

O. A. No.393 /2018.

(S.B.)

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

Dated : 12th June 2018.

None for the applicant. Shri
Khadatkar, Id. P.O. for the State.

There are some Objections in
the matter. The matter be place on
board after removal of the office
objections by Id. counsel.

Vice Chairman (J)

aps.

O. A. No.394 /2018.

(S.B.)

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

Dated : 12th June 2018.

Heard Shri M.A.Sable, Id. counsel for the applicant and Shri S.A.Deo, Id. P.O. for the State.

2. The applicant is an Assistant Teacher and vide impugned order dated 31/05/2018, she has been transferred from Nagpur to Wardha. Admittedly, the applicant is at Nagpur from more than five years and was very much due for transfer. She has filed representation just few days prior to her transfer on medical ground.

3. The Id. counsel for the applicant submits that even though the applicant's claim for retention was recommended by the competent authority, the same has not been accepted by the transferring authority. In my opinion it is not

proper at this juncture to give the stay, since the applicant has already completed her tenure.

4. Issue notice to R-2 to 4, returnable on two weeks. 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 **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. Two Weeks.**

Vice Chairman (J)

aps.

O. A. No.744 /2016.

(S.B.)

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

Dated : 12th June 2018.

Shri N.R.Saboo, Id. counsel for the applicant, Shri Warjurkar, Id. P.O. for the respondent no. 1, Shri N.Majithia, Id. counsel for respondent no. 2 and Ms. A.Lanjewar, Id. counsel for respondent no. 5. None for respondent nos. 3 and 4.

The affidavit-in-reply on behalf of respondent no. 5 has already been filed by applicant, which has already been taken on record and copy also supplied to the other side too.

The Id. counsel for the respondent no. 5 seeks one week time to take instructions as to within how many days the formality for compliance of the payment of arrears will be completed.

S.O. One Week.

Vice Chairman (J)

aps.

**C.A. Nos. 533/2016 & 68/2018 and
O.A. No.614/2017 (D.B.)**

**Coram: Shri J.D.Kulkarni,V.C.(J)
&**

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

Dated : 12th June 2018.

Heard Shri R.V. Shiralkar, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents 1 and 2. Shri N.B. Rathod, the Ld. counsel for R.3.

2. As per the advertisement dated 15.8.2013, the applicant responded for the post of Physiotherapist. It is stated that advertisement for 17 posts was published. Out of which one post was reserved for SC category. Applicant has secured 128 marks and stood at Sr. No.11 in the merit list. Respondent No.3 has secured

124 marks and stood at Sr. No.16. The candidate belonging to SC category was at Sr. No.9, who secured 130 marks. But he did not join and, therefore, it is the case of the applicant that her claim should have been considered on merit. The respondent No.2, however, appointed respondent No.3 who secured less marks than the applicant. It is the case of the applicant that no intimation was given to her and she came to know about the appointment of respondent No.3 subsequently and immediately after such knowledge, the applicant has filed representation on 20.7.2015, which was not answered at all by the respondents. In view of this premise, respondent No.2 is directed to file a short affidavit, making the following points clear:-

- (i) Is it a fact that the applicant having secured more marks than the respondent No.3,

should have been in the wait list ahead of respondent No.3 ?

(ii) Whether the wait list was published ? If yes, on what date ? The respondents shall also file a copy of the wait list.

(iii) The respondent No.2 shall make it clear as to whether any intimation was given to the applicant as regards copy of order served on the applicant as regards appointment. If yes, necessary correspondence shall be placed on record.

3. S.O. **two weeks.**

4. Steno copies be supplied both the parties.

Member (A)
(J)

Vice-Chairman

pdg.

**O.A. Nos.762 & 763 of 2016.
(D.B.)**

**Coram: Shri J.D.Kulkarni,V.C.(J)
&**

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

Dated : 12th June 2018.

C.P. 25/2018.

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

The learned P.O. expressed his apology for non-appearance of respondent Nos. 2 and 3 and requested that the matter be kept on 20.6.2018.

At his request, S.O. **20.6.2018.**

Member (A) Vice-Chairman
(J)

pdg.

O.A. No.214/2018. (D.B.)

**Coram: Shri J.D.Kulkarni,V.C.(J) &
Shri Shree Bhagwan,
Member (A)**

Dated : 12th June 2018.

Heard Shri Shyam Chauhan, Adv. holding for Shri A.B. Mahajan, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the

respondent Nos. 1 to 3. Shri R.G. Kavimandan, Ld. Adv. for R.4. None for R.5.

The learned P.O. seeks time to file reply on behalf of R. 1 to 3. The Ld. counsel for R.4 has served a copy of affidavit to the applicant.

At the request of Ld. P.O., S.O. **three weeks for reply.**

Member (A)
(J)

Vice-Chairman

pdg.

O.A. No.270/2018. (D.B.)

**Coram: Shri J.D.Kulkarni,V.C.(J)
&**

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

Dated : 12th June 2018.

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

S.O. four weeks.

Member (A)
(J)

Vice-Chairman

pdg.

O.A. No.390/2018.

(D.B.)

Coram: Shri J.D.Kulkarni,V.C.(J)
&

Shri Shree Bhagwan,
Member (A)

Dated : 12th June 2018.

Heard Shri S.M. Khan, the Ld. counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondent No.1.

2. The applicant was initially appointed as Chowkidar and vide order dated 2.8.2017, he has been appointed / promoted to the post of Driver. He had very much worked as Driver for about 10 months. But all of a sudden, on 13.5.2018; he has been reverted to his earlier post of Chowkidar. It is stated that the applicant has been reverted without giving him an opportunity. It is, however, a fact that the applicant has been relieved. In such circumstances, it will not be proper to grant interim relief to the applicant. The applicant may join to the reverted post under protest. If the applicant's reversion is illegal, he can be very well posted to his promotional post.

3. Considering all these aspects, issue notice to the respondent Nos.2 and 3 returnable after four weeks.

4. Shri H.K. Pande, 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. **four weeks**.

Member (A) Vice-Chairman (J)

pdg.

O.A. No.391/2018. (D.B.)

**Coram: Shri J.D.Kulkarni,V.C.(J)
&**

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

Dated : 12th June 2018.

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

2. The applicant is a Medical Officer, Class-II and vide order dated 31.5.2018, it has been directed that he shall be relieved from the service on completion of 58 years of age. However, on the same day, respondent No.4 has endorsed on the said letter that the applicant may be allowed to work as per telephonic instructions. The Ld. counsel for the applicant submits that as per G.R. dated 3.9.2015, services of Medical Officers have been extended upto

the age of 60 years. However, the same G.R. has been wrongly interpreted. According to the learned CPO, the applicant is not being allowed to sign the muster roll. Since he has been relieved immediately, the question therefore, is whether the G.R. dated 3.9.2015 is applicable to the applicant or not. The learned CPO seeks one week's time to take clear instructions on this point and to make a submission. In view thereof, S.O. two weeks.

3. Issue notice to the respondent Nos. 2 to 4 returnable after **two weeks**.

4. Shri S.A. Deo, the learned C.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. **two weeks.**

Member (A) Vice-Chairman (J)

pdg.

O.A. No.266/2017.

(D.B.)

**Coram: Shri J.D.Kulkarni,V.C.(J) &
Shri Shree Bhagwan,
Member (A)**

Dated : 12th June 2018.

Heard Shri S.P.Palshikar, Adv. holding for Shri R.V. Shiralkar, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

2. The applicant has filed a pursis dated 12.6.2018, it is marked "X" for identification, from which it seems that the applicant is not interested in prosecuting this O.A. The Ld. counsel for the applicant seeks permission to withdraw the O.A. In view thereof, O.A. stands disposed of as withdrawn with no order as to costs.

Member (A)
(J)

Vice-Chairman

pdg.

O.A. 222/2018 (SB)

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

Dated : 12.06.2018

Shri S.M. Khan, learned counsel for the applicant and Shri P.N. Warjurkar, learned P.O. for R-1. Await service of R-2 to 4.

The learned counsel for the applicant seeks two weeks' time to file service affidavit of R-2 to 4. At his request, **S.O. 26/06/2018.**

Member (A).

dnk.

O.A. 230/2018 (SB)

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

Dated : 12.06.2018

None for the applicants. Shri A.M. Ghogre, learned P.O. for R-1. Await service of R-2&3.

The applicants to file service affidavit of R-2&3.

S.O. 26/06/2018 for filing service affidavit of R-2&3.

Member (A).

dnk.

O.A. 325/2018 (SB)

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

Dated : 12.06.2018

Shri A.P. Mishra, learned counsel for the applicant and Shri A.P. Potnis, learned P.O. for the respondents.

The learned counsel for the applicant submits that the respondent nos. 2 and 3 has been served and he will file service affidavit to that effect.

S.O. 26/06/2018.

Member (A).

dnk.

O.A. 116/2017 (SB)

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

Dated : 12.06.2018

Shri U.J. Deshpande, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1. None for R-2.

2. The learned P.O. files reply-affidavit on behalf of R-1, i.e., the Superintendent of Police (Gramin), Amravati. It is taken on record. Copy is served on the applicant.

3. The learned counsel for the applicant seeks permission to amend the O.A. by including State of Maharashtra as respondent no.3. Permission is granted as prayed for. Necessary amendment be carried out within one week and amended copy be supplied to the learned P.O. well in advance.

S.O. 27/06/2018.

Member (A).

dnk.

O.A. 958/2017 (SB)

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

Dated : 12.06.2018

Shri P.V. Thakre, learned counsel for the applicant and Shri V.A. Kulkarni, learned P.O. for the respondents.

The learned P.O. files reply-affidavit on behalf of R-1&2. It is taken on record. Copy is served on the applicant.

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

The learned P.O. waives notice for the respondents.

In the meantime, the applicant is at liberty to file rejoinder, if any.

S.O. 26/06/2018.

Member (A).

dnk.

O.A. 35/2018 (SB)

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

Dated : 12.06.2018

Shri A.P. Khadatkar, learned counsel for the applicant and Shri A.P. Potnis, learned P.O. for the respondents.

The learned P.O. has already filed reply-affidavit of R-3. He seeks time to file reply of R-1&2. At his request, **S.O.** **27/06/2018** for filing reply of R-1&2.

Member (A).

dnk.

O.A. 155/2018 (SB)

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

Dated : 12.06.2018

Heard Shri S.M. Khan, learned counsel for the applicant and Shri V.A. Kulkarni, learned P.O. for the respondents.

2. The learned P.O. has submitted letter dated 20/12/2017 of Deputy Director of Health Services, Aurangabad by which the benefit of retirement has been given to the applicant by the Dy. Director of Health Services, Aurangabad. Therefore, the applicant is directed to add respondent as Deputy Director of Health Services, Aurangabad in the O.A. then only matter can be heard and decided. The copy of the same is taken on record and marked Exh-X for the purposes of identification.

3. The applicant to amend the O.A. by including Deputy Director of Health Services, Aurangabad as newly party / respondent. Necessary amendment be carried out within one week and amended copy be supplied to the learned P.O. well in advance.

4. After amendment, issue notice to the newly added respondent, returnable on **27/06/2018**. 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 **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.

10. **S.O. 27/06/2018.**

Member (A).

dnk.