

O.A.745/2016 (D.B.)

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

Dated : 12.07.2017.

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

2. After hearing the matter for considerable time, it reveals that the applicant is claiming that he was appointed from General Category. Whereas, in the case of the State that he was appointed from S.T. (Halba) Category. Admittedly, the appointment order as well as promotion order does not state about the fact that the applicant was appointed and promoted on the basis of his Caste. The respondents have not placed on record the original application filed by the applicant for appointment to the post of Peon as well as the Minutes of the meeting whereby the applicant was promoted. The learned P.O. submits that he will take instructions in this regard and will file necessary documents. In view thereof, **S.O. one week.**

Matter be treated as **P.H.**

Vice Chairman (J)

dnk.

O.A.648/2016

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

Dated : 12.07.2017.

Shri R.M. Ahirrao, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

The learned counsel for the applicant submits that he will file C.A. for amendment today itself. Hence, put the matter after **two weeks**.

Vice Chairman (J)

dnk.

O.A.344/2017

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

Dated : 12.07.2017.

C.A.279/2017-

None for the applicant. Shri S.A. Deo, Id. CPO for the respondents.

At the request of Id. CPO, S.O. two weeks for filing reply to the amendment application.

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A.355/2017

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

Dated : 12.07.2017.

None for the applicant. Shri S.A. Deo, Id. CPO for the respondent no.1 and G.I. Dipwani, Id. counsel holding for Shri H.N. Varma, Id. counsel for respondent nos. 2 and 3. None for R-4.

2. The learned counsel for the applicant has filed Pursor dated 5/7/2017 (P-16) and requested that the applicant be allowed to withdraw the O.A. since the grievance of the applicant stands redressed. In view thereof, permission to withdraw the O.A. is granted. Accordingly, the O.A. stands disposed of as withdrawn with no order as to costs.

Vice Chairman (J)

dnk.

O.A.480/2017

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

Dated : 12.07.2017.

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

2. The applicant is Block Development Officer and vide impugned order dated 21/6/2017 he has been transferred from Lakhandur, Dist. Bhandara to Arvi, Dist. Wardha. It seems that he was posted at Lakhandur since 1/12/2015 and has not completed even two years of tenure. It is stated that the applicant is serving in naxalite affected area and prior to his transfer he has given choice at various places in Bhandara District. His case was also recommended by the respondent authority as per the letter dated 12/4/2017 (A-5,P-37). Even after transfer, the applicant has filed representation for considering his case and as per the Government Resolution an employee

who has served in naxalite affected area is entitled to get his choice posting.

3. Prima facie, it seems that the applicant's transfer is mid tenure and though it is mentioned that he has been transferred on his own request, the applicant never requested for posting at Arvi. The applicant submits that he has not yet been relieved from his post at Lakhandur. The learned P.O. seeks time to take instructions in this regard so also as regards to the representation filed by the applicant. In view thereof, issue notice to respondent no.1. returnable within **three weeks**. In the meantime, the respondents are directed not to relieve the applicant from his post at Lakhandur.

4. Issue notice to R-1, returnable in **three weeks**. 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. three weeks.**

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

Vice Chairman (J)

dnk.

O.A.591/2016

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

Dated : 12.07.2017.

Heard Shri G.K. Bhusari, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. The learned counsel for the applicant submits that there is no need to file rejoinder. In view thereof, the matter is admitted and kept for final hearing in due course.

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

4. **S.O. in due course.**

Vice Chairman (J)

dnk.

O.A.614/2016

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

Dated : 12.07.2017.

Heard Shri G.G. Bade, Id. counsel
for the applicant and Shri M.I. Khan, Id.
P.O. for the Respts.

Closed for orders.

Vice Chairman (J)

dnk.

O.A.698/2016

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

Dated : 12.07.2017.

Shri S.D. Tatke, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1&2 and Shri S.N. Gaikwad, Id. counsel for R-3.

2. Learned counsel for R-3 submits that he will adopt reply filed by R-2. Since the pleadings are complete, the matter is admitted and kept for final hearing in due course.

3. The learned P.O. as well as Id. counsel for R-3 waives notice for respective respondents.

4. **S.O. in due course.**

Vice Chairman (J)

dnk.

O.A.794/2016

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

Dated : 12.07.2017.

Shri P.V. Thakre, Id. counsel for
the applicant and Shri A.M. Ghogre, Id.
P.O. for the respondents.

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

Vice Chairman (J)

dnk.

O.A.807/2016

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

Dated : 12.07.2017.

Shri G.G. Bade, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the Respts.

Learned P.O. files reply on behalf of R-3. It is taken on record. Copy is served on the applicant. Ld. P.O. submits that reply of other respondents is not necessary.

S.O. after two weeks for filing rejoinder, if any.

Vice Chairman (J)

dnk.

O.A.26/2017

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

Dated : 12.07.2017.

Shri A.W. Paunikar, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the Respts.

Learned P.O. files reply on behalf of R-3. It is taken on record. Copy is served on the applicant. Id. counsel for the applicant seeks time to file rejoinder. At his request, **S.O. two weeks.**

Vice Chairman (J)

dnk.

O.A.119/2017

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

Dated : 12.07.2017.

Shri M.P. Gulhane, Id. counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the Respts.

Learned P.O. files reply on behalf of R-2. It is taken on record. Copy is served on the applicant. Ld. P.O. seeks time to file reply on behalf of R-3&4. At her request, **S.O. four weeks.**

Vice Chairman (J)

dnk.

O.A.142/2017

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

Dated : 12.07.2017.

Shri S.P. Palshikar, 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. two
weeks** for filing reply.

Vice Chairman (J)

dnk.

O.A.152/2017

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

Dated : 12.07.2017.

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

2. The learned counsel for the applicant submits that there is no need to file rejoinder. In view thereof, since the pleadings are complete, the matter is admitted and kept for final hearing.

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

4. **S.O. Next week.**

Vice Chairman (J)

dnk.

O.A.265/2017

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

Dated : 12.07.2017.

Shri N.D. Khamborkar, 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.**
three weeks for filing reply.

Vice Chairman (J)

dnk.

O.A.291/2017

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

Dated : 12.07.2017.

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. two
weeks** for filing reply.

Vice Chairman (J)

dnk.

O.A.313/2017

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

Dated : 12.07.2017.

Shri N.D. Thombre, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1 to 3 & 5. None for R-4.

The learned P.O. has placed on record communication dated 3/7/2017 which is marked Exh-X, on which it seems that the applicant's representation has been rejected. The learned counsel for the applicant submits that he wants to take further instructions for which he seeks one week's time.

S.O. one week.

Vice Chairman (J)

dnk.

O.A.413/2017

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

Dated : 12.07.2017.

Shri Bharat Kulkarni, Id. counsel
for the applicant and Smt. S.V. Kolhe, Id.
P.O. for R-1 to 3. None for R-4.

At the request of Id. P.O., **S.O. one
week.**

Vice Chairman (J)

dnk.

O.A.275/2017

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

Dated : 12.07.2017.

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

Ld. P.O. files reply on behalf of R-2. It is taken on record. Copy is served on the applicant.

At the request of Id. P.O., **S.O.**
14/7/2017.

Vice Chairman (J)

dnk.

O.A. No. 260/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 12th July 2017.

Heard Shri G.N. Khanzode, the learned counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for respondents.

At the request of the learned C.P.O., S.O. **four weeks** for filing reply affidavit on behalf of the respondents.

Vice-
Chairman(J)

pdg

O.A. No. 262/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 12th July 2017.

Heard Shri G.N. Khanzode, the learned counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for respondents.

At the request of the learned C.P.O., S.O. **four weeks** for filing reply affidavit on behalf of the respondents.

Vice-
Chairman(J)

Pdg

O.A. No. 442/2016.

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

Dated : 12th July 2017.

C.A. No.46/2017.

Heard Shri D.A. Mahajan, the learned counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for respondents 1 to 3.

2. The proposed amendment is due to incident that happened during the pendency of the O.A. For the reasons stated in the application, same is allowed. Amendment be carried out within a week.

3. After amendment, notice be issued to the newly added respondent No.4 returnable after **three weeks.**

4. Shri A.M. Khadatkar, the learned P.O. waives notice for respondent Nos. 1 to 3. Hamdast granted.

5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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.

7. 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.

8. 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.

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

Vice-
Chairman(J)

Pdg

O.A. No. 91/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 12th July 2017.

Heard Shri Ankit Dighe, Adv. holding for Shri S.Y. Deopujari, the learned counsel for the applicants and Shri A.P.Potnis, the learned P.O. for the respondents.

The Ld. P.O. seeks time to file reply on behalf of R.4.

The learned counsel for the applicants also submits that he will file service affidavit during the course of the day.

S.O. two weeks for filing reply affidavit.

Vice-
Chairman(J)

Pdg

O.A. No.768 /2016.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 12th July 2017.

Shri Sagar Katkar, Adv. holding for Shri N.R. Saboo, the learned counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

At the request of the learned counsel for the applicant, S.O. **one week.**

Vice-
Chairman(J)

Pdg

O.A. No. 281 /2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 12th July 2017.

Shri D.M. Surjuse, the learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

At the request of the learned P.O., S.O. **three weeks** for filing reply as a last chance.

Vice-
Chairman(J)

Pdg

O.A. No. 352 /2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 12th July 2017.

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

S.O. three weeks.

Put up with O.A. No. 353/2017.

Vice-
Chairman(J)

Pdg

O.A. No. 309 /2017.

**Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 12th July 2017.**

None for the applicant. Shri S.A. Deo, the learned C.P.O. for the respondents.

At the request of the learned C.P.O., S.O. **three weeks** for filing reply.

Vice-
Chairman(J)

O.A. No. 346 /2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 12th July 2017.

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

S.O. four weeks.

Vice-
Chairman(J)

Pdg

O.A. No. 72 /2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 12th July 2017.

Shri S.P. Palshikar, the learned counsel for the applicant and Smt. S.V. Kolhe, the learned P.O. for the respondents.

Ld. P.O. files reply affidavit on behalf of R.3, it is taken on record and a copy thereof is supplied to the learned counsel for the applicant.

Ld. P.O. seeks time to file
reply of R.2.

S.O. two weeks.

Vice-
Chairman(J)

Pdg

O.A. No. 10 /2017.

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

Dated : 12th July 2017.

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

Ld. P.O. files reply affidavit on
behalf of R.2, it is taken on record
and a copy thereof is supplied to

the learned counsel for the applicant.

Ld. P.O. submits that reply of other respondents is not necessary.

S.O. **two weeks** for filing rejoinder, if any.

Interim relief to continue till then.

Vice-
Chairman(J)

Pdg

