

O.A. 535/2017

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

Dated : 24.07.2017.

Heard Shri S.P. Palshikar, Id. counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the State.

2. It seems that the applicant is Associate Professor in the Government Ayurved College, Nagpur. On 1/2/2016 he has filed application for voluntary retirement to be effective from 1/5/2016, since no communication was received either granting or rejecting the said prayer within stipulated period of 90 days, the applicant was under impression that he stood retire voluntarily. However, after stipulated period of 90 days the applicant had received communication dated 24/5/2016 whereby his request for voluntary retirement was rejected. The said action on the part of respondents has been challenged by the applicant in O.A. 480/2016 and said matter has been closed for orders by the Division Bench on 5/7/2017. Thereafter on 10/7/2017 the

impugned order has been issued whereby the applicant has been transferred from Nagpur to Usmanabad. In view of the fact as above, the impugned order is stayed till filing of the reply by respondents.

3. Issue notice to R-2 and 3, returnable on 14/8/2017. 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. **S.O. 14/8/2017.**

Vice Chairman (J)

dnk.

O.As. 533 of 2017.

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

Dated : 24.07.2017.

Heard Mrs. T.D. Khade, Id. counsel for the applicants and Smt. A.M. Ghogre, Id. P.O. for the State.

2. Vide order dated 11/5/2017 in O.A. O.A.276/2017, the respondent no.2 was directed to take decision on the applicant's representation dated 5/5/2017 making grievance about his transfer and accordingly the decision was to be taken within one month from the date of order. During one month and thereafter for one week the respondent / authority was directed not to insist the applicant to join at his transfer post at Andura, Dist. Akola.

3. The learned counsel for the applicants submits that vide impugned communication dated 29/6/2017 the R/2 has taken a decision not to change the posting of the applicant. Whether the allegations against the applicant to be enquired is concerning Sawna jurisdiction or not will have to be seen on merits. In

the interest of justice the impugned order dated 29/6/2017 is stayed till filing of reply by the respondents.

4. in the meantime, issue notice to R-2 and 3, returnable on 14/8/2017. 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. **S.O. 14/8/2017.**

dnk. **Vice Chairman (J)**

O.A. 675/2016 with C.A. 319/2017

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

Dated : 24.07.2017.

Heard Shri S.C. Deshmukh, Id. counsel for the applicant, Smt. M.A. Barabde, Id. P.O. for R-1 & 5 and Shri K.D. Deshpande, Id. counsel for R-2 to 4.

Closed for orders.

Vice Chairman (J)

dnk.

O.A. 85/2017

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

Dated : 24.07.2017.

Heard Shri D.N. Mathur, Id.
counsel for the applicant and Shri M.I.
Khan, Id. P.O. for the respondents.

Closed for orders.

Vice Chairman (J)

dnk.

O.A. 519/2015

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

Dated : 24.07.2017.

Heard Shri M.A. Sable, Id. counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for the respondents.

2. The applicant has challenged in this case the order dated 19/9/2013 whereby vehicle charges has been denied to him on the ground that he has not obtained prior permission for using private vehicle. He has also challenged the order dated 24/9/2014 whereby the allowances were granted but not as per the G.R. The learned counsel for the applicant placed on record a copy of G.R. dated 3/3/2010 on which he has relied. The learned P.O. submits that she has not received a copy of the said G.R. The learned counsel for the applicant is directed to supply the copy of said G.R. to the Id. P.O.

S.O. 7/8/2017. (P.H.)

Vice Chairman (J)

dnk.

O.A. 216/2014

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

Dated : 24.07.2017.

Shri G.G. Bade, Id. Counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

At the request of Id. Counsel for the applicant, **S.O. 1/8/2017.**

Vice Chairman (J)

dnk.

O.A. 724/2016

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

Dated : 24.07.2017.

Shri S. Borkar, Id. Counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1 to 3. None for R-4.

2. The learned counsel for the applicant has placed on record a copy of representation filed by the applicant on 17/7/2017 which is marked Exh-X for the purpose of identification. The copy of the said has been supplied to the learned P.O. The learned P.O. is directed to take instructions as to whether there is a post vacant at Pune as claimed by the applicant and if yes, whether the applicant can be accommodated. The learned P.O. seeks two weeks' time to take instruction in this regard.

S.O. 7/8/2017.

Steno copy be supplied to the Id counsel for the parties.

Vice Chairman (J)

dnk.
O.A. 617/2013

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

Dated : 24.07.2017.

None for the applicant.

Shri P.N. Warjurkar, Id. P.O. for
R-1 to 3. None for R-4.

2. The learned P.O. files on record the documents as regards the information sought vide order dated 7/4/2017. The same are placed on record. Nobody appeared for the applicant though the matter is Part heard. However, in the interest of justice, the matter be placed after one week.

S.O. 1/8/2017.

Vice Chairman (J)

dnk.

O.A. 176/2010 with C.A. 114/2017

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

Dated : 24.07.2017.

Shri M.B. Agasti, Id. Counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the Respts.

The learned P.O. has placed on record original service book. It is placed on record. The copies of the same are given to the applicant.

S.O. 1/8/2017.

Vice Chairman (J)

dnk.

Rev. App. 09/2016 in O.A.736/2015

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

Dated : 24.07.2017.

Shri R.V. Shiralkar, Id. Counsel for
the applicant, Shri A.M. Ghogre, Id. P.O.
for resp. nos. 1 to 3 and Shri B.D. Pandit,
Id. P.O. for R-4.

S.O. 1/8/2017.

Vice Chairman (J)

dnk.

O.A. 455/2017

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

Dated : 24.07.2017.

None for the applicant. Shri A.M. Khadatkar, Id. P.O. for R-1. Ms. P.V. Shendre, Id. Counsel for R-2 to 5.

At the request of Id. Counsel for R-2 to 5, **S.O. 21/8/2017** for filing reply.

Vice Chairman (J)

dnk.

O.A.406/2017

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

Dated : 24.07.2017.

Shri A.Z. Jibhkate, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

The learned counsel for the applicant files counter affidavit on behalf of the applicant. It is taken on record. Copy is served to the Id. P.O.

Heard. Admit.

Learned P.O. waives notice for the respondents.

S.O. 1/8/2017.

Vice Chairman (J)

dnk.

O.A.393/2017

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

Dated : 24.07.2017.

C.A.265/2017

Shri N.D. Thombre, Id. Counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the Respts.

At the request of Id. P.O., **S.O. 14/8/2017** along with other similar matters.

Vice Chairman (J)

dnk.

O.A.394/2017

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

Dated : 24.07.2017.

C.A.266/2017

Shri N.D. Thombre, Id. Counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for R-1. Shri B.B. Mehadia, Id. Counsel for R-2&3.

Shri Mehadia, Id. Counsel appears and submits that he will file power on behalf of R-2&3 and also file reply affidavit. At his request, **S.O. 14/8/2017** along with other similar matters.

Vice Chairman (J)

dnk.

O.A.395/2017

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

Dated : 24.07.2017.

C.A.267/2017

Shri N.D. Thombre, Id. Counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for R-1. Shri B.B. Mehadia, Id. Counsel for R-2&3.

Shri Mehadia, Id. Counsel appears and submits that he will file power on behalf of R-2&3 and also file reply affidavit. At his request, **S.O. 14/8/2017** along with other similar matters.

Vice Chairman (J)

dnk.

O.A.396/2017

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

Dated : 24.07.2017.

C.A.268/2017

Shri N.D. Thombre, Id. Counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the Respts.

At the request of Id. P.O., **S.O. 14/8/2017** along with other similar matters.

Vice Chairman (J)

dnk.

O.A.397/2017

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

Dated : 24.07.2017.

C.A.269/2017

Shri N.D. Thombre, Id. Counsel for
the applicant and Smt. M.A. Barabde, Id.
P.O. for the Respts.

At the request of Id. P.O., **S.O.**
14/8/2017 along with other similar
matters.

Vice Chairman (J)

dnk.

O.A.398/2017

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

Dated : 24.07.2017.

C.A.270/2017

Shri N.D. Thombre, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for the Respts.

At the request of Id. P.O., **S.O. 14/8/2017** along with other similar matters.

Vice Chairman (J)

dnk.

O.A.399/2017

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

Dated : 24.07.2017.

C.A.271/2017

Shri N.D. Thombre, Id. Counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the Respts.

At the request of Id. P.O., **S.O. 14/8/2017** along with other similar matters.

dnk.

Vice Chairman (J)

O.A.400/2017

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

Dated : 24.07.2017.

C.A.272/2017

Shri N.D. Thombre, Id. Counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the Respts.

At the request of Id. P.O., **S.O. 14/8/2017** along with other similar matters.

dnk.

Vice Chairman (J)

O.A.401/2017

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

Dated : 24.07.2017.

C.A.273/2017

Shri N.D. Thombre, Id. Counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the Respts.

At the request of Id. P.O., **S.O. 14/8/2017** along with other similar matters.

Vice Chairman (J)

dnk.

O.A.439/2017

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

Dated : 24.07.2017.

Shri G.G. Bade, Id. Counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

The learned P.O. submits that RFO, Allapalli Mr. D.V. Kedake is present in the Court and submitted that the applicant will be relieved by the end of this month. In view of this, the matter be kept on **3/8/2017**.

Vice Chairman (J)

dnk.

O.A.340/2017

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

Dated : 24.07.2017.

None for the applicant.

Shri S.A. Sainis, Id. P.O. for the
Respts.

At the request of Id. P.O., **S.O.**
14/8/2017 for filing reply.

Vice Chairman (J)

dnk.

O.A.274/2017

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

Dated : 24.07.2017.

Shri M.R. Khan, Id. Counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

At the request of Id. P.O., **S.O.**
14/8/2017 for filing reply.

Vice Chairman (J)

dnk.

O.A.189/2017

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

Dated : 24.07.2017.

Shri G.G. Bade, Id. Counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1 to 3 and none for R-4.

The learned counsel for the applicant seeks time to take instructions whether to withdraw or to amend the O.A. In view thereof, **S.O. 14/8/2017.**

Vice Chairman (J)

dnk.

O.A.143/2017

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

Dated : 24.07.2017.

Shri M.L. Vairagade, Id. Counsel holding for Shri M.R. Pillai, Id. Counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1 to 3 and Shri K.D. Deshpande, Id. Counsel for R-4.

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

Ld. P.O. as well as Id. Counsel for R-4 waives respective notices.

S.O. 7/8/2017.

Vice Chairman (J)

dnk.

O.A.117/2017

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

Dated : 24.07.2017.

Shri A.K. Waghmare, Id. Counsel
for the applicant and Smt. S.V. Kolhe, Id.
P.O. for the Respts.

At the request of Id. P.O., **S.O.**
21/8/2017 for filing reply.

Vice Chairman (J)

dnk.

O.A.101/2017

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

Dated : 24.07.2017.

Shri V.A. Kothale, Id. Counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the Respts.

At the request of Id. Counsel for the applicant, **S.O.4/8/2017** for filing rejoinder.

Vice Chairman (J)

dnk.

O.A.226/2017

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

Dated : 24.07.2017.

C.A.111/2017

Shri C.K. Chandrashekhar, Id. Counsel holding for Shri R.S. Khobragade, Id. Counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1&2 and Shri A.M. Kukday, Id. Counsel for R-3&4.

For the reasons stated in the application, the application for sue jointly is allowed.

O.A.226/2017 _

At the request of Id. P.O., **S.O.**
14/8/2017 for filing reply.

Vice Chairman (J)

dnk.

O.A.144/2017

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

Dated : 24.07.2017.

C.A.82/2017

None for the applicant. Shri S.A. Sainis, Id. P.O. for R-1&2 and Shri S.M. Pande, Id. Counsel for R-3.

At the request of Id. Counsel for R-3, **S.O. 1/8/2017** for filing reply.

Vice Chairman (J)

dnk.

O.A.161/2008

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

Dated : 24.07.2017.

MCA 20/17

Heard Shri V.A. Kothale, Id.
Counsel for the applicant and Smt. M.A.
Barabde, Id. P.O. for the respondents.

The application stands disposed of
since the time for which extension was
asked for has already been lapsed.

Vice Chairman (J)

dnk.

O.A.829/2014

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

Dated : 24.07.2017.

MCA 17/2017

Smt. S.V. Kolhe, Id. P.O. for the applicant (Org. respondents no.4) and none for the respondent (Org. applicant).

2. Smt. Kolhe, Id. P.O. for the applicant (Org. respondents no.4) submits that the decision has reached to the finality and within two weeks the order of the Tribunal is likely to be complied. She therefore seeks two weeks' time for compliance.

S.O. 7/8/2017.

Vice Chairman (J)

dnk.

O.A.327/2017

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

Dated : 24.07.2017.

C.A.344/2017 -

Heard Shri N.S. Warulkar, Id. Counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondent nos. 1 to 3. None for R-4.

2. The applicant is claiming stay to the operation of impugned order dated 11/7/2017 issued by the Collector, District Yavatmal whereby the applicant has been deputed at Municipal Council, Ner Nawabpur. The learned counsel for the applicant submits that the applicant has been deputed without his consent. He invited my attention to Rule 36 of the Maharashtra Civil Services (Joining time, Foreign Service and Payments During Suspension, Dismissal and Removal) Rules, 1981, wherein it is stated that no Government servant be transferred to foreign service against his will. However, proviso to said rule says that the said rule is not applicable in cases of persons who

are recruited on or after 30th July,1977. Admittedly, the applicant in this case is recruited after 1977. The question is as to whether the applicant is deputed or transferred will be seen after hearing respondents for which the reply of the respondents is necessary. In view thereof, no stay can be granted at this juncture.

C.A.343/2017 –

Heard Shri N.S.Warulkar, Id. Counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the State.

2. Notice on application be issued returnable in **two weeks**.
3. Shri P.N. Warjurkar the learned P.O. waives notice for respondent no.1. 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 the O.A.
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 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.

8. **S.O. two weeks.**

Vice Chairman (J)

dnk.

O.As. 534 of 2017.

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

Dated : 24.07.2017.

Heard Mrs. T.D. Khade, Id. counsel for the applicants and Smt. A.M. Ghogre, Id. P.O. for the State.

2. Vide order dated 15/5/2017 in O.A. O.A.286/2017, the respondent no.2 was directed to take decision on the applicant's representation dated 6/5/2017 making grievance about his transfer and accordingly the decision was to be taken within one month from the date of order. During one month and thereafter for one week the respondent / authority was directed not to insist the applicant to join at his transfer post at Wadali Satwai, Dist. Akola.

3. The learned counsel for the applicants submits that vide impugned communication dated 29/6/2017 the R/2 has taken a decision not to change the posting of the applicant. Whether the allegations against the applicant to be enquired is concerning Chikhali-2

jurisdiction or not will have to be seen on merits. In the interest of justice the impugned order dated 29/6/2017 is stayed till filing of reply by the respondents.

4. in the meantime, issue notice to R-2 and 3, returnable on 14/8/2017. 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. **S.O. 14/8/2017.**

Vice Chairman (J)

dnk.

O.A. No. 324/2017.(S.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 24th July 2017.

Shri Kotkar, Adv. holding for Shri N.S. Saboo, the learned counsel for the applicant and Smt. M.A. Barabde, the learned P.O. for respondents 1 and 2. None for R.3.

At the request of the learned counsel for the applicant, S.O. **two weeks.**

Vice-Chairman(J)

pdg

O.A. No. 374/2017.(S.B.)

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

Dated : 24th July 2017.

C.A.No.260/2017.

Shri Kotkar, Adv. holding for Shri N.S. Saboo, the learned counsel for the applicant and Smt. M.A. Barabde, the learned P.O. for respondents 1 and 2.

At the request of the learned counsel for the applicant, S.O. **two weeks.**

Vice-Chairman(J)

pdg

O.A. No. 159/2012.

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

Dated : 24th July 2017.

C.A. No.341/2017.

None for the applicant. Shri M.I. Khan, the learned P.O. for respondents 1 to 4. None for R.5 i.e. Intervener.

It seems that the on the last 2-3 occasions also, nobody appeared for the applicant.

Matter be kept for dismissal after **one week.**

Vice-Chairman(J)

Pdg

O.A. No. 160/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 24th July 2017.

Mrstf Shri S.D. Kotkar, the learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

In view of the order passed on 7.7.2017, Shri Sanjiv Gaud, the Chief Conservator of Forests (Territorial), Amravati (now the Chief Conservator of Forests, Nagpur) is present in this Tribunal. He submits that the applicant was wrongly promoted to the post of Forester under the Physically

Handicapped quota in the year
2915 and when

Vice-Chairman(J)

pdg