the impugned transfer of applicant is not as per the applicant's request, but in the impugned transfer it is mentioned on applicant's request. These two things seems to be contradictory. The learned

counsel for the applicant further submits that the applicant has not yet been relieved.

3. In view thereof, the impugned transfer order to the extent of applicant is stayed till filing of reply by the respondents.

4. In the meantime, issue notice to R-2 to 4, returnable in **two weeks**. Learned C.P.O. waives notice for R-1. Hamdast allowed.

5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall 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. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

7. 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.

8. 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.

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

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

Member (A).

dnk.

**Coram : Hon. Shri Shree Bhagwan,
Member (A).**

Dated : 04.09.2018

Heard Shri S.N. Gaikwad, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

2. The learned counsel for the applicant pointed out various paragraphs of G.R.No., I vj0gh&2017@i z d z415@dk; k u 12] e=ly;] e p b, dated 9th April,2018. However, the learned P.O. has also pointed out the letter issued by the Commissioner dated 19/05/2018 (Annex-R-3, P-118) in para no.2 in which clearly mentions that “dk; bDr dj.; kr ; r vkg”. After considering all the aspects the stay was granted on 11/06/2018 in para no.2, is vacated. However, the respondents are directed to consider the applicant’s choice from sr.nos. 1 to 8 and issue fresh posting within 10 days from the date of this order.

3. In view of this, the O.A. stands disposed of with no order as to costs.

Steno copy is granted.

Member (A).

O.A. No.697/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,
Member (A)**

Dated : 04.09.2018.

C.A. No. 264/2018:-

Heard Shri P.S.Patil, Id. counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the State for a long time.

As per the directions given by this Tribunal, in order dated 25/06/2018 at P.B., Pg. No. 64, the impugned order dated 31/05/2018. The respondents have decided the representation vide the order dated 31/07/2018 at P.B., Pg. No. 67 and 68 (Annexure-A-9). In this order respondents have explained the reasons of order and reasons are very speaking in their own merits.

In view of this, nothing survives in this O.A. Hence, C.A. is allowed and O.A. stands disposed of as dismissed.

Member

(A)

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