

O.A. 253/2018 (SB)

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

Dated : 05.06.2018

None for the applicant.

Shri S.A. Deo, learned CPO for the respondents.

At the request of learned CPO,
S.O.1st week of July,2018 for filing reply.

Member (A).

dnk.

O.A. 338/2018 (SB)

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

Dated : 05.06.2018

Heard Shri G.G. Bade, learned counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the State.

2. The impugned order of transfer dated 08/05/2018 (Annex-A-1) to the extent of applicant only is stayed till the next date of hearing and the Commissioner of State Excise (R/2) is requested to consider the applicant's representation dated 09/05/2018 (Annex-A-7,P-47) and his choice posting (Annex-A-5,P-45).

3. Issue notice to R-2 and 3 returnable on **20/06/2018**. Learned P.O. waives notice for R-1. Hamdast allowed.

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

6. 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.

7. 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.

8. 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.

9. In the meantime, the applicant to remove the office objection and the learned P.O. to file reply on behalf of the respondents.

10. **S.O. 20/06/2018.**

11. Steno copy is granted.

dnk.

O.A. 337/2018 (SB)

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

Dated : 05.06.2018

Heard Shri R.J. Kankale, learned counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for the State.

2. The impugned order of transfer dated 31/05/2018 (Annex-A-10) to the extent of applicant only is stayed till the next date of hearing i.e. 20/06/2018. In the meanwhile, the learned counsel for the applicant to serve the notice on respondent no.3 and to remove office objection.

3. Issue notice to R-2 and 3 returnable on **20/06/2018**. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

6. 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.

7. 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.

8. 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.

9. **S.O. 20/06/2018.**

Member (A).

dnk.

O.A. 339/2018 (SB)

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

Dated : 05.06.2018

Heard Shri G.G. Bade, learned counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for the State.

2. The impugned order of transfer dated 30/05/2018 (Annex-A-1) to the extent of applicant only is stayed till the next date of hearing i.e. 20/06/2018. The respondent no.2 to consider the options given by the applicant on page no.41 and what are the vacancies in those 10 choices that should be communicated in reply.

3. Issue notice to R-2 and 3 returnable on **20/06/2018**. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

6. 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.

7. 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.

8. 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.

9. In the meantime, the applicant to remove the office objection and the learned P.O. to file reply on behalf of the respondents.

10. **S.O. 20/06/2018.**

Member (A).

dnk.

O.A. 340/2018 (SB)

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

Dated : 05.06.2018

Heard Shri G.G. Bade, learned counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the State.

2. Since the Transferring Authority has considered second option of applicant as per page no.48, however, considering medical problem his wife, the Transferring Authority may consider the representation dated 28/05/2018 (Annex-A-7,P-75) regarding applicant's transfer on its own merits within 15 days.

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

Member (A).

dnk.

O.A. 341/2018 (SB)

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

Dated : 05.06.2018

Heard Mrs. R.S. Sirpurkar, learned counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. The applicant was earlier posted at Akola and the applicant had given representation to respondent no.2, however the applicant has been shifted to Washim. The learned counsel for the applicant submits that vacancies are available at Buldhana and Akola. The respondent no.2 is requested to consider the applicant's representation and pass a speaking order within 15 days considering the problems of the applicant from the date of receipt of this order.

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

Member (A).

dnk.

O.A. 342/2018 (SB)

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

Dated : 05.06.2018

Heard Shri N.R. Saboo, learned counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the State.

2. Prima facie impugned order of transfer dated 31/05/2018 (Annex-A-6) in respect of applicant appears in violation of the G.R. No.TRF-2000/pra.kra 3/12, Mantralaya, Mumbai dated 06/08/2002 (Annex-A-5,P-23). The impugned order in respect of applicant is stayed and the matter is adjourned on 21/06/2018. The learned P.O. may request to the Transferring Authority to re-consider the applicant's representation and decide the matter as per the guidelines of G.R. dated 06/08/2002.

3. Issue notice to R-2 and 3 returnable on **21/06/2018**. Learned P.O. waives notice for R-1. Hamdast allowed.

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

6. 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.

7. 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.

8. 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.

9. In the meantime, the learned P.O. to file reply on behalf of the respondents.

10. **S.O. 21/06/2018.**

11. Steno copy is granted.

Member (A).

dnk.

O.A. 343/2018 (SB)

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

Dated : 05.06.2018

Heard Shri A.P. Sadavarte, learned counsel for the applicant and Shri H.K. Pande, Id. P.O. for the State.

3. Issue notice to R-2 to 5 returnable on **26/06/2018**. Learned P.O. waives notice for R-1. Hamdast allowed. In the meanwhile, the applicant is at liberty to approach to the transferring authority with representation.

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

6. 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.

7. 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.

8. 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.

9. In the meantime, the learned P.O. to file reply on behalf of the respondents.

10. **S.O. 26/06/2018.**

Member (A).

dnk.

O.A. 344/2018 (SB)

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

Dated : 05.06.2018

Heard Shri P.V. Thakre, learned counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for the State.

2. The impugned order of transfer dated 31/05/2018 (Annex-A8) 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.

3. Issue notice to R-2 to 5 returnable on **14/06/2018**. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

6. 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.

7. 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.

8. 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.

9. In the meantime, the applicant to remove office objection and the learned C.P.O. to file reply on behalf of the respondents.

10. **S.O. 14/06/2018.**

Member (A).

dnk.

O.A. 345/2018 (SB)

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

Dated : 05.06.2018

Heard Shri P. Gabhane, learned counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for the State.

2. The impugned order of transfer dated 31/05/2018 (Annex-A-1) to the extent of applicant only is stayed till the next date of hearing i.e. 21/06/2018. In the reply-affidavit the respondents to clarify that there is no vacancy in Amravati District to accommodate husband wife together.

3. Issue notice to R-2 and 3 returnable on **21/06/2018**. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

6. 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.

7. 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.

8. 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.

9. In the meantime, the applicant to remove office objection and the learned C.P.O. to file reply on behalf of the respondents.

10. **S.O. 21/06/2018.**

11. Steno copy is granted.

Member (A).

dnk.

O.A. 26/2018 (SB)

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

Dated : 05.06.2018

Heard Shri S.K. Tambde, Id. counsel along with Shri Tejas Deshpande, learned counsel for the applicant, Shri P.N. Warjurkar, learned P.O. for R-1&2, Shri C.S. Kaptan, Id. senior counsel along with A.P. Kalmegh, learned counsel for R-3. None for R-4.

The learned counsel for R-3 has filed affidavit along with citations which are marked Exh-X. The learned counsel for the applicant as well as learned P.O. files documents which are marked Exh-X.

Matter is closed for orders.

Member (A).

dnk.

O.A. 346/2018 (DB)

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

Dated : 05.06.2018

C.A. 122/2018 -

Heard Shri P.S. Wathore, learned counsel for the applicants and Shri A.P. Potnis, learned P.O. for the State.

By this C.A., the applicants are seeking leave to sue jointly. For the reasons 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. stands disposed of accordingly.

O.A.346/2018 -

S.O. 06/06/2018.

Member (A).

dnk.

O.A. 347/2018 (SB)

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

Dated : 05.06.2018

Heard Shri M.A. Sable, learned counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for the State.

2. The learned counsel for the applicant has no locus and right as his prayer needs to be modified and therefore he will modify prayer. After modifying the prayer, the matter will be heard on the next date of hearing.

3. Issue notice to R-2 to 5 returnable on **07/06/2018**. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

6. 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.

7. 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.

8. 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.

9. **S.O. 07/06/2018.**

Member (A).

dnk.

O.A. 348/2018 (SB)

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

Dated : 05.06.2018

Heard Shri N.R. Saboo, learned counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. The impugned order of transfer dated 29/05/2018 (Annex-A-1) to the extent of applicant only is stayed till further orders and the applicant's representation dated 02/06/2018 (Annex-A-3) should be considered by the Chief Conservator of Forests, Chandrapur (R/2) on its own merits.

3. Issue notice to R-2 and 3 returnable on **22/06/2018**. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

6. 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.

7. 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.

8. 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.

9. In the meantime, the learned P.O. to file reply on behalf of the respondents.

10. **S.O. 22/06/2018.**

11. Steno copy is granted.

Member (A).

dnk.

O.A. 349/2018 (SB)

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

Dated : 05.06.2018

Heard Shri G.G. Bade, learned counsel for the applicant and Shri H.K. Pande, Id. P.O. for the State.

2. In this case some procedural by lacuna is being pointed out by the learned counsel for the applicant in background of the Act.

3. Issue notice to R-2 to 6 returnable on **20/06/2018**. Learned P.O. waives notice for R-1. Hamdast allowed.

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

6. 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.

7. 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.

8. 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.

9. In the meantime, the learned P.O. to file reply on behalf of the respondents.

10. **S.O. 20/06/2018.**

Member (A).

dnk.