

O.A.No.297/2018.

(S.B.)

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

Dated : 10th January 2019.

Heard Shri J.S. Wankhede, learned counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents No.1.

2. The learned counsel for the applicant submits that service of notice is not received. He may be allowed to issue fresh notice to respondent Nos. 2 and 3. He is allowed to serve them fresh notices.

3. Issue fresh notice to respondent Nos. 2 and 3 returnable in four weeks.

4. Shri H.K. Pande, the learned P.O. waives notice for the respondents 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. 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 **seven 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. **four weeks.**

Vice-Chairman(J)

Dt. 10.1.2019.

pdg.

O.A.No.463/2018.

(S.B.)

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

Dated : 10th January 2019.

Heard Shri I.G. Meshram,
learned counsel for the applicant and
Shri P.N. Warjekar, the learned P.O.
for the respondents.

The learned counsel for the
applicant seeks permission to to
delete the name of respondent No.4
from the O.A. Permission is granted.
Ld. P.O. seeks time to file reply of R.
1 and 2.

S.O. **four weeks.**

Vice-Chairman(J)

Dt. 10.1.2019.

pdg.

O.A.No.552/2018.

(S.B.)

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

Dated : 10th January 2019.

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

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

Vice-Chairman(J)

Dt. 10.1.2019.

pdg.

O.A.No.583/2018.

(S.B.)

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

Dated : 10th January 2019.

Heard Shri A. Ansari, learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

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

Vice-Chairman(J)

Dt. 10.1.2019.

pdg.

O.A.No.617/2018.

(S.B.)

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

Dated : 10th January 2019.

Heard Shri Bharat Kulkarni, learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

Ld. P.O. has filed reply affidavit on behalf of R.4, it is taken on record and a copy thereof is supplied to the learned counsel for the applicant.

ADMIT.

Shri S.A. Sainis, the learned P.O. waives notice for the respondents.

S.O. **four weeks** for final hearing.

Vice-Chairman(J)

Dt. 10.1.2019.

pdg.

O.A.No.682/2018.

(S.B.)

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

Dated : 10th January 2019.

None for the applicant. Shri V.A. Kulkarni, the learned P.O. for the respondent No.1 Shri B.N. Jaipurkar, Adv. for R. 2 and 3.

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

Vice-Chairman(J)

Dt. 10.1.2019.

pdg.

O.A.No.734/2018.

(S.B.)

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

Dated : 10th January 2019.

Shri S.C. Sangale, Adv. holding for Shri S.P. Palshikar, learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

S.O. one week.

Vice-Chairman(J)

Dt. 10.1.2019.

pdg.

O.A.No.822/2018.

(S.B.)

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

Dated : 10th January 2019.

Heard Shri G.G. Bade, learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

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

Vice-Chairman(J)

Dt. 10.1.2019.

pdg.

O.A.Nos. 841, 842 & 843 of 2018.

(S.B.)

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

Dated : 10th January 2019.

Heard Shri P.K. Mishra, learned counsel for the applicants and Shri P.N. Warjekar, the learned P.O. for the respondents.

Ld. P.O. has filed reply affidavit on behalf of R.2, it is taken on record and a copy thereof is supplied to the learned counsel for the applicants, from which it seems that the impugned order dated 6.10.2018 whereby the applicants have been transferred, has been cancelled and, therefore, prayer clause 10 (ii) has become infructuous. So far as the directions to the respondents so repatriate the applicants to their previous station is cancelled. It is requested that the applicants be re-

posted at Karanja. However, vide communication dated 20.10.2018 whereby the applicants' transfer has been cancelled, however, says that preliminary enquiry is being conducted against the applicants and, therefore, they are temporarily posted at various places, such as Police Station, Alipur, Wardha and Dahegaon. The applicants want to go through this communication and to file rejoinder / amendment, as the case may be, for which he seeks one week time.

S.O. **one week.**

Vice-Chairman(J)

Dt. 10.1.2019.

pdg.

O.A.No.866/2018.

(S.B.)

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

Dated : 10th January 2019.

Heard Shri K.J. Khanorkar,
learned counsel for the applicant and
Shri A.M. Ghogre, the learned P.O.
for the respondents.

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

Vice-Chairman(J)

Dt. 10.1.2019.

pdg.

O.A.No.657/2015.

(S.B.)

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

Dated : 10th January 2019.

Shri Krushna Manwatkar, Adv.
holding for Shri A.C. Dharmadhikari,
the learned counsel for the applicant
and Shri P.N. Warjekar, the learned
P.O. for the respondents.

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

Vice-Chairman(J)

Dt. 10.1.2019.

pdg.

O.A.No.345/2018.

(S.B.)

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

Dated : 10th January 2019.

Heard Shri A. Chawre, learned counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents.

At the request of both parties,
S.O. **14.1.2019.**

Vice-Chairman(J)

Dt. 10.1.2019.

pdg.

O.A.No.226/2017.

(S.B.)

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

Dated : 10th January 2019.

C.A. 110/2017.

Heard Shri R.S. Khobragade, learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents 1 and 2. Shri A.M. Kukday, Adv. for R. 3 and 4.

S.O. **15.1.2019** for taking instructions.

To be treated as part heard.

Vice-Chairman(J)

Dt. 10.1.2019.

pdg.

O.A.No.976/2017.

(S.B.)

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

Dated : 10th January 2019.

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

S.O. one week.

Vice-Chairman(J)

Dt. 10.1.2019.

pdg.

O.A.No.695/2018.

(S.B.)

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

Dated : 10th January 2019.

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

S.O. 15.1.2019 for filing rejoinder by the applicant.

Interim relief to continue till then.

Vice-Chairman(J)

Dt. 10.1.2019.

pdg.

O.A.No.11/2019.

(S.B.)

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

Dated : 10th January 2019.

Heard Shri H.S. Bali, learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondent No.1.

2. The applicant was promoted as Executive Engineer in Irrigation Department vide order dated 6.4.2018 and was posted at Buldana. However, vide order dated 7.12.2018, he has been again transferred from Buldana to Amravati and the reason given is as per the provisions of Section 4 (5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (hereinafter referred to as the "Transfer Act of 2005"). Except this,

there is nothing on record to show that as to why this premature and pre-tenure transfer has been effected. The learned counsel for the applicant submits that the applicant has not yet been relieved. In view thereof, the respondents are directed not to relieve the applicant till further orders, in case the applicant is not yet relieved from Buldana.

3. Issue notice to the respondent No. 2 returnable in **four weeks**.

4. Shri A.M. Ghogre, 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. 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. **four weeks.**

Vice-Chairman(J)

Dt. 10.1.2019.

pdg.

O.A.No. 223/2013. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 10th January 2019.**

C.P.No.28/2018:-

None for the applicant. Shri A.M.Khadatkar, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

The Id. P.O. submits that respondent no. 3 has been promoted as and transferred to other place. However, proposal has been submitted to Government of Maharashtra and now it is pending with the State Government. There was clear cut order passed by this Tribunal on 22/05/2017. It is observed that respondents have shown leniency in following the order within time limit. However, the Id. P.O. seeks two weeks time. **S.O. two weeks** for complying this order.

Member(J)
Date:-10/01/2019.
aps.

Member(A)

O.A.No. 660/2017. (D.B.)

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

Dated : 10th January 2019.

C.P.No.53/2018:-

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

The Id. counsel for the applicant submitted that pension has been sanctioned by A.G. and now bill is to be submitted to the Treasury shortly. He is aware of the same. He also submitted that he will request to his client to pursue in this matter. The Id. P.O. requested three weeks time to ensure that payment will be made.

S.O. three weeks.

Member(J)
Date:-10/01/2019.
aps.

Member(A)

O.A.No. 554/2018. (D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 10th January 2019.

Shri P.S.Chawhan, the Id. counsel for the applicant, Shri H.K.Pande, the Id. P.O. for the respondent nos. 1 & 2 and Shri A.B.Mahajan, the Id. counsel for the respondent no. 3.

The Id. P.O. filed the reply on behalf of the respondent no. 2. It is taken on record. Copy is served to the other side.

As agreed by Id. counsel for the applicant, Id. counsel for the respondent no. 3 as well as Id. P.O., matter is **admitted** and kept for final hearing.

The Id. P.O. waives notice for the respondent nos. 1 & 2.

S.O. 17/01/2019.

Member(J)
Date:-10/01/2019.
aps.

Member(A)

O.A.No. 806/2018. (D.B.)

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

Dated : 10th January 2019.

C.P.60/2018:-

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

2. The Id. P.O. submits that Deputy Regional Transport Officer, Chandrapur has submitted the proposal to Commissioner, Transport for necessary decision. However, from the record as per Annexure-A-1 at P.B., Pg. No. 8 bearing no. dk-vk-dz 82@vklFk@mi i ki dk@pn@18@tk-dz1849@] fnukd 03-05-2018, it seems that suspension order was issued by Deputy Regional Transport Officer himself. It is observed that Deputy Regional Transport Officer, Chandrapur is competent to revoke the order. However, he has passed his own responsibility to higher officer, which appears to be incompetency on the part of this officer.

3. Issue notice to R-2 to 4, returnable on 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. 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.**

Member(J)
Date:-10/01/2019.
aps.

Member(A)

O.A.No. 573/2007. (D.B.)

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

Dated : 10th January 2019.

C.P.No.54/2018:-

Shri R.V.Shiralkar, the Id. counsel for the applicant and Shri H.KPande, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

In the last hearing i.e. on 13/12/2018, it was also pointed out that C.C.F. (H.R.M.) as per order on P.B., Pg. No. 21 vide order no. d{A&10%v½1@vLFll@foplk@i:dz:10%18&19%@396@18&19]fnukd 18-06-2018 has directed C.C.F., Amravati to comply the order of this Tribunal dated 13/12/2018. However, it seems that not at all any progress has been done till now.

It is directed that respondent no. 3 should be personally present before this Tribunal and explain the reasons of delay and for complying the directions of C.C.F. (H.R.M.)

S.O. 24/01/2019.

Member(J)

Member(A)

Date:-10/01/2019.

aps.

O.A.No. 260/2004.

(D.B.)

Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 10th January 2019.

C.P.No.16/2017:-

Shri S.A.Sahu holding for Shri M.I.Dhatrak, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

The Id. P.O. submitted letter dated 09/01/2019. Which is marked Exh.-X for the purpose of identification. It is taken on record. Copy is served to the other side.

The letter is from District Health Officer, Chandrapur. It appears that his G.P.F., G.I.S., Leave Encashment all the items have been paid.

The Id. counsel for the applicant desires to consult his client. At his request, **S.O. three weeks.**

Member(J)
Date:-10/01/2019.
aps.

Member(A)

O.A.No. 216/2002. (D.B.)

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

Dated : 10th January 2019.

M.C.A.No.45/2016 in Rev. No.06/2016:-

The applicant present. Shri
V.A.Kulkarni, the Id. P.O. for the respondents.

At the request of applicant, **S.O.**
14/01/2019.

Member(J)
Date:-10/01/2019.
aps.

Member(A)

O.A.No. 277/2018. (D.B.)

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

Dated : 10th January 2019.

Shri A.S.Tiwari, the Id. counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent no. 4.

The Id. counsel for the applicant requested three weeks time to file reply. Since the annexure have not been received. At his request, **S.O. three weeks.**

*Put up this matter along with the O.A.
No. 281/2018.*

**Member(J)
Date:-10/01/2019.
aps.**

Member(A)

O.A.No. 281/2018. (D.B.)

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

Dated : 10th January 2019.

Shri A.S.Tiwari, the Id. counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent nos. 4 & 5.

The Id. P.O. filed reply on behalf of the respondent nos. 1 to 3. It is taken on record. Copy is served to the other side. The Id. counsel for the applicant desires time to file Rejoinder, if any. At his request, **S.O. three weeks.**

*Put up this matter along with the O.A.
No. 277/2018.*

Member(J)
Date:-10/01/2019.
aps.

Member(A)

O.A.No. 796/2018. (D.B.)

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

Dated : 10th January 2019.

C.P. No. 59/2018:-

Shri G.G.Bade, the Id. counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

The Id. P.O. filed the letter no. d-15-16/18-19@3674] dated 24/12/2018 and letter no. d-17&18@1325] dated 18/12/2018. It seems that the applicant suspension has been revoked and he has been posted at non-functional post, as per the order of this Tribunal dated 11/10/2018.

Hence, the Tribunal order dated 11/10/2018 is complied. In view of this, **C.P. is disposed of with no order as to costs.**

Member(J)
Date:-10/01/2019.
aps.

Member(A)

O.A.Nos. 273, 457 & 458/2017. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)
Dated : 10th January 2019.**

Shri V.R.Borkar, the Id. counsel for the applicant and Shri A.M.Ghogre, 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. 24/01/2019.

**Member(J)
Date:-10/01/2019.
aps.**

Member(A)

O.A.Nos. 705, 706, 707 & 708/2018. (D.B.)

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

Dated : 10th January 2019.

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

The Id. P.O. submits that he will file the reply within two weeks. At his request, **S.O. two weeks.**

**Member(J)
Date:-10/01/2019.
aps.**

Member(A)

O.A.No. 487/2015. (D.B.)

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

Dated : 10th January 2019.

C.P.No.36/2017:-

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

At the request of Id. P.O., **S.O.**
31/01/2019.

Member(J)
Date:-10/01/2019.
aps.

Member(A)