

O.A.No.837 & 838/2016 (S.B.)

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

Dated : 14.06.2018.

None for the applicant. Shri A.M.Ghogre,
Id. P.O. for the State.

The Id. P.O. submits that the applicant
has not filed application for condonation of
delay. However, one chance is given for the
same.

S.O. 28/06/2018.

Member (A)

aps.

O.A.No.113/2017 (S.B.)

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

Dated : 14.06.2018.

C.A.No. 547/2017:-

Shri R.V.Shiralkar, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the respondents.

The Id. P.O. seeks two weeks time for affidavit-in-reply on C.A.

S.O. 28/06/2018.

Member (A)

aps.

O.A.No.219/2018 (S.B.)

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

Dated : 14.06.2018.

Shri A.A.Dhawas, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the State.

The respondent no. 2 submits that he will serve the notice during the course of the day. The Id. P.O. seeks three weeks time to file affidavit-in-reply.

S.O. 05/07/2018.

Member (A)

aps.

O.A.No.344/2018 (S.B.)

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

Dated : 14.06.2018.

Shri P.V.Thakre, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the respondent nos. 1 and 2. Await service of respondent nos. 3 to 5.

The Id. Counsel for the applicant submits that he will file service affidavit during the course of the day. As per the request of Id. Counsel for the applicant, **S.O. 05/07/2018.**

*As per the court order dated 05/06/2018,
the matter be stayed till next date.*

Member (A)

aps.

O.A.No.263/2017 (S.B.)

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

Dated : 14.06.2018.

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

The matter is admitted and listed in due
course.

S.O. due course.

Member (A)

aps.

O.A.No.803/2017 (S.B.)

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

Dated : 14.06.2018.

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

The matter is admitted and kept for final
hearing.

S.O. 29/06/2018 for final hearing.

Member (A)

aps.

O.A.No.282 & 283/2018 (S.B.)

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

Dated : 14.06.2018.

Shri R.V.Shiralkar, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the respondents.

At the request of Id. P.O., three weeks time is granted to file affidavit-in-reply, **S.O.**
05/07/2018.

Member (A)

aps.

O.A.No.282 & 283/2018 (S.B.)

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

Dated : 14.06.2018.

Shri R.V.Shiralkar, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the respondents.

At the request of Id. P.O., three weeks time is granted to file affidavit-in-reply, **S.O.**
05/07/2018.

Member (A)

aps.

O.A.No.381/2018 (S.B.)

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

Dated : 14.06.2018.

Heard Shri N.R.Saboo, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the State. Await service of respondent nos. 2 to 4.

The Id. Counsel for the applicant submits that he will file service affidavit of respondent nos. 2 and 3 during the course of the day. He further files one document on record, which is marked exhibit "X" (document showing withdrawal of Writ Petition from Hon'ble High Court, Nagpur).

As per the second para of Tribunal order dated 11/06/2018:- *"The department is directed not to relieve the applicant, till the matter is heard by the Tribunal on 14/06/2018."* The same status is continued till next date. **S.O.**
29/06/2018.

Member (A)

O.A.No.382/2018 (S.B.)

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

Dated : 14.06.2018.

Heard Shri N.R.Saboo, Id. Counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the State. Await service of respondent nos. 2 to 4.

The Id. Counsel for the applicant submits that he will file service affidavit of respondent nos. 2 and 3 during the course of the day.

As per the second para of Tribunal order dated 11/06/2018:- *"The department is directed not to relieve the applicant, till the matter is heard by the Tribunal on 14/06/2018."* The same status is continued till next date.

S.O. 29/06/2018.

Member (A)

aps.

O.A.No.528 & 642/2017 (S.B.)

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

Dated : 14.06.2018.

Heard Shri S.P.Chavhan holding for Shri N.D.Thombre, Id. Counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the respondents.

The Id. P.O. files affidavit-in-reply on behalf of the respondent nos. 1 to 3. The same is taken on record. Copies are served to the other side. The Id. Counsel for the applicant seeks time to go through the same.

S.O. 12/07/2018 for rejoinder, if any.

Member (A)

aps.

O.A.No.790/2017 (S.B.)

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

Dated : 14.06.2018.

Heard Shri P.D.Meghe, Id. Counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the respondents.

The Id. P.O. files affidavit-in-reply on behalf of the respondent nos. 2 and 3. The same is taken on record. Copies are served to the other side. The Id. Counsel for the applicant seeks time to go through the same. The Id. P.O. further submits that there is no need to file affidavit-in-reply on behalf of the respondent no. 4.

S.O. 29/06/2018.

Member (A)

aps.

O.A.No.868/2017 (S.B.)

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

Dated : 14.06.2018.

C.A.No.24/2018:-

Heard Shri R.S.Khobragade, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondent no. 1. Shri Abhijeet Parihar, Id. Counsel for the respondent no. 3.

The Id. P.O. files affidavit-in-reply on behalf of the respondent nos. 2. The same is taken on record. Copies are served to the other sides. The Id. P.O. further submits that there is no need to file affidavit-in-reply on behalf of the respondent nos. 1 and 3.

S.O. 05/07/2018.

Member (A)

aps.

O.A. No. 288/2016 (D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)**

Dated : 14th June 2018.

C.P. No. 20/2018.

Heard Shri Vishal Anand, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondent No.2.

Await service to R.1.

S.O. **three weeks.**

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 400/2018 (D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)**

Dated : 14th June 2018.

Heard Shri D.M. Mathur, the Ld. counsel for the applicant and Shri S.A. Deo, the learned P.O. for the respondent No.1.

2. Issue notice to R- 2 and 3, returnable after **three weeks**.
3. Shri S.A. Deo, the 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 **seven days** before returnable date, O.A. shall stand dismissed without reference to this Tribunal and papers be consigned to record.

9. **S.O. three weeks.**

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 269/2018 (D.B.)

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)**

Dated : 14th June 2018.

Heard Miss D.V. Sapkal, Adv. holding for Miss Rucha Pande, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondent No.1.

2. Issue notice to R- 2 to 4 returnable after **three weeks**.

3. A.M. Ghogre, the learned P.O. A.M. Ghogre, the 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 **seven days** before returnable date, O.A. shall stand dismissed without reference to this Tribunal and papers be consigned to record.

9. **S.O. three weeks.**

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 480/2016 (D.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J) and
Shree Bhagwan, Member(A)

Dated : 14th June 2018.

C.P. No. 23/2018.

Heard Shri S.P. Palshikar, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondent No.1.

2. The order in O.A. No. 480/2016 has been passed on 11.8.2017 wherein it has been directed that the applicant is treated as retired voluntarily w.e.f. 2.5.2016 and the respondents were directed to pay his retiral benefits within three months from the date of order. It seems that the Govt. has passed an order on 16.11.2017 in this regard and has treated the applicant as voluntarily retired on 2.5.2016. However, retiral benefits are not yet paid to the applicant. There seems to be prima facie contempt. However in the interest of justice, opportunity is given to the respondents to explain the circumstances as to why the order is not complied with.

3. Issue notice to R- 2 & 3 returnable after **four weeks.**

4. Shri S.A. Sainis, the learned P.O. A.M. Ghogre, the learned P.O. waives notice for R-1. Hamdast allowed.

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 **seven days** and if service report on affidavit is not filed **three days** before returnable date, O.A. shall stand dismissed without reference

to this Tribunal and papers be consigned to record.

10. **S.O. four weeks.**

Member(A)

Vice-Chairman(J)

pdg.

O.A. No. 104/2018

(S.B.)

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

Dated : 14th June 2018.

Heard Shri Sheikh Sohailuddin,
the Ld. counsel for the applicant and
Shri H.K. Pande, the learned P.O. for
the respondents 1 to 4. None for R. 5 to
7.

S.O. **three weeks** for filing reply
by Ld. P.O. as a last chance.

Vice-Chairman(J)

pdg.

O.A. No. 105/2018

(S.B.)

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

Dated : 14th June 2018.

Heard Shri Sheikh Sohailuddin,
the Ld. counsel for the applicant and
Shri H.K. Pande, the learned P.O. for
the respondents 1 to 4. None for R. 5 to
7.

S.O. **three weeks** for filing reply
by Ld. P.O. as a last chance.

Vice-Chairman(J)

pdg.

O.A. No. 336/2018

(S.B.)

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

Dated : 14th June 2018.

Heard Shri S.J. Kharbade, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents.

The Ld. counsel for the applicant wants to amend the O.A. Permission granted.

S.O. 15th June 2018.

Vice-Chairman(J)

pdg.

O.A. No. 404/2018

(S.B.)

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

Dated : 14th June 2018.

Heard Shri M.I. Dhattrak, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondent No.1.

2. The applicant has been transferred from the post of Assistant Commissioner, Municipal Corporation, Chandrapur to the post of Chief Officer, Municipal Council, Korchi, District Gadchiroli vide impugned order dated 12.6.2018 and in the order, it has been stated that he shall stand relieved and hence he joined the post on the next day i.e. on 13.6.2018. It seems that the applicant was earlier posted at Chandrapur vide order dated 3.10.2016 and that he has not completed his normal tenure. Though, it is mentioned in the impugned order that there is a compliance of the provisions of Sections 4 (4) & 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"). No special reason has been assigned, except that the applicant is being posted in place of one Shri Chavan. The applicant's grievance is that, he has not been given the charge. **In view thereof, respondent No.1 is directed not to relieve the applicant till further orders.**

3. Issue notice to R.1 returnable after **two weeks**.

4. Shri S.A. Deo, the learned C.P.O. waives notice for R-1. Hamdast allowed.

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 **seven days** and if service report on affidavit is not filed **three days** before returnable date, O.A. shall stand dismissed without reference to this Tribunal and papers be consigned to record.

10. **S.O. two weeks.**

Vice-Chairman(J)

pdg.

O.A. No. 405/2018

(S.B.)

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

Dated : 14th June 2018.

Heard Shri R.P. Masurkar, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondent Nos.1 to 3.

2. Admittedly, the applicant has completed her tenure at Nagpur. She is claiming transfer on the ground that her husband is also serving at Akola and is due for transfer next year. The applicant submits that either the applicant shall be transferred to Akola or her husband be transferred to Gondia. Whatever the case may be, there is no prima facie illegality in the order so as to grant her interim relief. It is necessary for the respondents to file affidavit in reply.

3. Issue notice to R.4 and 5 returnable after **two weeks**.

4. Shri S.A. Sainis, the learned P.O. waives notice for R-1. Hamdast allowed.

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 **seven days** and if service report on affidavit is not filed **three days** before returnable date, O.A. shall stand dismissed without reference to this Tribunal and papers be consigned to record.

10. **S.O. two weeks.**

Vice-Chairman(J)

pdg.

O.A. No. 409/2018

(S.B.)

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

Dated : 14th June 2018.

Heard Shri M.I. Dhattrak, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondent No.1.

2. The applicant has been transferred vide impugned order dated 12.6.2018 from the post of Chief Officer, Municipal Council, Bhandara to Nagpur. Earlier, vide order dated 12.2.2018, he had been transferred from Yavatmal to Bhandara and within a span of four months, he has been transferred. *Prima facie*, the order seems to be a mid-term. Hence, it is stayed till further orders. Nobody is also posted in place of the applicant.

3. Issue notice to respondent No.1 Returnable after **three weeks.**

4. Shri S.A. Deo, the learned C.P.O. waives notice for R-1. Hamdast allowed.

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 **seven days** and if service report on affidavit is not filed **three days** before returnable date, O.A. shall stand dismissed without reference to this Tribunal and papers be consigned to record.

10. **S.O. three weeks.**

Vice-Chairman(J)

pdg.

