

O.A.No.421/2018 (S.B.)

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

Dated : 18.06.2018.

Heard Shri T.U.Tathod, Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the State.

2. The applicant has not completed the tenure. The transferring authority has transferred the applicant which is at Pg. No.34, dated 12/06/2018 (Annexure-A-6), it was pointed out by Id. counsel for the applicant which is violating "*The Maharashtra Government Servants Regulation of Transfers & Prevention of Delay in Discharge of Official Duties Act, 2005*". However, since the applicant has not completed tenure. In view of this, the impugned order to the extent of applicant stayed till next date of hearing.

3. Issue notice to R-2 to 4, returnable on 02-07-2018. 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. 02-07-2018.**

Member (A)

aps.

O.A.No.422/2018 (S.B.)

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

Dated : 18.06.2018.

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

2. The Id. counsel for the applicant pointed out that impugned transfer order which is at P.B., Pg. No. 70 and the applicant name is at Sr. No. 19. The Id. counsel for the applicant admits that the applicant has completed his tenure and he had given choice posting at P.B., Pg. No. 67 (Annexure-A-3) in which the place for choice posting i.e. at Sr. No. 1 to 9 are still vacant. However, the applicant is posted to Sindevahi and the same is violating the G.R. dated 09/04/2018. In view of this, the impugned order to the extent of applicant is stayed till next date of hearing.

3. Issue notice to R-2, returnable on 16-07-2018. 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. 16-07-2018.**

Member (A)

aps.

O.A.No.423/2018 (S.B.)

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

Dated : 18.06.2018.

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

2. The applicant has completed his tenure and also made request application at P.B., Pg. No. 23. However, he has been posted at Aurangabad. The applicant himself approached to the transferring authority with representation and the same is at P.B., Pg. No. 12 (Annexure-A-2). Representation should be decided by the respondents within fifteen days from the date of this order. Status quo is granted till next date of hearing.

3. Issue notice to R-2 and 3, returnable on 02-07-2018. 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. 02-07-2018.**

Member (A)

aps.

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

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

Dated : 18.06.2018.

Heard Shri P.S.Wathore, Id. counsel for the applicant, Shri V.A.Kulkarni, Id. P.O. for the State and Shri N.D.Thombre, for Caveator.

2. The Id. P.O. has submitted the documents on record which is marked exhibit "X" and "X-1", which is at P.B., Pg. No. 24 and 25. The Id. counsel for the applicant pointed out that charge is not taken from the applicant. Status quo as on today be maintained till next date of hearing.

3. Issue notice to R-2 to 4, returnable on 03-07-2018. 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. 03-07-2018.**

Member (A)

aps.

O.A.No.425/2018 (S.B.)

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

Dated : 18.06.2018.

Heard Shri D.M.Kakani, Id. counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the State.

2. The applicant has been transferred to Wardha out of his three choice postings, so there is no need to stay in this order.

3. Issue notice to R-2 and 3, returnable on 03-07-2018. 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. 03-07-2018.**

10. *List this matter after completion of the services.*

Member (A)

aps.

O.A.No.426/2018 (S.B.)

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

Dated : 18.06.2018.

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

2. The Id. counsel for the applicant pointed out impugned order dated 13/06/2015, P.B. Pg. No. 09 (Annexure-A-1) at Sr. No. 08. The applicant has not completed tenure and this is violating the "*The Maharashtra Government Servants Regulation of Transfers & Prevention of Delay in Discharge of Official Duties Act, 2005*". In view of this, the impugned transfer order at P.B., Pg. No. 9 is stayed to the extent of applicant, till next date of hearing.

3. Issue notice to R-2 to 4, returnable on 04-07-2018. 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. 04-07-2018.**

Member (A)

aps.

O.A.No.427/2018 (S.B.)

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

Dated : 18.06.2018.

Heard Shri N.R.Saboo, Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the State.

2. The impugned transfer order dated 13/05/2017 which is at P.B., Pg. No. 12 and at Sr. No. 128. The applicant has completed seven years tenure of time and he has given his choice posting. Even after the order he has given representation at Pg. No. 18 on dated 04/06/2018 (Annexure-A-6). There are vacancy at Mendha (Bodli) as pointed out by Id. counsel for the applicant. According to the Government Resolution dated 06/08/2002, the applicant should have been considered out of his choice

posting. The respondents are directed to consider his representation within fifteen

days and till the time the impugned transfer order to the extent of applicant is stayed.

3. Issue notice to R-2 and 3, returnable on 09-07-2018. 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. 09-07-2018.**

Member (A)

aps.

O.A. No.383/2018

(D.B.)

Coram: Shri Shree Bhagwan,
Member (A)

Dated : 18th June 2018.

C.A. 137/2018.

Heard Shri S.P. Palshikar, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

2. For the reasons stated in the application, amendment is allowed and the C.A. stands disposed of. Amendment be carried out within a week.

O.A. No.383/2018.

Ld. P.O. seeks two weeks' time. The Ld. counsel for the applicant wants to place on record an application for interim relief day after tomorrow.

S.O. 20th June 2018.

Member

(A)

pdg.

O.A. No.419/2018

(S.B.)

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

Dated : 18th June 2018.

Heard Shri S.N. Gaikwad, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondent No.1.

2. The Ld. counsel for the applicant points out that at page No.18 at Sr. No.17 Shri R.G. Kedia (i.e. the applicant) has been transferred from Amravati to Aurangabad, though he has completed his tenure. But since he is about to retire on 31.7.2019, almost one year service is left. So in this background, he requests that he should not be disturbed. In view of his pleading, in the impugned order dated 12.6.2018, *status-quo* be maintained till the date of hearing.

3. Issue notice to the respondent Nos. 2 and 3 returnable on **2nd July 2018.**

4. Shri V.A. Kulkarni, the learned P.O. waives notice for the respondent No.1. Hamdast granted.

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

9. S.O. **2nd July 2018.**

10. In the meanwhile, learned P.O. can get instructions from the department whether the applicant can be adjusted or not.

Member

(A)

pdg.

O.A. No.290/2013 (Old O.A.Nos.304 to 307/2014) (S.B.)

Coram: Shri Shree Bhagwan,
Member (A)

Dated : 18th June 2018.

MCA No.13/2018.

Heard Shri N.R. Saboo, the Ld. counsel for the applicants and Shri S.A. Sainis, the learned P.O. for the respondents.

The Ld. counsel for the applicants requests that the matter should be listed to the same Court day after tomorrow.

S.O. **20th June 2018** in the same court.

Member

(A)

pdg.

O.A. No.328/2018

(S.B.)

Coram: Shri Shree Bhagwan,

Member (A)

Dated : 18th June 2018.

Heard Shri N.R. Saboo, the Ld. counsel for the applicants and Shri S.A. Sainis, the learned P.O. for the respondent Nos. 1 and 2.

2. The notices have been served to respondent Nos. 1 to 3. But the notice to respondent No.4 is yet to be served and that should be served.

3. Issue notice to respondent No.4 returnable on **2nd July 2018.**

Hamdast granted.

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

8. S.O. **2nd July 2018.**

Member

(A)

pdg.

O.A. No.329/2018

(S.B.)

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

Dated : 18th June 2018.

Heard Shri P.A. Kadu, the Ld.
counsel for the applicant and Shri S.A.

Sainis, the learned P.O. for the respondent No.1.

The Ld. counsel for the applicant submits that notices have been served to respondent Nos. 1 to 4 which were sent by registered post A/D.

Await service to R.5.

After that, O.A. can be heard.

S.O. **two weeks.**

Member

(A)

pdg.

O.A. No.332/2018

(S.B.)

Coram: Shri Shree Bhagwan,

Member (A)

Dated : 18th June 2018.

Heard Shri S.M. Vaishnav, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

Objections at page Nos. 25 to 27, 34 to 42 and 57 are not removed.. The Ld. counsel for the applicant submits that he will remove the objections within two weeks.

S.O. 2nd July 2018.

Interim relief to continue till then.

Member

(A)

pdg.

O.A. No.198/2018

(S.B.)

Coram: Shri Shree Bhagwan,

Member (A)

Dated : 18th June 2018.

Heard Shri M.I. Dhattrak, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

The Ld. counsel for the applicant has filed rejoinder, it is taken on record and a copy of the same is served to the Ld. P.O.

S.O. 25th June 2018.

Member

(A)

pdg.

O.A. No. 294/2018

(S.B.)

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

Dated : 18th June 2018.

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

S.O. **two weeks** for filing reply.

Member (A)

pdg.

O.A. No.299/2018

(S.B.)

Coram: Shri Shree Bhagwan,
Member (A)

Dated : 18th June 2018.

Heard Shri R.V. Shiralkar, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

Notices have been served and the Ld. P.O. desires four weeks' time to file reply.

S.O. **16th July 2018.**

Member

(A)

pdg.

O.A. No.327/2018

(S.B.)

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

Dated : 18th June 2018.

Heard Shri G.K. Bhusari, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondent Nos. 1 and 2. Shri S.N.Gaikwad, Ld. counsel for respondent No.3.

The Ld. P.O. points out that there are some changes in the G.R. and the decision of Principal Bench of this Tribunal at Mumbai. In view of that, matter be listed after two weeks. It will be heard on merit.

S.O. 2nd July 2018.

Member

(A)

pdg.

O.A. No.330/2018

(S.B.)

Coram: Shri Shree Bhagwan,
Member (A)

Dated : 18th June 2018.

Heard Shri G.K. Bhusari, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

Vide order dated 4.6.2018 of this Tribunal, stay was granted to the extent of the applicant that will continue and the Ld. P.O. desires three weeks time

S.O. 9nd July 2018.

Member

(A)

pdg.

O.A. No.393/2018

(S.B.)

Coram: Shri Shree Bhagwan,

Member (A)

Dated : 18th June 2018.

Heard Shri D.R. Bhoyar, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondent No.1.

2. At page No.28 of the O.A., selection list of Police Patils for the year 2018 is given. In that, respondent No.4 i.e. Diksha Muneshwar's Roll number is 31226. Her appointment letter should be withheld till final outcome of the O.A.

3. Notices be issued to respondent Nos. 2 to 4 returnable on **10th July 2018.**

4. Shri A.M. Khadatkar, the learned P.O. waives notice for the respondent No.1. Hamdast granted.

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. In case notice is not collected within **seven days**, and if service report on affidavit is not filed within **three days** before returnable date, O.A. shall stand dismissed without reference to the

Tribunal and papers be consigned to record.

9. Matter will be heard on merit.

10. S.O. 10th July 2018.

Member

(A)

pdg.

O.A. No.418/2018

(S.B.)

Coram: Shri Shree Bhagwan,

Member (A)

Dated : 18th June 2018.

Heard Shri S.N. Gaikwad, the Ld. counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondent No.1. Shri S.A. Deo, Ld. CPO for R. 2 and 3 i.e. caveator.

2. There is a communication from the Director of Health Services which is filed on record. The Ld. counsel for the applicant points out that the said communication is not related to this issue.

3. The Ld. C.P.O. should examine it.. If any objection is there, remove the same.

4. At the request of Ld. counsel for the applicant, S.O. **21st June 2018.**

5. In the meanwhile, Ld. C.P.O. to take instructions from the department and place the G.R. on record.

Member

(A)

pdg.

