

Rev. A. 13/19 in O.A. No. 783/2013 (SB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A)**

Dated : 22.02.2019

Heard Shri P.S. Patil, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

2. In this case the C.A.Nos. 53,121 & 236 of 2018 in O.A.No.783/2013 was heard on 03/09/2018. On that date none appeared for the applicant and so the following order was passed –

“None for the applicant. Shri S.A. Sainis, Id. P.O. for the respondent nos.1 to 3. None for respondent no.4.

The Id. P.O. pointed out that the prayer clause in Civil Application, therefore, the C.As. along with the O.A. stands disposed off as dismissed since it is not maintainable.

In view of this, C.A.Nos.53,121 & 236 of 2018 along with the O.A.No.783/2017 stands disposed of as dismissed.”

3. The Review Application No.13/2019 in O.A. 783/2017 was filed on 10/12/2018 and it was allowed on 8/2/2019 and the O.A. was restored. Accordingly, the O.A. was heard today.

4. In the O.A. at page no.19, Annex-A-2 vide order no.188/estt2/ dated 20/06/2016 the Executive Engineer, PWD, Amravati has transferred the applicant along with the post i.e. Receptionist post to Rest House, Badnera under PWD, Achalpur. The applicant has been transferred along with the post which is presumed that the applicant is supposed to work as Receptionist in the Rest House Badnera in Achalpur Division. The order is very clear in this regard. However, the learned counsel for the applicant pleads that the applicant has been assigned the work of Peon.

5. As per record, again as per P.B. page no.20 at Annex-A-3 vide order no.600/vlirua-6/2017, dated 28/06/2017 the applicant has been transferred on administrative ground from Rest House, Badnera to Rest House, PWD, Amravati in the same capacity. Again as per the order no.621/vlirua/2017] dated 5/7/2017 issued by the Assistant Superintending Engineer, PWD, Amravati has stayed the order issued on 28/06/2017 and same has been filed by the respondent in their reply at para-6. Therefore, as per three

orders as on today the applicant is posted in Rest House, Badnera under PWD, Achalpur Division as Receptionist.

6. However, the learned counsel for the applicant submits that as the applicant is asked to work as Peon and post of Receptionist is not available at Rest House, Badnera. He pleads that the post of Receptionist is available only at Rest House, Amravati. But, I personally feel that as per the records, since the respondents have transferred the applicant along with the post, so it is presumed that the applicant is working at Badnera in the capacity of Receptionist only.

7. The learned P.O. is directed to clarify this point that the applicant is working as Receptionist or Peon in the short affidavit before the next date.

S.O. 8/3/2019 (PH) at 3.00 p.m. in Chamber.

Member (A)

dnk.

dated :- 22/02/2019.

O.A. No. 489/2017 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) and
Hon'ble Shri A.D. Karanjkar,
Member (J).**

Dated : 22.02.2019

C.A.61/2019-

Heard Shri C.A. Joshi, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. For the reasons stated in the application the C.A. is allowed and disposed of.

O.A.489/2017 –

Heard Shri C.A. Joshi, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. The learned counsel for the applicant pleaded that the case of the applicant has been rejected on the ground of clause no. xi (page no.22) in the advertisement dated 12/08/2016 (Annex-A-1,P-18). However the learned counsel for the applicant pleads that there

is a Government G.R. that if a person in blood relation has been given certificate by the Caste Scrutiny Committee, the same should be taken for others in the family members also.

3. In view of this the Id. counsel for the applicant is directed to file on record copy of relevant G.R. along with if any Judgments are to that effect by Hon'ble High Court or Hon'ble Apex Court.

4. The learned P.O. is also directed to inform whether there are specific time limit to fill the vacancies and whether any vacancy exists related to said advertisement till today.

S.O. 1/3/2019.

Steno copy is granted.

Member (J)

Member (A)

dnk.

dated :- 22/02/2019.

O.A. No. 275/2012 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Member (A) and
Hon'ble Shri A.D. Karanjkar,
Member (J).**

Dated : 22.02.2019

None for the applicant.

Shri H.K. Pande, Id. P.O. for the
respondents.

The O.A. is dismissed in default.

Member (J)

Member (A)

dnk.

dated :- 22/02/2019.

**O.A. (St.) No.324/2018.
(S.B.)**

**Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 22nd February 2019.**

C.A. No. 45/2018.

Heard Shri G.G. Bade, the Ld. counsel for the applicant and Shri A.M. Khadatkhar, the learned P.O. for the respondents 1 to 5. Shri A.P. Sadavarte, Ld. counsel for R.6.

S.O. **25.2.2019.**

Vice-
Chairman(J)

Dt. 22.2.2019.

pdg.

O.A. No.38/2019.

(S.B.)

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

Dated : 22nd February 2019.

C.A. No. 60/2019.

Heard Shri N.R. Saboo, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents 1 and 2. Shri S.N. Gaikwad, Ld. counsel for R.3.

2. The applicant in this O.A. has challenged the order of transfer dated 21.1.2019 whereby he has been transferred from the post of District Soil Conservation Officer, Zilla Parishad (Minor Irrigation), Nagpur to Gondia. The reason for transfer is mentioned as per Section 4 (4) (2) and 5 (5) of the Maharashtra Government Servants

Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as the "Transfer Act of 2005"). Admittedly, the applicant has not completed three years' tenure at Nagpur and the order of transfer is not Annual General Transfer. Though, it is stated in the order of transfer that the applicant shall be relieved immediately, it is the case of the applicant that he was not relieved and, therefore, on 22.1.2019, the respondents were directed not to relieve the applicant.

3. The respondent No.3 i.e. the Zilla Parishad, Nagpur subsequently appeared and has filed reply affidavit and made a statement that the applicant was relieved immediately on 21.1.2019 and the charge has been given to his subordinate Shri Sayam. None appeared for the Zilla Parishad today. Admittedly, nobody has been posted in place of the applicant and only charge is alleged to have been given to the subordinate of the applicant. The Ld. counsel for the applicant submits that the applicant is claiming extension only upto Annual General Transfers of 2019, since his daughter is prosecuting her

studies in 12th standard. He submits that the application may be disposed of with direction to respondent No.3 to continue the applicant till the end of May 2019. The applicant submits that he is ready to join the transferred post after 31st May 2019. He has also filed C.A. for direction to the respondent No.3 to that effect.

4. From the record, it seems that even if it is accepted that the applicant has been relieved forthwith, admittedly he seems to have been relieved *ex parte*. There are no papers placed on record showing that the applicant has handed over his charge to his subordinate and even otherwise nobody has been posted in place of the applicant, therefore, it will not cause any injustice to the respondent No.3 i.e. the Zilla Parishad, Nagpur, if the applicant is continued till 31st May 2019 on the post of District Soil Conservation Officer, Zilla Parishad (Minor Irrigation), Nagpur.

5. The Ld. P.O. submits that he has no objection if the applicant is continued till 31st May 2019 at Nagpur. In view thereof, C.A. as well as O.A. stand disposed of with directions to respondent

No.3 to allow the applicant to work on his present post till 31st May 2019. The applicant is directed to join his new place of posting at any cost on 1st June 2019.

Vice-
Chairman(J)

Dt. 22.2.2019.

pdg.

O.A. No.297/2018.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 22nd February 2019.

Heard Shri J.S. Wankhede, the Ld. counsel for the applicant and Shri , the learned P.O. for the respondents.

The Ld. counsel for the applicant seeks apology for not collecting hamdast and he will collect notice today itself and will serve the respondent Nos. 2 and 3 within two weeks. Copy of affidavit filed by respondent by respondent Nos. 4 and 5 has been supplied to the applicant.

S.O. **two weeks for return of notice.**

Vice-
Chairman(J)

Dt. 22.2.2019.

pdg.

O.A. No.392/2018.

(S.B.)

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

Dated : 22nd February 2019.

Heard Shri S.C. Deshmukh, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

Ld. P.O. has filed reply affidavit on behalf of R. 2 and 3, it is placed on record and a copy thereof is supplied to the Ld. counsel for the applicant. He has also placed on record copy of communication dated 21.2.2019 which is marked "X" for identification, from which it seems that the amount claimed by the applicant has been paid to him. The Ld. counsel for the applicant submits that in view of communication, O.A. can be disposed of. Applicant has also placed on record a pursis to that effect which is marked "X-1" for identification, from which it seems that the applicant does not want to prosecute the O.A. In view of thereof, O.A. stands disposed of for want of prosecution with no order as to costs.

Vice-
Chairman(J)

Dt. 22.2.2019.

pdg.

O.A. No.593/2018.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 22nd February 2019.

Heard Shri R.G. Nitnaware, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

ADMIT with liberty to file rejoinder in advance.

Shri V.A. Kulkarni, the learned P.O. waives notice for the respondents.

S.O. **four weeks** for final hearing.

Vice-
Chairman(J)

Dt. 22.2.2019.

pdg.

O.A. No.767/2018.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 22nd February 2019.

Heard Shri S.P. Kulkarni, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

At the request of the Ld. counsel for the applicant, S.O. **11.3.2019.**

Vice-
Chairman(J)

Dt. 22.2.2019.

pdg.

O.A. No.986/2018.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 22nd February 2019.

Heard Shri S.P. Chavan, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

S.O. **four weeks.**

Vice-
Chairman(J)

Dt. 22.2.2019.

pdg.

O.A. No.37/2019.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 22nd February 2019.

Heard Shri S.P. Chavan, the Ld. counsel for the applicant and Shri A.M. Ghogre,, the learned P.O. for the respondents.

S.O. **three weeks.**

Vice-
Chairman(J)

Dt. 22.2.2019.

pdg.

O.A. No.463/2018.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 22nd February 2019.

Heard Shri I.G. Meshram, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

The Ld. counsel for the applicant has filed rejoinder, it is taken on record and a copy thereof is supplied to the Ld. P.O.

Closed for orders.

Vice-
Chairman(J)

Dt. 22.2.2019.

pdg.

O.A. No.69/2019.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 22nd February 2019.

None for the applicant. Shri A.M. Ghogre, the learned P.O. for the respondents.

The Ld. P.O. has placed on record a copy of communication dated 14.2.2019

which is marked "X" for identification, from which it seems that the applicant has been suspension allowance, however, from 14.2.2019. It seems that the Ld. CPO was directed to take instructions in the matter which include all instructions. Ld. P.O. is, therefore, directed to take instructions as to whether the Review Committee meeting has been held for reviewing the order of suspension of the applicant. Admittedly, the order is dated 19.7.2018 and more than three months have already been lapsed. The Committee will, therefore, see as to whether the applicant's suspension shall be revoked or not.

For taking instructions, S.O. **next week**.

Vice-
Chairman(J)

Dt. 22.2.2019.

pdg.

O.A. No.542/2017.

(S.B.)

Coram:Shri J.D. Kulkarni,

Vice-Chairman (J)
Dated : 22nd February 2019.

Heard Shri Bharat Kulkarni, the Ld. counsel for the applicants and Shri P.N. Warjekar, the learned P.O. for the respondents.

2. In view of order dated 28th January 2019, the Ld. counsel for the applicants has filed additional affidavit on behalf of the applicant, it is taken on record and a copy thereof is supplied to the Ld. P.O. Ld. P.O. has also has also filed some documents, which are in fact taken on record.

3. Ld. P.O. has referred to the G.R. dated 12.9.1985 and particularly Clause 4-A of the said G.R. which reads as under:-

“आरोग्य कर्मचारी:-भौतिकशास्त्र, रसायनशास्त्र आणि जीवशास्त्र किंवा सामान्य विज्ञान हे विषय घेऊन एस.एस.सी. परीक्षा उत्तीर्ण झालेल्या व बहुउद्देशिय कर्मचाऱ्यासाठी विहित केलेल्या अठरा महिनांचा मूलोध्योग प्रशिक्षण पाठ्यक्रम यशस्वीपणे पूर्ण केलेल्या उमेदवारांतून या पदावर नियुक्ती करण्यात यावी.”

4. It is stated that as per the aforesaid clause, the District Malaria Officers were given authority to grant promotions to the Field Workers on the post of Multipurpose Health Workers / Health Workers. As per the said clause, two qualifications are necessary:- (i) Health Workers must have passed SSC examination in the subjects, Physics, Chemistry, Biology or General Science and (ii) Field Worker must have undergone 18 months' training meant for Health Workers.

5. The respondents are, therefore, directed to file an affidavit in reply as to whether the applicants are qualified under the said clause and if yes, why they shall not be given promotional pay scale.

6. At the request of Ld. P.O., S.O. **26.2.2019.**

7. Steno copies be supplied to both parties.

Vice-
Chairman(J)

Dt. 22.2.2019.

pdg.

O.A. No.494/2018.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 22nd February 2019.

Heard Shri R.L. Khapre, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

Ld. P.O. submits that the post at Akola is not available. So far as

applicant's request at Pune is concerned, necessary instructions will be taken. He seeks time till Tuesday.

S.O. 26.2.2019.

Vice-
Chairman(J)

Dt. 22.2.2019.

pdg.

O.A. Nos.282 & 283 of 2018. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 22nd February 2019.

Heard Shri R.V. Shiralkar, the Ld. counsel for the applicants and Shri V.A.

Kulkarni, the learned P.O. for the respondents.

After hearing the matter for a considerable time, S.O. 26.2.2019.

To be treated as part heard.

Vice-
Chairman(J)

Dt. 22.2.2019.

pdg.

O.A. No.332/2018.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 22nd February 2019.

C.A. No. 37/2019.

Heard Shri S.M. Vaishnav, the Ld. counsel for the applicant and Shri A.P. Potnis, the learned P.O. for the respondents.

2. The applicant has been transferred from Morshi Range Circle, Lakhara to Semadoh Range Circle, Pilli, Tahsil-Dharni, Distt. Amravati as per impugned order dated 29.5.2018 (P.16 of the O.A.). Admittedly, the applicant is still working at Morshi due to operation of stay. It is stated that now Ku. Devarshi Nawale was posted in place of the applicant at Morshi, but she did not join there and now she has been accommodated at other place. Admittedly, therefore, the post which the applicant is occupying at Morshi is vacant. Since nobody is posted in place of the applicant, and accordingly the applicant is now working in that post. The Ld. counsel for the applicant submits that there are two posts available i.e. Forest Guard / Forester in Regional / Social Forestry Division at Amravati as mentioned in para 5 (P. 144) of additional affidavit. The applicant is aged about 57 years. As per G.R. dated

22.5.2017, Clause B (i), those Foresters who are more than 50 years of age, shall not be posted in Wild Life Area. The applicant is admittedly 57 years of age and has completed 11 years of service in Tiger Project. He is due for retirement in February 2020. Considering these aspects, Ld. P.O. is directed to take instructions as to whether the applicant can be accommodated at a vacant post in Amravati Region as stated by the applicant in his additional affidavit. Ld. P.O. also directed to see whether the applicant can be accommodated at Morshi, since that post is not yet filled in. C.A. stands disposed of.

3. Interim relief be continued till further orders.

4. S.O. **one week.**

5. Steno copies be provided to both the sides.

Vice-
Chairman(J)

Dt. 22.2.2019.

pdg.

O.A. No. 481/2018. (S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 22nd February 2019.

Heard Shri A.C. Dharmadhikari, the Ld. counsel for the applicants and Shri P.N. Warjekar, the learned P.O. for the respondents 1 and 2. Shri S.P. Palshikar, Adv. for R.3.

The Ld. P.O. has placed on record the G.R. dated 16.2.2018, a copy thereof shall be served on the Ld. counsel for the applicants. The Ld. P.O. wants to place on record the minutes of the meeting. He is allowed to place the same on record and copies be served on the other side. In the meantime, applicant is directed to serve respondent No.4 within a period of ten days. Hamdast be supplied to the applicant.

S.O. 5.3.2019.

Put up this matter with connected O.A. Nos. 548/2018 with C.A.No.315/2018.

To be treated as part heard.

Vice-
Chairman(J)

Dt. 22.2.2019.
pdg.

O.A. No.737/2018.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 22nd February 2019.

Heard Shri M.R. Khan, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents.

S.O. **25.2.2019.**

Interim relief to continue till then.

Vice-
Chairman(J)

Dt. 22.2.2019.

pdg.

O.A. No.704/2015.

(D.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member (A)
Dated : 22nd February 2019.

R.A. No. 21/2018.

Heard Shri S.C. Deshmukh, Ld. counsel for the applicants and Shri V.A. Kulkarni, the learned P.O. for the respondents 1 and 2. None for R. 3 to 5.

Ld. P.O. has filed reply affidavit on behalf of the respondents, it is taken on

record and a copy thereof is supplied to the Ld. counsel for the applicant.

S.O. 26.2.2019 for final hearing.

Member (A)

Vice-Chairman(J)

Dt. 22.2.2019.

pdg.

O.A. No.117/2019.

(S.B.)

Coram:Shri J.D. Kulkarni,

Vice-Chairman (J)

Dated : 22nd February 2019.

Heard Shri H.S. Bali, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondent No. 1.

2. The applicant has challenged the impugned order dated 20.2.2019 issued

by the Government i.e. the respondent No.1, whereby the applicant has been transferred to the post of Resident Deputy Collector, Buldana to Yavatmal on the said post. The post at Yavatmal is being vacated due to transfer of Shri Fulzele. The Ld. counsel for the applicant submits that the applicant was not due for transfer and, therefore, the order is mid-term and mid-tenure. Perusal of the order shows that the same has been issued in view of various references by the Election Commission of India. Alongwith the applicant, as many as 24 persons have been transferred.

3. The Ld. counsel for the applicant submits that the Collector, Buldana has written a letter to the Government as well as to the Divisional Commissioner, Amravati whereby the applicant's retention at Buldana has been recommended. However, order has been issued by the Government and it seems that due to ensuing Lok Sabha elections, the Election Commission of India has given instructions from time to time so as to give effect to transfer orders on or before 21.2.2019 and accordingly transfer

orders have been issued. The Ld. counsel for the applicant submits that the transfer order has been issued against the instructions given by the Election Commission of India. The applicant is not at all related to the election work. Considering the fact that, the transfer orders have been issued in view of directions given by the Election Commission of India, it will not in the interest of justice to stay the orders at this juncture without giving opportunity of hearing to the State.

4. Hence, issue notice to respondent Nos. 2 to 4 returnable in two weeks.

5. Shri V.A. Kulkarni, the learned P.O. waives notice for the 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. 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.

10. 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.

11. S.O. **two weeks.**

Chairman(J)

Vice-

Dt. 22.2.2019.

pdg.

O.A. No.118/2019.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 22nd February 2019.

Heard Shri A.P. Sadavarte, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondent No. 1.

2. Vide impugned order dated 20.2.2019, the applicant has been transferred from the post of Deputy Collector, (E.G.S.), Amravati to Washim to the post of Deputy District Election Officer. The order itself shows that the same has been issued in view of various directions issued by the Election Commission of India from time to time in view of ensuing Lok Sabha elections. In the order itself, it has been stated that the said order has been effected in view of the provisions of Section 4 (4) and 4 (5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of

Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as the "Transfer Act of 2005"). Alongwith the applicant, as many as 24 officers have been transferred. Considering this aspect, it will not be proper to interfere in the order, unless the respondent No.1 is heard in the matter.

3. Hence, issue notice to respondent Nos. 2 and 3 returnable in two weeks.

4. Shri V.A. Kulkarni, the learned 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 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.**

Chairman(J) Vice-

Dt. 22.2.2019.

pdg.

O.A.No. 489/2017. (D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)

Dated : 22nd February 2019.

C.A.No.61/2019:-

Shri R.M.Tiwari, the Id. Counsel for
the applicant and Shri H.K.Pande, the Id.
P.O. for the respondents.

For orders.

Member(J)
Member(A)
Date:-22/02/2019.
aps.

O.A.No. 932/2017. (D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 22nd February 2019.

C.A.No.62/2019:-

Shri S.P.Palshikar, the Id. Counsel for
the applicant and Shri A.M.Khadatkar, the
Id. P.O. for the respondents.

**C.A.No. 62/2019 for early hearing
is allowed.**

S.O. 06.03.2019.

Member(J)
Member(A)
Date:-22/02/2019.
aps.

O.A.No. 03/2019. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 22nd February 2019.**

Ms.A.Singh holding for Shri S.G.Jagtap, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondent nos. 1, 3 & 4. Await service of respondent nos. 2 & 5.

The Id. counsel for the applicant submits that service affidavit is filed. The Id. P.O. seeks four weeks time to file reply.

S.O. four weeks.

**Member(J)
Member(A)
Date:-22/02/2019.
aps.**

O.A.No. 40/2019. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 22nd February 2019.

None for the applicant. Shri H.K.Pande, the Id. P.O. for the State. Await service of respondent nos. 2 to 4.

S.O. four weeks.

Member(J)
Member(A)
Date:-22/02/2019.
aps.

O.A.No. 754/2015. (D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 22nd February 2019.

C.A.Nos.381 & 466/2016:-

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

The Id. P.O. filed suspension order dated 21/04/2011 along with the Police Commissioner, Amravati letter dated 22/12/2011 and order of D.G. Police dated 22/07/2011 i.e. cancelling the promotion of the applicant. All these documents are taken on record. The Id. P.O. further submits that he will serve the copy to the other side.

Closed for orders.

Member(J)
Member(A)
Date:-22/02/2019.
aps.

O.A.Nos. 85, 102, 103, 104, 105, 106, 107
&

108/2019. (D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 22nd February 2019.

Heard Ms. A.Singh, the Id. counsel
for the applicant and Shri H.K.Pande, the Id.
P.O. for the respondents.

The Id. P.O. seeks time to file reply.
S.O. 26/02/2019 as a last chance.

Member(J)
Member(A)
Date:-22/02/2019.
aps.

O.A.No. 418/2015. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 22nd February 2019.

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

S.O. three weeks.

Member(J)
Member(A)
Date:-22/02/2019.
aps.

O.A.No. 761/2017. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 22nd February 2019.**

Heard Shri S.P.Palshikar, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

The Id. P.O. seeks time to file some documents on record, as directed by the order dated 30/01/2019.

S.O. 26.02.2019.

**Member(J)
Member(A)
Date:-22/02/2019.
aps.**

O.A.No. 186/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 22nd February 2019.**

Heard Shri O.Y.Kashid, the Id. counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

The Id. counsel for the applicant should not satisfied with punishment has been inflicted on the applicant.

In view of this, he is at liberty to file fresh O.A., as per his grievances.

Hence, O.A. is disposed of with no order as to costs.

**Member(J)
Member(A)
Date:-22/02/2019.
aps.**

O.A.No. 255/2012. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 22nd February 2019.**

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

The Id. counsel for the applicant was not present on 20, 21 & 22/02/2019. It seems that the applicant as well as counsel for the applicant is not interested in prosecuting the matter.

Hence, Dismissed in Default.

**Member(J)
Member(A)
Date:-22/02/2019.
aps.**

O.A.No. 570/2017. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 22nd February 2019.**

Shri S. Lacharwar, the Id. counsel for
the applicant and Shri S.A.Sainis, the Id. P.O.
for the respondents.

As per the request of Id. P.O., **S.O.**
26/02/2019 as a last chance.

Member(J)
Member(A)
Date:-22/02/2019.
aps.

O.A.No. 195/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 22nd February 2019.**

Shri S.P.Palshikar, the Id. counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

The Id. P.O. filed the reply on behalf of the respondent no. 2. It is taken on record. Copy is served to the other side.

The matter is **admitted** and kept for final hearing.

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

S.O. 27/02/2019.

*Put up this matter along with the
O.A. No. 582/2018.*

**Member(J)
Member(A)
Date:-22/02/2019.
aps.**

O.A.No. 416/2017. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 22nd February 2019.**

Shri Sengar holding for Shri S.S.Ghate, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondent nos. 1 to 4. None for the respondent no. 5.

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

**Member(J)
Member(A)
Date:-22/02/2019.
aps.**

O.A.No. 249/2016. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 22nd February 2019.

Heard Shri S.P.Palshikar, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

It is contention of the applicant, that the conclusion drawn by the Enquiry Officer are incorrect, as there was no evidence to draw such conclusion. In view of this, it is necessary to perused the record and proceedings recorded by the evidence officer. Therefore, the Id. P.O. is directed to produce the record.

S.O. 07/03/2019.

Matter is treated as P.H.

Matter be kept high on board.

Member(J)
Member(A)
Date:-22/02/2019.
aps.

O.A.No. 908/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 22nd February 2019.**

Heard Shri D.S.Kaore, the applicant in person and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

The Id. P.O. submits reply on behalf of all the respondents. It is taken on record. Copy is supplied to the other side.

The Id. counsel for the applicant seeks time to file Rejoinder. **S.O. three weeks.**

**Member(J)
Member(A)
Date:-22/02/2019.
aps.**

O.A.No.92/2013withC.A.No.485/14.(D.B.
)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated: 22nd February 2019.

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

The Id. counsel for the applicant was not present on 20, 21 & 22/02/2019. It seems that the applicant as well as counsel for the applicant is not interested in prosecuting the matter.

Hence, the O.A. as well as C.A. stands Dismissed in Default.

Member(J)
Member(A)
Date:-22/02/2019.
aps.

O.A.No. 484/2013. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 22nd February 2019.**

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

The Id. counsel for the applicant was not present on 20, 21 & 22/02/2019. It seems that the applicant as well as counsel for the applicant is not interested in prosecuting the matter.

**Hence, the O.A. stands Dismissed
in Default.**

**Member(J)
Member(A)
Date:-22/02/2019.
aps.**

O.A.No. 583/2013. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 22nd February 2019.**

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

The Id. counsel for the applicant was not present on 20, 21 & 22/02/2019. It seems that the applicant as well as counsel for the applicant is not interested in prosecuting the matter.

**Hence, the O.A. stands Dismissed
in Default.**

**Member(J)
Member(A)
Date:-22/02/2019.
aps.**

O.A.Nos.983 & 984/2012. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 22nd February 2019.**

Heard Shri P.S.Wathore, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

The matter pertains to examination of rules related to Government order no. [idfu&2010@%264@10%erki'k&2] dated 10/09/2012 (Annexure-A-1). Whether the stay order is legal or not. The Id. counsel for the applicant as well as Id. P.O. are directed to examine the matter in the light of present situation and Judgments.

S.O. 01/03/2019.

**Member(J)
Member(A)
Date:-22/02/2019.
aps.**

O.A.No.408/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 22nd February 2019.

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

2. In pursuance of the G.R. No. I 0kfu 1815@i:dz:216@l 0k 2] dated 03/09/2015, as the applicant was Medical Officer, Group-A, two years extension was given to him. As a result, the date of retirement of the applicant was 30/04/2019. It seems that due to misinterpretation of G.R. No. I 0kfu 1815@i:dz:216@l 0k 2] dated 03/09/2015, the department relieved the applicant from duty on 31/05/2018, on the ground that he attains the age of superannuation. The department did not consider the fact, that there was right vested in the applicant to continue in service till 30/04/2019.

3. When this mistake was realised by the department, the department passed the order dated 11/09/2018 and accepted that it was the mistake and decision was

wrongly taken to retire the applicant on attaining the age of superannuation on 31/05/2018. Consequently, the applicant was again appointed in service and his service was continued. We have also perused the order dated 31/05/2018, by this order, the applicant was transferred to Primary Health Centre, Raipur, District Nagpur. This order was challenged by the applicant in this O.A. on the ground that it was in violation of Section 5(a) of the Maharashtra Government Servant, Regulation of Transfer Act, 2005. It clearly appears that, since his modified date of retirement i.e. 30/04/2019 was less than nine months and, therefore, it was in violation of the statutory provisions.

4. Now, position is that, the applicant has resumed the duty on 21/02/2019 and now question is to regularize the service period from 11/09/2018 till 21/02/2019. In this situation, in view of the peculiar facts and circumstances of the case the respondents are directed to regularize this period as continuity in service. In view of the special circumstances, we direct the respondents to comply the above order **within a period of one month.**

5. Hence, with the above directions,
O.A. is disposed of with no order as to
costs.

Member(J)
Member(A)
Date:-22/02/2019.
aps.