

O.A. No.639/2018 (D.B.)

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

**Dated : 05.09.2018.**

Heard Shri S.P.Palshikar, Id. counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the Respondents.

In order dated 21/01/2018, it was directed to respondents to complete the enquiry within six months from the date of this order. The matter again was listed on 31/08/2018, in almost after eight months, enquiry was still not completed and applicant was not promoted till 31/08/2018.

In view of the this situation, the Id. C.P.O. was directed to take necessary instructions from respondents as to within how many days the order of promotion will be passed in case of the applicant.

However, today one document was placed by the Id. C.P.O., which is taken on record, it is marked Exh. "X", it is not explicitly explained about the date by which enquiry will be completed and promotion will be given to applicant. The same explanation is vague. It seems that the respondents are not ready to do the justice with the applicant.

The matter will be listed on 11/09/2018 for final decision, till now the Id. C.P.O. is directed to take instructions from Government by which date they are going to promote the applicant. If respondents are failed to comply the order by 11/09/2018, the Tribunal will be constrained to start contempt petition. This is the last chance given to the respondents to comply the order of the Tribunal.

**S.O. 11/09/2018.**

*Steno copy is granted.*

**Member (A)**

aps.

O.A. No.542/2018 (D.B.)

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

**Dated : 05.09.2018.**

**C.A.No.265/2018:-**

Heard Shri N.R.Saboo, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the Respondents.

2. As stated by the Id. counsel for the applicant, the applicant is now going to retire on 31/01/2019 as per the order dated 09/10/2017 (Annexure-A-3) at P.B., Pg. No. 19 bearing no. tk-dzVklFk&2@HA-fu-fu@2378 of Civil Application. As per the letter of Deputy Director, Health Services, Nagpur at P.B., Pg. No. 11 (Annexure-A-3) on dated 01/10/2018, the applicant is going to retire after 60 yrs. i.e. on 31/01/2019. However, the Id. counsel for the applicant pointed G.R. bearing no. cnyh@2018@iz dz37@l dk&3] fnukd 31@05@2018 in which applicant is transferred to Gumathi from Nagpur. He is

left with only four months of service, at this stage transferring the applicant is not justified. In the interest of justice to the applicant, it is directed that the applicant should be adjusted at Nagpur at any vacant post.

3. The Id. P.O. should take instructions from the department. The respondents are directed to decide the representation of the applicant dated 31/08/2018 at P.B., Pg. No. 9 (Annexure-A-II) of C.A. before next date of hearing.

4. *The respondents are further directed not to force the applicant to join at Gumathi as per the order dated 31/05/2018 (Annexure-A-9) till filing of the reply.*

5. Notice on C.A. to Respondent nos. 2 to 4 and be issued returnable in **two weeks**.

6. Shri M.I.Khan the learned P.O. waives notice for respondent no.1. Hamdast granted.

7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

8. 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 the O.A.

9. 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.

10. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with an affidavit of compliance in the Registry as far as possible once week before the date fixed by this Tribunal. Applicant is directed to file Affidavit of compliance and notice.

11. 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.

12. **S.O. two weeks.**

**Member (A)**

aps.

O.A. No.799/2017 (S.B.)

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

**Dated : 05.09.2018.**

Heard Shri S.P.Chavhan, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the Respondents.

In order dated 08/08/2018, it has been pointed out that the Id. P.O. will take instructions from the Finance Department, since it is a matter of pay-scale. However, the Id. P.O. pleads that he needs further three weeks time to take instructions from the Finance Department.

In view of that, **S.O. three weeks.**

**Member (A)**

aps.



O.A. No.116/2018 (S.B.)

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

**Dated : 05.09.2018.**

Heard Shri S.M.Khan, Id. counsel for the applicant and Shri H.K.Pande, Id. P.O. for the State and Shri H.D.Marathe, Id. counsel for the respondent nos. 2 & 3.

It seems that the whole issue is because of instructions is not received from the Law and Judiciary department regarding council panel of VIDC. The Id. counsel for the respondent no. 1 is directed to make it clear as early as possible about the Law and Judiciary department instructions regarding cases of VIDC, so that applicant is not suffered.

The Id. counsel for the respondent nos. 2 and 3 seeks four weeks time to file reply. At his request, **S.O. four weeks.**

*Steno copy is granted.*

**Member (A)**

aps.

O.A. No.206/2018 (S.B.)

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

**Dated : 05.09.2018.**

None for the applicant. Shri V.A.Kulkarni, Id. P.O. for the respondent nos 1 and 3. Await service of respondent no. 2.

The Id. P.O. desires time to file reply on behalf of the respondent no. 2. However, the respondent no. 2 is Chief Executive Engineer, Yavatmal. The Id. P.O. submits that because of the VIDC, that may be the reasons that the respondent no. 2 reply is not filed.

It is instructed to the Id. P.O. to take instructions from the Law and Judiciary Department, whether the VIDC case will be taken by the department or not.

**S.O. two weeks as a last chance for filing reply.**

**Member (A)**

O.A. No.206/2018 (S.B.)

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

**Dated : 05.09.2018.**

None for the applicant. Shri V.A.Kulkarni, Id. P.O. for the respondent nos 1 and 3. Await service of respondent no. 2.

The Id. P.O. desires time to file reply on behalf of the respondent no. 2. However, the respondent no. 2 is Chief Executive Engineer, Yavatmal. The Id. P.O. submits that because of the VIDC, that may be the reasons that the respondent no. 2 reply is not filed.

It is instructed to the Id. P.O. to take instructions from the Law and Judiciary Department, whether the VIDC case will be taken by the department or not.

**S.O. two weeks as a last chance for filing reply.**

**Member (A)**

O.A. No.333/2018 (S.B.)

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

**Dated : 05.09.2018.**

Heard Shri N.R.Saboo, the Id. counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the respondent nos. 1 & 2 and Shri N.Majithia, the Id. counsel for the respondent no. 3.

The Id. counsel for the respondent no. 3 has filed the reply. It is taken on record. Copies are served to the other sides.

However, the impugned order has been issued by respondent no. 2. The Id. P.O. submits that he will file the reply of respondent no. 2 within two weeks time, after filing reply matter will be listed after two weeks.

The above letter dated 29/05/2018 is by Joint Director, by which it appears that the applicant is written:- "ek>k ns; kr vkysh inLF/ki uk ek>; k fourhi ek.k.kvkg", for which the Id. counsel for

the applicant does not agree. However, the Id. counsel for the applicant also directed to consult his applicant. **S.O. two weeks.**

In order dated 04/06/2018 in para no. 2:- *The impugned order of transfer dated 31/05/2018 (Annexure-A-1) to the extent of applicant is stayed till next date of hearing. In the meantime, the applicant is at liberty to submit representation of his request transfer.*

*The above order is continued till next date of hearing.*

**Member (A)**

**aps**

O.A. No.347/2018 (S.B.)

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

**Dated : 05.09.2018.**

Shri M.A.Sable, Id. counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the respondent nos. 1 to 4. None for the respondent no. 5.

As per own commitment by the Id. counsel for the applicant, the Id. counsel for the applicant he has completed his tenure. As pointed out by Id. C.P.O., the applicant is not transferred. However, somebody else has been transferred to his post and the applicant is challenging that transfer order, the ground are not very strong.

However, the Id. C.P.O. seeks two weeks time to file reply, at his request matter will be listed in due course of time, **S.O. due course.**

*As per the request of Id. counsel for the applicant, put up this matter along with the O.A. 394/2018.*

**Member (A)**

**aps**



O.A. No.374/2018 (S.B.)

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

**Dated : 05.09.2018.**

Shri S.Sheikh, Id. counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the respondents.

The Id. C.P.O. submits that he has received the parawise commend. However, the Id. C.P.O. seeks one week time to file reply.

**S.O. one week.**

**Member (A)**

**aps**

O.A. No.394/2018 (S.B.)

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

**Dated : 05.09.2018.**

Heard Ku. Karare, the Id. counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the respondents.

The Id. C.P.O. seeks three weeks time to file reply. At his request, **S.O. three weeks.**

*As per the request of Id. counsel for the applicant, put up this matter along with the O.A. 347/2018.*

**Member (A)**

aps

O.A. No.435/2018 (S.B.)

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

**Dated : 05.09.2018.**

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

The Id. P.O. has filed the reply of respondent nos. 1 & 2. The same is taken on record. Copy is served to the other side.

**S.O. one week for Rejoinder.**

**Member (A)**

aps

O.A. No.519/2018 (S.B.)

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

**Dated : 05.09.2018.**

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

The Id. P.O. has filed the reply of respondent nos. 2 to 4. The same is taken on record. Copy is served to the other side.

**S.O. one week for Rejoinder.**

**Member (A)**

aps

O.A. No.600/2018 (S.B.)

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

**Dated : 05.09.2018.**

Heard S.P.Chavhan, the Id. counsel for  
the applicant and Shri S.A.Deo, Id. C.P.O. for the  
respondents.

**S.O. four weeks for Reply.**

**Member (A)**

aps

O.A. No.327/2018 (S.B.)

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

**Dated : 05.09.2018.**

Heard Shri G.K.Bhusari, the Id. counsel for the applicant, Shri V.A.Kulkarni, Id. P.O. for the respondent nos. 1 & 2 and Shri S.N.Gaikwad, the Id. counsel for the respondent no. 3.

The Id. P.O. submits that he will file the reply during the course of the day and he further submits that he will supply the copy of the same to the other sides.

**S.O. 11/09/2018.**

**Member (A)**

aps

O.A. No.368/2018 (S.B.)

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

**Dated : 05.09.2018.**

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

According to the Tribunal order dated 04/09/2018, it seems that the grievances of the applicant has been redressed.

In view of this, O.A. is disposed of with no order as to costs.

**Member (A)**

aps

O.A. No.688/2018 (S.B.)

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

**Dated : 05.09.2018.**

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

2. The Id. counsel for the applicant has submitted one document on record which is marked Exh. "X" for the purposes of identification. At Sr. No. 3, it is written:- *The Tahsildars' cadre shall be a Divisional cadre and the officers appointed in that cadre may be posted, transferred or deputed to any part of the division concerned.*

3. The Id. C.P.O. is requested to take instructions from the State Government regarding the above said material which is mentioned at Sr. No. 3, that what exactly the State Government desires on this point?



4. Issue notices and in the reply the speaking reasons should be mention regarding the pre-mature transfer.

5. Issue notice to R-2 & 3, returnable on Three Weeks. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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. three weeks.**

**Member (A)**

aps

O.A. No.698/2018 (S.B.)

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

**Dated : 05.09.2018.**

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

As pointed out by Id. C.P.O. in order dated 03/07/2018 at P.B., Pg. No. 09 (Annexure-A-1) bearing no. ~~dkd@dyl-vkLFll@dkh&427@2018~~, the applicant is at Sr. No. 3, the applicant has been transferred by order at P.B., Pg. No. 11, dated 31/05/2018 (Annexure-A-3), bearing no. ~~dkd{&21@r-vkLFll@4@dkfo&555@2018~~, and the applicant has been relieved by order dated 03/07/2018 at P.B., Pg. No. 09 (Annexure-A-1) bearing no. ~~dkd@dyl-vkLFll@dkh&427@2018~~.

However, the applicant has filed one representation at P.B. Pg. NO. 13, dated

03/09/2018 (Annexure-A-4) to S.D.O., Morshi.  
The respondent no. 3 i.e. S.D.O., Morshi is directed to consider the representation at P.B. Pg. NO. 13, dated 03/09/2018 (Annexure-A-4) and dispose of the application on its own merits.

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

**Member (A)**

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