

O.A. No.867/2018.

(S.B.)

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

Dated : 20th March 2019.

C.A. No. 54/2019.

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

The Ld. counsel for the applicant submits that the applicant No.8 has been given appointment order on 3.3.2019 and in view thereof, nothing survives in this application for interim relief and the same may be disposed of. In view thereof, C.A. stands disposed of accordingly with no order as to costs.

O.A. No.869/2018

Ld. P.O. submits that he file a short affidavit and take necessary instructions as directed in the order dated 8.3.2019. He seeks time till 29.3.2019.

S.O. 29.3.2019.

Vice-Chairman(J)

Dt. 20.3.2019.

pdg.

O.A. Nos.943,944 & 945 of 2018.

(S.B.)

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

Dated : 20th March 2019.

C.A. Nos. 369,370 & 371 of 2018.

Heard Shri A.R. Ingole, the Ld. counsel for the applicants and Shri S.A. Deo, the learned C.P.O. for the respondents 1 and 2. Shri M.M. Sudame, Ld. Adv. for R.3.

The applicants have claimed directions to respondent No.3 i.e. F.D.C.M., Nagpur to regularise their services as Forest Labourers. The respondent No.3 is the Forest Development Corporation of Maharashtra Limited, which is not Government organization and is not notified U/s 14 for the purpose of jurisdiction and, therefore, the Ld. P.O. and Ld. counsel for respondent No.3 have strongly objected on the point of jurisdiction. The respondent No.3 has filed reply to that effect. In fact, the matter was adjourned from time to time, since the counsel for the applicants wanted to take instructions from the applicant whether to withdraw the O.A. or not. It seems that finally the applicants have decided to contest the O.A. on the point of jurisdiction. In view of this, the applicants

will be liable to contest at their own cost and consequences.

Matter be kept for hearing on the point of jurisdiction in the next week.

S.O. **one week.**

Dt. 20.3.2019.
pdg.

Vice-Chairman(J)

O.A. No.112/2019.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 20th March 2019.

Heard Shri G.T. Borkar, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents Nos. 1 and 2. None for R.3.

The Ld. counsel for the applicant submits that all the respondents are served and he has filed service affidavit also in the office. Ld. CPO seeks time to file reply.

S.O. **18.4.2019** for reply.

Vice-Chairman(J)

Dt. 20.3.2019.
pdg.

O.A. No.113/2019.

(S.B.)

Coram:Shri J.D. Kulkarni,
Vice-Chairman (J)
Dated : 20th March 2019.

Heard Mrs. K.N. Saboo, the Ld. counsel for the applicant and Shri A.P. Potnis, the learned P.O. for the respondents.

Ld. P.O. seeks time to file reply on behalf of the respondents. Granted.

S.O. **four weeks** for reply.

Vice-Chairman(J)

Dt. 20.3.2019.
pdg.

O.A.No. 914/2012. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 20th March 2019.

C.A.No.37/2018 & C.P.No.02/2016:-

Smt. P.D.Sood is requested by giving written submission that she is busy in Hon'ble High Court and Shri P.N.Warjurkar, the Id. P.O..

S.O. 28/03/2019.

**Member(J)
Date:-20/03/2019.
aps.**

Member(A)

O.A.No. 914/2012. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 20th March 2019.

Smt. P.D.Sood is requested by giving written submission that she is busy in Hon'ble High Court, Shri P.N.Warjurkar, the Id. P.O.. None for the respondent no. 6.

S.O. 28/03/2019.

**Member(J)
Date:-20/03/2019.
aps.**

Member(A)

O.A.No. 914/2012. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 20th March 2019.

C.P.No.01/2014:-

Smt. P.D.Sood is requested by giving written submission that she is busy in Hon'ble High Court, Shri P.N.Warjurkar, the Id. P.O..

S.O. 28/03/2019.

**Member(J)
Date:-20/03/2019.
aps.**

Member(A)

O.A.No. 622/2013. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 20th March 2019.

Smt. K.N.Saboo, the Id. counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondents.

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

**Member(J)
Date:-20/03/2019.
aps.**

Member(A)

O.A.No. 261/2014. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 20th March 2019.

Ms. Kukday, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

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

**Member(J)
Date:-20/03/2019.
aps.**

Member(A)

O.A.No. 218/2012. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 20th March 2019.

Ms. A.Narad, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

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

Member(J)
Date:-20/03/2019.
aps.

Member(A)

O.A.No. 445/2010. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 20th March 2019.

Ms. Kukday, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

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

**Member(J)
Date:-20/03/2019.
aps.**

Member(A)

O.A.No. 150/2019. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 20th March 2019.

Shri S.P.Palshikar, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the State. Await service of respondent no. 2.

The Id. counsel for the applicant submits that he will file service affidavit during the course of the day. At his request, S.O. two weeks.

Member(J)
Date:-20/03/2019.
aps.

Member(A)

O.A.No. 345/2017. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 20th March 2019.

Ms. Kukday, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

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

Member(J)
Date:-20/03/2019.
aps.

Member(A)

O.A.No. 274/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 20th March 2019.

Smt. K.N.Saboo, the Id. counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondents.

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

Member(J)
Date:-20/03/2019.
aps.

Member(A)

O.A.No. 720/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 20th March 2019.

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

The matter is **admitted** and kept for final hearing.

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

S.O. one week.

Member(J)
Date:-20/03/2019.
aps.

Member(A)

O.A.No. 612/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 20th March 2019.

Heard Shri N.D.Thombre, the Id. counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondent nos. 1 & 2. None for the respondent no. 3.

Closed for orders.

**Member(J)
Date:-20/03/2019.
aps.**

Member(A)

O.A.No. 204/2019. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 20th March 2019.

C.A.No. 101/2019:-

Heard Shri A.C.Dharmadhikari, the Id. counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the respondent nos. 1 & 2 and Shri N.Khubalkar, the Id. counsel for the respondent nos. 3 to 127.

2. The Id. P.O. has submitted that the applicants have no *locus standi* to file this O.A. on the ground that the applicant no. 1 is not a legally registered society, therefore, permission should not be granted to file this Joint Application. In the present matter the applicants are claiming interim relief, therefore, keeping this point open, we have heard the submission in relation to the interim relief.

3. The Id. Counsel for the applicant submitted that the respondent no. 1 has issued the order dated 08/03/2019, which is at Annexure-A-12. By this order, the respondents have promoted Assistant Live Stock Development Officers, Group 'C' to the post of Live Stock Development Officer, Group

'B' and they are posted to discharge the duties as Live Stock Development Officer, Grade-I. It is submitted that these orders are issued by the respondent no. 1 violating Section 30 of the Indian Veterinary Council, Act 1984. The Id. Counsel for the applicant also invited our attention to the Judgement in Writ Petition No. 5567/2010 delivered 13/06/2013 by the Division Bench of the Hon'ble High Court. It is submitted that in paragraph no. 9 of this Judgment specific observations are made by the Hon'ble High Court that as per the provisions under the Indian Veterinary Council, Act 1984, the Diploma holders were not recognized to practise and discharge the full fledged duties as Veterinary Physician or Surgeon. The Judgment of the Hon'ble Division Bench is based on the law laid down by the Hon'ble Apex Court.

4. The Id. Counsel for the respondent nos. 3 to 127 submitted that the Government of Maharashtra has framed the Rules and as per the Rules, the Assistant Live Stock Development Officers who have completed three years service, are eligible for the promotion as a Live Stock Development Officer and on the basis of this Rules as the

respondent nos. 3 to 127 were eligible, therefore, they are promoted. It is submitted that though these respondents are posted as Live Stock Development Officer, Grade-1. But in fact they would not discharge such duties.

5. After reading Section 30 of the Act and the Law laid down by the Hon'ble Division Bench of the Hon'ble High Court, we are compelled to say that the action of the respondent no. 1 is prima facie in violation of Section 30 of the Act. If, the respondent nos. 3 to 127 are permitted to discharge the duties of Live Stock Development Officer, Grade – 1, then it is also not in the interest of the society at large. We therefore, accept the submission that there is a strong prima facie case for the intervention, because all the contentions are required to be examined keeping in view the provisions under Section 30 of the Act and whether the State of Maharashtra had authority to frame the contradictory Rule to Section 30 of the Act.

6. In view of this, in our opinion, it is desirable to direct the parties to maintain the **status-quo till filing of the reply**. The respondents are directed to file the reply within two weeks.

7. The Id. Counsel for the respondent nos. 3 to 127 submitted that he waives the notices on behalf of the respondent nos. 3 to 127. Issue notice to the respondent no. 2 returnable 03/04/2019. The respondents are also directed to file the reply on the civil application.

8. Notice on C.A. to R.2 be issued returnable in **03.04.2019**.

9. Shri A.M. Ghogre the learned P.O. waives notice for respondent no.1. Hamdast granted.

10. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

11. 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.

12. 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.

13. 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.

14. 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.

15. S.O. 03/04/2019.

Member(J)
Date:-20/03/2019.
aps.

Member(A)

O.A.Nos. 220/2012 & 700/2013. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 20th March 2019.

None for the applicant. Shri S.A.Sainis,
the Id. P.O. for the respondents.

**S.O. day after tomorrow i.e.
22/03/2019.**

**Member(J)
Date:-20/03/2019.
aps.**

Member(A)

O.A.No. 897/2012. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 20th March 2019.

Shri S.P.Palshikar, the Id. counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

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

Member(J)
Date:-20/03/2019.
aps.

Member(A)

O.A.No. 66/2013. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 20th March 2019.

None for the applicant. Shri M.I.Khan,
the Id. P.O. for the respondent nos. 1 to 4.
None for the respondent no. 5.

**S.O. day after tomorrow i.e.
22/03/2019.**

**Member(J)
Date:-20/03/2019.
aps.**

Member(A)

O.A.No. 133/2013. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 20th March 2019.

Shri M.R.Khan, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

S.O. two weeks.

**Member(J)
Date:-20/03/2019.
aps.**

Member(A)

O.A.No. 155/2013. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 20th March 2019.

Shri Bharat Kulkarni, the Id. counsel
for the applicant and Shri H.K.Pande, the Id.
P.O. for the respondents.

S.O. Monday i.e. 25/03/2019.

**Member(J)
Date:-20/03/2019.
aps.**

Member(A)

O.A.No. 413/2013. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 20th March 2019.

Shri G.K.Bhusari, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

In O.A. No. 198/2011 as directed on 06.01.2015, should be also tag with this O.A..

The matter will be listed after two weeks.

S.O. two weeks.

**Member(J)
Date:-20/03/2019.
aps.**

Member(A)

O.A.No. 422/2013. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 20th March 2019.

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

Closed for orders.

**Member(J)
Date:-20/03/2019.
aps.**

Member(A)

O.A.No. 455/2013. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 20th March 2019.

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

**S.O. day after tomorrow i.e.
22/03/2019.**

**Member(J)
Date:-20/03/2019.
aps.**

Member(A)

O.A.No. 593/2013. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 20th March 2019.

None for the applicant. Shri S.A.Sainis, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent no. 4. Shri G.K.Bhusari, the Id. counsel for the respondent no. 5 and Shri G.M.Shitut, the Id. counsel for the respondent no. 6.

The Id. P.O. wants to consult the department. At his request, **S.O. two weeks.**

Member(J)
Date:-20/03/2019.
aps.

Member(A)

O.A.No. 749/2013. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 20th March 2019.

None for the applicant. Shri S.A.Sainis,
the Id. P.O. for the respondents.

**S.O. day after tomorrow i.e.
22/03/2019.**

**Member(J)
Date:-20/03/2019.
aps.**

Member(A)

O.A.No. 791/2013. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 20th March 2019.

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

At the request of Id. counsel for the applicant, **S.O. three weeks.**

Member(J)
Date:-20/03/2019.
aps.

Member(A)

O.A.No. 280/2014. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 20th March 2019.

None for the applicant. Shri S.A.Sainis,
the Id. P.O. for the respondents.

**S.O. day after tomorrow i.e.
22/03/2019.**

**Member(J)
Date:-20/03/2019.
aps.**

Member(A)

O.A.No. 281/2014. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**

Dated : 20th March 2019.

None for the applicant. Shri S.A.Sainis,
the Id. P.O. for the respondent nos. 1 & 2. None
for the respondent no. 3.

**S.O. day after tomorrow i.e.
22/03/2019.**

**Member(J)
Date:-20/03/2019.
aps.**

Member(A)

O.A.No. 314/2014. (D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)

Dated : 20th March 2019.

Shri S.P.Palshikar, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant has filed pursis dated 12/02/2019. As per this pursis, the applicant has taken files from the office of the Id. counsel for the applicant. Hence, he is discharge from this case.

3. The Registry is directed to issue notice to the applicant for engagement of another counsel.

4. **S.O. three weeks.**

Member(J)
Date:-20/03/2019.
aps.

Member(A)