

O.A.470/2017

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

Dated : 11.07.2017.

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

2. The applicant is a Forester has been transferred from the office Patrolling Squad, Chandrapur to Tadoba Andhari Core Project vide order dated 31/5/2017 just within a span of 1½ years. He was actually posted to Chandrapur on 7/11/2015. Thus prima facie the order seems to be mid-term. The applicant has made a statement that he has not yet been relived and there are two posts at Chandrapur. Out of which one post is vacant and therefore the applicant has not yet been relived. In view thereof, the respondents are directed not to relive the applicant from Chandrapur till further orders.

3. Issue notice to R-2 to 4, returnable in **two weeks**. 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. two weeks.**

Vice Chairman (J)

dnk.

O.A.471/2017

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

Dated : 11.07.2017.

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

2. Vide order dated 26/5/2017 the applicant has been transferred from the post of Deputy Chief Executive Officer., Z.P., Bhandara to Deputy Chief Executive Officer., Z.P., Gondia. The applicant was relieved from his post on 29/5/2017 and he submitted his joining report on 30/5/2017. He was asked to wait since the person on which post the applicant was transferred at Gondia was not relieved. It is stated that the said person, i.e., one Shri R.L. Puram has been relieved on 22/6/2017 after office hours and in spite of that the applicant is not being allowed to join at Gondia. The applicant submitted request applications, but the same were not considered. The respondent no.2 is, therefore, directed to file affidavit as to whether he wants to obey the order passed by the Government of

Maharashtra dated 26/5/2017 and, if yes, why the applicant is not being allowed to join at Gondia as per the said order. The respondent no.2 shall also file affidavit giving reply as to why the salary of the applicant for this compulsory waiting period for not allowing him to join at Gondia should not be recovered from respondent no.2. The affidavit shall be filed before the next date.

3. Issue notice to R-2 returnable in **two weeks**. 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. two weeks.**

Vice Chairman (J)

dnk.

O.A.724/2011

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

Dated : 11.07.2017.

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

Closed for orders.

Vice Chairman (J)

dnk.

O.A.770/2016

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

Dated : 11.07.2017.

Shri S.P. Palshikar, Id. counsel for
the applicant and Shri S.A. Sainis, Id.
P.O. for the respondents.

S.O. 19/7/2017.

Vice Chairman (J)

dnk.

O.A.414/2016

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

Dated : 11.07.2017.

Smt. B.M. Kesare, Id. counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1 to 3 and Shri S.M. Nafde, Id. counsel for R-4.

With the consent of Id. counsel for parties, **S.O. 1/8/2017.**

Vice Chairman (J)

dnk.

O.A.337/2017

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

Dated : 11.07.2017.

Shri N.D. Thombre, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1 to 3.

2. Mr. Madan Totey, Id. counsel files Vakalatnama on behalf respondent no.4 and seeks time to file reply. Mr. Manoj Sable, Id. counsel also files Vakalatnama on behalf respondent no.5 and seeks time to file reply.

3. At the request of Id. counsel for R-4 as well as R-4, S.O. three weeks for filing reply-affidavit.

4. In the meantime, respondent state to place original record before the Tribunal.

S.O. three weeks.

Vice Chairman (J)

dnk.

O.A.279/2017

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

Dated : 11.07.2017.

Heard Shri S.C. Deshmukh, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. The learned counsel for the applicant submits that the applicant's grievance has been redressed and therefore he did not want to press this O.A. and therefore he may be permitted to withdraw the O.A. The applicant has filed Pursis dated 11/7/2017 accordingly, which is marked Exh-X for the purpose of identification. In view thereof, the O.A. stands disposed of as withdrawn with no order as to costs.

Vice Chairman (J)

dnk.

O.A.793/2016

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

Dated : 11.07.2017.

Shri R.V. Shiralkar, 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.**
four weeks for filing reply.

Vice Chairman (J)

dnk.

O.A.24/2017

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

Dated : 11/7/2017.

Shri J.S. Deshmukh, Id. counsel for the applicant, Smt. Barabde, Id. P.O. for R-1 to 3 & 6 and Shri A.P. Tathod, Id. counsel for R-4&5.

Ld. P.O. files reply on behalf of R-6. It is taken on record. Copies are served to the other sides.

At the request of Id. P.O. as well as Id. counsel for R-4&5, **S.O. 23/8/2017** for filing reply.

Vice Chairman (J)

dnk.

O.A.23/2017

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

Dated : 11/7/2017.

Shri J.S. Deshmukh, Id. counsel for the applicant, Smt. Kolhe, Id. P.O. for R-1 to 3 & 6 and Shri M.V. Bute, Id. counsel for R-4&5.

Ld. P.O. files reply on behalf of R-6. It is taken on record. Copies are served to the other sides.

At the request of Id. counsel for R-4&5, **S.O. 23/8/2017** for filing reply.

Vice Chairman (J)

dnk.

O.A.773/2016

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

Dated : 11/7/2017.

Shri J.S. Deshmukh, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 to 3 & 6 and Shri Jaipurkar, Id. counsel for R-4&5.

Shri Jaipurkar, Id. counsel files submission on behalf of R-4&5. It is taken on record. Copies are served to the other sides.

At the request of Id. P.O., **S.O.** **23/8/2017** for filing reply.

Vice Chairman (J)

dnk.

O.A.772/2016

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

Dated : 11/7/2017.

Shri J.S. Deshmukh, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1 to 3 & 6 and Shri Jaipurkar, Id. counsel for R-4&5.

Shri Jaipurkar, Id. counsel files submission on behalf of R-4&5. It is taken on record. Copies are served to the other sides.

At the request of Id. P.O., **S.O.** **23/8/2017** for filing reply.

Vice Chairman (J)

dnk.

O.A.771/2016

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

Dated : 11/7/2017.

Shri J.S. Deshmukh, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1 to 3 & 6 and Shri Jaipurkar, Id. counsel for R-4&5.

Shri Jaipurkar, Id. counsel files submission on behalf of R-4&5. It is taken on record. Copies are served to the other sides.

At the request of Id. P.O., **S.O.** **23/8/2017** for filing reply.

Vice Chairman (J)

dnk.

O.A.275/2017

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

Dated : 11/7/2017.

Shri A.P. Tathod, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

Learned P.O. submits that he will file reply tomorrow and for that purpose he seeks time. Ld. Advocate strongly objected for the same. However, the reply is necessary and therefore the time is granted by way of last chance. It is made clear that if the reply is not filed on the next date, the matter will be taken for dismissal.

S.O. 12/7/2017.

Vice Chairman (J)

dnk.

O.A.726/2016

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

Dated : 11/7/2017.

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

The learned counsel for the applicant was present in the morning. The office has received letter dated 16/6/2017 for withdrawal of the O.A. It seems that the applicant may not be interested in prosecuting the O.A. Hence, the O.A. stands disposed of accordingly with no order as to costs.

Vice Chairman (J)

dnk.

O.A.307/2017

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

Dated : 11/7/2017.

None for the applicant. Shri A.P. Potnis, Id. P.O. for R-1. Await service of R-2 to 4.

It seems that R-2 to 4 are not served. The applicant is directed to files service affidavit of R-2 to 4.

At the request of Id. P.O., **S.O. two weeks** for filing reply.

Vice Chairman (J)

dnk.

O.A.501/2016

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

Dated : 11/7/2017.

C.A. 17 of 2017

Heard Shri P.S. Kadam, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

2. In this C.A. the applicant is claiming condonation of delay for filing O.A. In the O.A., the applicant has claimed a declaration to the effect that he is entitled to benefit of first time bound promotional scale w.e.f. 2/1/2001. During course of argument, it was revealed that the applicant was intimated about rejection of his claim by respondents no.2 on 20/6/2014 and the application is filed on 26/7/2016 and therefore there was a delay of one year only in filing the O.A. By virtue of amendment application, the applicant wants to bring this fact on record. The applicant has already been granted time bound promotion in the year,2012 and therefore the question is whether he will be entitled from 2001 as claimed or not. In the O.A. the

respondents have already filed reply-affidavit and so also in the Miscellaneous application. Considering all these aspect it will be in the interest of justice and equity to allow the applicant to amend the O.A. to hear the application on merit itself. The delay cause for filing O.A. is condoned in the interest of justice. The applicant is also allowed to amend the O.A. within one week. The respondent will be at liberty to filed reply to the amended O.A. In view thereof, both the C.As. ,i.e., C.A. no.17/2017 for condonation of delay and C.A. no. 320/2017 for amendment are allowed.

S.O. four weeks.

Vice Chairman (J)

dnk.

O.A. No. 758, 761 & 762 of 2013.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 11th July 2017.

Heard Shri P.S. Patil, the learned counsel for the applicants and Shri P.N. Warjekar, the learned P.O. for respondents.

At the request of the learned counsel for the applicants, S.O. **14th July 2017.**

Vice-Chairman(J)

pdg

O.A. No. 390 /2014.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 11th July 2017.

Heard Shri S.M. Pande, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for respondents.

At the request of the learned counsel for the applicant, S.O. **14th July 2017.**

Put up with O.A.Nos. 758, 761, 762 of 2013.

Vice-Chairman(J)

O.A. No. 83/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 11th July 2017.

Heard Shri M.M. Sudame, the learned counsel for the applicants and Shri V.A. Kulkarni, the learned P.O. for respondent No.4. Shri G.K. Bhusari, Adv. for R. 1 to 3.

The learned counsel for the applicant submits that he has been instructed to withdraw the O.A. with permission to file petition before the Hon'ble High Court and seeks permission for the same. In view thereof, O.A. stands disposed of as withdrawn with liberty to file petition

before the High Court. C.A. stands disposed of.

Vice-Chairman(J)

Pdg

O.A. No. 611/2016.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 11th July 2017.

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

Ld. P.O. submits that he will file Annexure A.3 alongwith documents.

At the request of the Ld. P.O., S.O. **two weeks** for filing reply affidavit.

Vice-Chairman(J)

pdg

O.A. No. 164/2016.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 11th July 2017.

Heard Shri J.S. Deshmukh,
the Ld. counsel for the applicant
and Shri A.M. Khadatkar, the
learned P.O. for the respondents.

The Ld. counsel for the
applicant submits that he has no
instructions in the matter. It seems
that the applicant may not be
interested in prosecuting the O.A.
In view thereof, O.A. stands
dismissed with no order as to costs.

Vice-Chairman(J)

pdg

O.A. No. 748/2016.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 11th July 2017.

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

At the request of the Ld. P.O.,
S.O. **one week** for filing reply
affidavit.

Vice-Chairman(J)

Pdg

O.A. No. 335/2017.

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

Dated : 11th July 2017.

Heard Shri S.K. Hatwar, the
Ld. counsel for the applicant and
Shri S.A. Sainis, the learned P.O.
for the respondents 1 to 3. Shri
R.V. Shiralkar, Adv. for R.4/
Caveator.

S.O. four weeks.

Vice-
Chairman(J)

pdg

O.A. No. 13/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 11th July 2017.

Heard Shri S.P. Palshikar,
the Ld. counsel for the applicants
and Smt. M.A. Barabde, the
learned P.O. for the respondents.

O.A. is admitted and kept for
final hearing with liberty to file
rejoinder, if any.

Smt. M.A. Barabde, the learned P.O. waives notice for all the respondents.

S.O. two weeks.

Vice-
Chairman(J)

pdg

O.A. No. 48/2017.

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

Dated : 11th July 2017.

C.A.No.284/2017

Heard Shri S.R. Deshpande, the Ld. counsel for the applicants and Shri H.K. Pande, the learned P.O. for the respondents.

The Ld. P.O. seeks time to file reply affidavit to the amendment application.

S.O. two weeks.

Vice-
Chairman(J)

pdg

O.A. No. 112/2017.

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

Dated : 11th July 2017.

C.A.No.52/2017

Heard Shri R.V. Shiralkar,
the Ld. counsel for the applicants

and Smt. S.V. Kolhe, the learned
P.O. for the respondents.

S.O. **one week.**

Vice-
Chairman(J)

pdg

O.A. No. 188/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 11th July 2017.

None for the applicant. Shri A.M. Khadatkar, the learned P.O. for the respondents 1 to 3. None for R.4.

S.O. three weeks.

Vice-
Chairman(J)

pdg

O.A. No. 194/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 11th July 2017.

None for the applicant. Shri A.M. Khadatkar, the learned P.O. for the respondents 1 and 2. None for R.3 & 4.

S.O. **three weeks.**

Vice-
Chairman(J)

pdg

O.A. No. 285/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 11th July 2017.

None for the applicant. Shri H.K. Pande, the learned P.O. for the respondents 1 to 3.

At the request of Ld. P.O., S.O. **four weeks** for filing reply affidavit.

Vice-
Chairman(J)

pdg

O.A. No. 162/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 11th July 2017.

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

The applicant is claiming declaration that he is entitled to do private practice and he is seeking striking down the clause in para Nos. 4.1, 4.3, 4.4, 4.5 and 4.7 in the G.R. dated 7.8.2012. From the various judgments on which the applicant has placed reliance and particularly in O.A. No. 618/2016 by the Tribunal at Aurangabad Bench and in W.P.No.10674/2015 by the Hon'ble Bombay High Court, the respondents are directed not to take coercive action against the Medical Officers. The applicant apprehends that such coercive action may be taken against him.

In view of various orders of this Tribunal as well as the Hon'ble High Court in W.P. No. 10674/2015 in case of Dr. Satish Vishweshwar V/s State of Maharashtra and others dated 27.10.2015, no specific stay is required and this Tribunal hopes that the respondents will not take any coercive steps to implement the G.R. dated 7.8.2012 against the applicant

Ld. CPO seeks time to file reply affidavit.

At the request of the Ld. counsel for the applicant, S.O. 26th July 2017.

Put up this case alongwith O.A. No.191/2016.

Vice-
Chairman(J)

pdg

O.A. No. 788/2016.

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

Dated : 11th July 2017.

C.A.242/2017.

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

The Ld. CPO has filed reply on behalf of R.2 in the C.A. The same is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant. He seeks time to go through it.

Ld. CPO seeks time to file reply of R.1.

S.O. four weeks.

Vice-
Chairman(J)

Pdg

O.A. No.225 /2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 11th July 2017.

Shri R.V. Shiralkar, the Ld. counsel for the applicants and Shri A.M. Ghogre, the learned P.O. for the respondents.

The Ld. P.O. has filed reply on behalf of R.2. The same is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant. He seeks time to go through it. Ld. P.O. submits that there is no need to file reply on behalf of R.1.

S.O. one week.

Vice-
Chairman(J)

Pdg

O.A. No.472 /2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 11th July 2017.

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

2. Issue notice to respondent
Nos. 2 and 3 returnable after **three**
weeks.

3. Shri S.A. Deo, the learned
C.P.O. waives notice for the
respondents. Hamdast granted.

4. Tribunal may take the case
for final disposal at this stage and

separate notice for final disposal need 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.

6. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunals (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 or courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within three weeks. Applicant is directed to file Affidavit of compliance and notice.

8. S.O. **three weeks.**

Vice-
Chairman(J)

Pdg

O.A. No.473 /2017.

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 11th July 2017.**

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

2. Issue notice to respondent
Nos. 2 and 3 returnable after **three
weeks.**

3. Shri S.A. Deo, the learned
C.P.O. waives notice for the
respondents. Hamdast granted.

4. Tribunal may take the case
for final disposal at this stage and

separate notice for final disposal need 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.

6. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunals (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 or courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within three weeks. Applicant is directed to file Affidavit of compliance and notice.

8. S.O. **three weeks.**

Vice-
Chairman(J)

Pdg

