

O.A. 698/2017 (SB)

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

Dated : 08.06.2018

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

The learned P.O. submits that the matter may be admitted.

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

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

In the meantime, the applicant to file rejoinder, if any.

S.O. 2nd weeks of July,2018.

Member (A).

dnk.

O.A. 978/2017 (SB)

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

Dated : 08.06.2018

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

The learned P.O. seeks time to file reply. At his request, **S.O. 22/06/2018** for filing reply. The learned P.O. must file reply on or before next date.

Member (A).

dnk.

O.A. 06/2018 (SB)

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

Dated : 08.06.2018

Shri N.B. Bargat, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

The learned P.O. seeks three weeks' time to file reply. At his request, time is granted by way of last chance to file reply.

S.O. 29/06/2018.

Member (A).

dnk.

O.A. 152/2018 (SB)

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

Dated : 08.06.2018

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

At the request of Id. P.O., **S.O.**
22/06/2018 for filing reply.

Member (A).

dnk.

O.A. 316/2018 (SB)

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

Dated : 08.06.2018

Shri Amol D. Patil, Id. counsel for
the applicant and Shri A.P. Potnis, Id.
P.O. for the respondents.

At the request of Id. P.O., **S.O.**
22/06/2018 for filing reply.

Interim order to continue till then.

Member (A).

dnk.

O.A. 370/2018 (SB)

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

Dated : 08.06.2018

Heard Shri R.A. Gupte, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the State.

2. The learned counsel for the applicant seeks time till 11/06/2018. Time is granted as prayed for.

3. In the meantime, issue notice to R-2 to 5, returnable on 11/06/2018. 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. **S.O. 11/06/2018.**

Member (A).

dnk.

O.A. 358/2018 (SB)

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

Dated : 08.06.2018

Heard Shri K.P. Mahalle, learned counsel for the applicant, Shri M.I. Khan, learned P.O. for the State and Shri S.A. Deo, Id. CPO for Caveator for all the respondents.

2. Since the applicant is handicapped person, he will file representation within 8 days to the transferring authority and transferring authority should consider the same after counseling any nearby place or transferring authority may continue his services where he is serving as on today. The impugned order 31/05/2018 (Annex-A-11) to the extent of applicant is stayed till the applicant's representation is decided by the respondents.

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

Member (A).

dnk.

O.A. 372/2018 (SB)

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

Dated : 08.06.2018

Heard Shri C.A. Joshi, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the state.

2. Since the applicant is to retire within 1½ years, the respondent no.1, i.e., transferring authority should consider the representation of the applicant and after counseling to post him any of the choice given by him. The impugned order dated 31/05/2018 (Annex-A-1) to the extent of applicant is stayed till the representation is decided.

3. Issue notice to R-2 and 3 returnable on 22/06/2018. 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. **S.O. 22/06/2018.**

Member (A).

dnk.

O.A. 373/2018 (SB)

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

Dated : 08.06.2018

Heard Shri P.J. Mehta, learned counsel for the applicant and Shri S.A. Deo, learned C.P.O. for the state.

2. The learned CPO pointed out the Judgment of Hon'ble Supreme Court and page nos. 16 & 17 of the O.A. clearly says that the excess payment done will be recovered. In this case the excess payment of recovery is done and if that is not done at this stage it will create problems in future. However at the request of learned counsel for the applicant, two weeks time is granted.

3. In the meantime, issue notice to R-2 and 3 returnable on **22/06/2018**. 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. **S.O. 22/06/2018.**

Member (A).

dnk.

O.A. 374/2018 (SB)

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

Dated : 08.06.2018

Heard Shri A.S. Dhore, learned counsel for the applicant and Shri S.A. Deo, learned P.O. for the state.

2. The impugned order is not at all a transfer order. It is just that applicant's services has been asked at Akola. In view of this, the Director of Education, Higher Education Department, Pune (R/2) is directed to justify for how much period the applicant's services will be taken at Akola.

3. Issue notice to R-2 to 4 returnable on 06/07/2018. 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. **S.O. 06/07/2018.**

Member (A).

dnk.

O.A. 375/2018 (SB)

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

Dated : 08.06.2018

Heard Shri A.P. Sadavarte, learned counsel for the applicant and Shri P.N. Warjurkar, learned P.O. for the state.

2. The transferring authority, i.e., SDO, Karanja (R/2) has transferred the applicant as per the order of page no.38. The learned counsel for the applicant pointed out that, out of choices given by the applicant, the choice at sr. no.2 is vacant for last two years. The transferring Authority should have considered the choice given by the applicant i.e. at sr.no.2 as the said post is vacant since last two years. In view of this, the impugned order dated 31/05/2018 (Annex-A-5) is stayed till the next date of hearing.

3. Issue notice to R-2 to 4 returnable on 29/06/2018. 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. **S.O. 29/06/2018.**

10. Steno copy is granted.

Member (A).

dnk.

O.A. 346/2018 (DB)

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

Dated : 08.06.2018

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

2. Considering that justice should be done to the applicants, the MPSC (R/2) is directed to include the applicants in the interviews for the post of Assistant Director Town Planning Group A (Gazetted) scheduled on 12/06/2018 and their results not to be declared and it be kept in sealed envelope and it should be opened only after the decision of this O.A. Result of rest of candidates can be declared by the MPSC.

3. Issue notice to R-2 returnable on **06/07/2018**. 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. **S.O. 06/07/2018.**

10. Steno copy is granted.

Member (A).

dnk.

O.A. 379/2018 (SB)

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

Dated : 08.06.2018

Heard Shri G.G. Bade, learned counsel for the applicant and Shri M.I.Khan, learned P.O. for the state.

2. The status-quo as on today be maintained in respect of applicant till the next date of hearing. In the meanwhile, the learned P.O. to take instructions from the department. The applicant has already worked six years in the wildlife area, therefore the applicant should not be forced again in the wild life area. Applicant's request be considered by Transferring Authority.

3. Issue notice to R-2 to 5 returnable on 26/06/2018. 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. **S.O. 26/06/2018.**

Member (A).

dnk.

O.A. 380/2018 (SB)

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

Dated : 08.06.2018

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

2. Considering the lady applicant and her own problems, the impugned order of transfer dated 30/05/2018 (Annex-A-1) to the extent of applicant is stayed till the next date of hearing. The respondent is requested to do the counseling with the applicant and after counseling if possible to adjust her within Amravati Division.
3. Issue notice to R-2 to 4 returnable on 26/06/2018. 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. **S.O. 26/06/2018.**

Member (A).

dnk.