

O.A.No. 329/2017 (S.B.)

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

Dated : 26.07.2018.

C.A.No.107/2017:-

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

The Id. C.P.O. pointed out that Order Matter at Sr. No. 2 to 4, Admission at Sr. No. 2 and Hearing Party at Sr. No. 1. These O.As. have been heard in another court. It will be listed in other court for all the issues.

S.O. 07/08/2018.

Put up this matter alongwith the O.As. 61/2017, 944/2017, 887/2017 & 526/2017 in other court.

Member (A)

aps.

O.A.No. 61/2017 (S.B.)

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

Dated : 26.07.2018.

None for the applicant. Shri H.K.Pande,
Id. P.O. for the respondent nos. 1 to 4. Await
service of respondent no. 5.

The Id. C.P.O. pointed out that Order
Matter at Sr. No. 2 to 4, Admission at Sr. No. 2
and Hearing Party at Sr. No. 1. These O.As. have
been heard in another court. It will be listed in
other court for all the issues.

S.O. 07/08/2018.

*Put up this matter alongwith the O.As.
329/2017, 944/2017, 887/2017 & 526/2017 in
other court.*

Member (A)

aps.

O.A.No. 944/2017 (S.B.)

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

Dated : 26.07.2018.

Shri S.N.Gaikwad, Id. counsel for the applicant and Shri H.K.Pande, Id. P.O. for the respondent no. 1. Await service of respondent nos. 2 and 3.

The Id. C.P.O. pointed out that Order Matter at Sr. No. 2 to 4, Admission at Sr. No. 2 and Hearing Party at Sr. No. 1. These O.As. have been heard in another court. It will be listed in other court for all the issues.

The Id. P.O. submits the affidavit-in-reply on behalf of the respondent no. 3. The same is taken on record. Copy is served to the other side.

S.O. 07/08/2018.

*Put up this matter alongwith the O.As.
329/2017, 61/2017, 887/2017 & 526/2017 in
other court.*

Member (A)

aps.

O.A.No. 887/2017 (S.B.)

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

Dated : 26.07.2018.

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

The Id. C.P.O. pointed out that Order
Matter at Sr. No. 2 to 4, Admission at Sr. No. 2
and Hearing Party at Sr. No. 1. These O.As. have
been heard in another court. It will be listed in
other court for all the issues.

S.O. 07/08/2018.

*Put up this matter alongwith the O.As.
329/2017, 61/2017, 944/2017 & 526/2017 in
other court.*

Member (A)

aps.

O.A.No. 526/2017 (S.B.)

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

Dated : 26.07.2018.

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

The Id. C.P.O. pointed out that Order Matter at Sr. No. 2 to 4, Admission at Sr. No. 2 and Hearing Party at Sr. No. 1. These O.As. have been heard in another court. It will be listed in other court for all the issues.

S.O. 07/08/2018.

Put up this matter alongwith the O.As. 329/2017, 61/2017, 944/2017 & 887/2017 in other court.

Member (A)

aps.

O.A.No. 385/2018 (S.B.)

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

Dated : 26.07.2018.

Shri A.P.Tathod, Id. counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the respondent nos. 1 and 2. Shri S.P.Palshikar, Id. Counsel for the respondent no. 3.

By the instant original application, the applicant has challenged the transfer order dated 31/05/2018. By which, the applicant who is working in the post of Executive Engineer at Nagpur has been transferred to the post of Executive Engineer at Nanded. The applicant assailed the said transfer order on the ground that since the applicant has earlier approached this Hon'ble Tribunal against the illegality committed by the respondent no. 1. Therefore, the respondent no. 1 has intentionally

transferred the applicant from Nagpur to Nanded without any reason. The applicant also

states that the post at Chandrapur is vacant and the applicant could have been accommodated at Chandrapur. The applicant also contended by his willing to serve at Chandrapur, Gadchiroli or Bhandara where the posts are lying vacant. This Tribunal on 11/06/2018 issued notices in the matter and granted status-quo to the impugned transfer order. This Tribunal has also directed the transferring authority to consider the representation made by the applicant within two weeks.

Today, the Id. P.O. has produced the communication dated 22/06/2018 with no. , I ; 2018/208/2018/vk-10x&1 before this Tribunal which is taken on record and marked Exh. "X" for the purposes of identification. The perusal of the said communication reveals that the applicant has orally made request for transfer by giving three choices i.e. Bhandara,

Chandrapur and Nagpur. However, there is no written request by the applicant to that effect. Admittedly, the applicant has completed eighteen years of service in Nagpur region and as such the tenure of the applicant is completed and he is due for transfer. Similarly, a perusal of the impugned order reflects that the impugned order is passed after following the provisions of *"The Maharashtra Government Servants Regulation of Transfers & Prevention of Delay in Discharge of Official Duties, Act, 2005."* As such only for the reasons that the post is vacant at Chandrapur, the request of applicant cannot be considered. Moreover, the respondent no. 1 has also reconsidered the request of the applicant by deciding his

representation stating therein that the impugned order is legally passed and there is

no necessity to change the said order as the applicant is very much due for transfer.

In the aforesaid circumstances, the claim of the applicant for particular post at Chandrapur cannot be considered as it is the prerogative of the respondents, whether to transfer anyone on the vacant post or not.

*In view of this nothing survives in the O.A.
Hence, the O.A. is disposed off as dismissed with
no order as to costs.*

Member (A)

aps.

O.A.No. 559/2017 (S.B.)

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

Dated : 26.07.2018.

Shri P.S.Wathore, Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the respondents.

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

As per the request of Id. P.O. the matter will be listed tomorrow. **S.O. tomorrow i.e. 27/07/2018.**

Member (A)

aps.

O.A.No. 432/2018 (S.B.)

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

Dated : 26.07.2018.

C.A.No. 171/2018:-

Shri K.S.Malokar, Id. counsel for the applicant and Shri H.K.Pande, Id. P.O. for the respondents. Shri N.Gurhani, Id. Counsel for intervention.

As per the request of Id. Counsel for intervention, his senior Shri A.S.Dhore is busy with the Hon'ble High Court. In view of this, the matter is listed tomorrow. **S.O. tomorrow i.e. 27/07/2018.**

Member (A)

aps.

O.A.No. 462/2018 (S.B.)

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

Dated : 26.07.2018.

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

The respondent no. 2 is directed to decide the applicant representation dated 27/04/2018 at P.B., Pg.No. 14 (Annexure-A-5) within six weeks time from the date of this order.

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

Member (A)

aps.

O.A.No. 471/2018 (S.B.)

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

Dated : 26.07.2018.

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

The respondent no. 2 is directed to decide the applicant representation dated 31/05/2018 at P.B., Pg.No. 26 (Annexure-A-7) within six weeks time from the date of this order.

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

Member (A)

aps.

O.A.No. 122/2017 (S.B.)

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

Dated : 26.07.2018.

C.A.No.58/2017:-

None for the applicant. Shri M.I.Khan, Id. P.O. for the respondent nos. 1 to 3. None for the respondent no. 4.

At the request of Id. P.O., S.O. one week as a last chance to the applicant.

Later on:-

Smt.Charlewar, Id. Counsel for the applicant is present for pleading in the matter and Shri M.I.Khan, Id. P.O. for the respondent nos. 1 to 3. None for the respondent no. 4.

She further submits that she want to file some documents on record. At her request, **S.O. one week.**

Member (A)

aps.

O.A.No. 734/2017 (S.B.)

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

Dated : 26.07.2018.

None for the applicant. Shri P.N.Warjurkar, Id. P.O. for the respondent nos. 1 & 2. Shri A.P.Tathod, Id. Counsel for the respondent no. 3.

In view of pursis filed by the Id. Counsel for the applicant to the withdraw the O.A.. Hence, O.A. is disposed off as withdrawn with no order as to costs.

Member (A)

aps.

O.A.No. 418/2018 (S.B.)

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

Dated : 26.07.2018.

Shri S.N.Gaikwad, Id. Counsel for the applicant and Shri H.K.Pande, Id. P.O. for the State. Await service of respondent nos. 2 and 3.

The Id. Counsel for the applicant pointed out that service affidavit are yet to be filed as well as Id. P.O. for the State also seeks four weeks time to file affidavit-in-reply. **S.O. four weeks** after filing of service affidavit.

In order dated 27/06/2018 in para no. 2:- *The Id. P.O. has submitted one document from the department which is marked Exh. "X". The same is taken on record. As per the document submitted by the Id. P.O., since no enquiry has been initiated against the applicant. Interim relief sought by the applicant at Pg. No. 8 (k) and Pg. No. 9 (a) is granted to the applicant and department is directed to allow the applicant on deputation to join at Government Medical College, Nagpur for the course of Post Graduation Degree in Surgery Department.*

The above order dated 27/06/2018 is
continued till next date of hearing.

Member (A)

aps.

O.A.No. 424/2018 (S.B.)

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

Dated : 26.07.2018.

C.A.No. 156/2018:-

Shri P.S.Wathore, Id. Counsel for the applicant, Shri V.A.Kulkarni, Id. P.O. for the respondents and Shri N.D.Thombre, Id. Counsel for the Caveator/Intervention.

The Id. Counsel for the applicant seeks time to file reply for the intervention. The Id. Counsel for the applicant further pointed out that salary of other employees has been stopped because as status-quo granted on 18/06/2018, the applicant has been relieved before that and his signature is not valid for withdrawing the salary and bills.

However, respondents are directed to make necessary arrangements so that other employees salary and bills should be disbursed

and they should not be suffer and
unnecessarily. **S.O. two weeks.**

Member (A)

aps.

O.A.No. 527/2017 (S.B.)

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

Dated : 26.07.2018.

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

The Id. P.O. has filed affidavit-in-reply on
behalf of respondent nos. 2 to 4. The same is
taken on record. He submits that he will serve
the copy to the other side.

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

S.O. one week.

Member (A)

aps.

O.A.No. 899/2017 (S.B.)

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

Dated : 26.07.2018.

Shri S.N.Gaikwad, Id. Counsel for the applicant and Shri M.I.Khan, Id. P.O. for the respondents.

The Id. P.O. seeks two weeks time to file affidavit-in-reply. At his request, **S.O. two weeks.**

Member (A)

aps.

O.A.No. 134/2018 (S.B.)

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

Dated : 26.07.2018.

Shri N.W.Almelkar, Id. Counsel for the applicant and Shri M.I.Khan, Id. P.O. for the respondents.

The Id. P.O. seeks four weeks time to file affidavit-in-reply. At his request, **S.O. four weeks as a last chance.**

Member (A)

aps.

O.A.No. 158/2018 (S.B.)

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

Dated : 26.07.2018.

None for the applicant. Shri M.I.Khan, Id.
P.O. for the respondents.

The Id. P.O. seeks four weeks time to file
affidavit-in-reply. He further pointed out that
the applicant is total 42 is numbers. At his
request, **S.O. four weeks.**

Member (A)

aps.

O.A.No. 367/2018 (S.B.)

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

Dated : 26.07.2018.

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

The Id. P.O. seeks two weeks time to file
affidavit-in-reply. At his request, **S.O. two
weeks.**

In order dated 07/06/2018 in para no. 2
:- *The impugned order stayed, since it is violative of the
G.R. No. V/vkj, Q&2000@izdz3@cljk] I kelU; iz#l u foHkx] dated
06/08/2002.*

The above order dated 07/06/2018 is
continued till next date of hearing.

Member (A)

aps.

O.A.No. 974/2017 (S.B.)

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

Dated : 26.07.2018.

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

As pointed out by Id. P.O., the applicant's claim is that he is getting less pension. However, it is pointed out that Accountant General (A & E) Nagpur took objection on Pension papers and department did accordingly. Since, applicant's pension was regularized accordingly, as per the direction of Accountant General and pension has been fixed as per A.G. directions.

In view of the above facts nothing survives in the O.A. **Hence, O.A. is disposed off with no order as to costs.**

Member (A)

aps.

