

O.A. No. 344/2018

(S.B.)

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

Dated : 20th December 2018.

Heard Shri P.V. Thakre, the Ld. counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents.

2. The applicant is a Senior Clerk / Statistical Assistant. Vide impugned order dated 31.5.2018 has been transferred from Ballarpur, Distt. Chandrapur to Yavatmal on the same post. The said order has been challenged in this O.A. Ld. P.O. has placed on record the return filed on behalf of respondent Nos. 2 to 4. Alongwith the return, the respondents have also filed on record one communication dated 26.11.2018 which is marked "X" for identification.

In the said communication, it has been stated as under:-

“त्यामुळे श्री. महाकाळकर (प्रतिवादी क्र.५) व अर्जदार श्री. ढोरे यांनी, त्यांना ते सध्या कार्यरत असलेल्या कार्यालयातील पदावरच पुढील सर्वसाधारण बदली कालावधीपर्यंत , म्हणजेच मे २०१९ पर्यंत विनाअट मुदतवाढ देण्यास आयुक्तालयास विनंती अर्ज केल्यास, सदरचे अर्ज सर्वसाधारण बदली कालावधी संपलेला असल्याने शासनास सादर करण्यात येतील आणि शासनाने दिलेल्या निर्देशानुसार पुढील कार्यवाही करण्यात येईल.”

3. The Ld. counsel for the applicant submits that as per this communication, the respondents are ready to accommodate the applicant at Ballarpur upto Annual General Transfers of 2019. He further submits that the post at which the applicant was transferred at Yavatmal, has already been filled in, as one Mrs. Malvi has been transferred to Yavatmal and, therefore, no post is available at Yavatmal at present.

4. The Ld. counsel for the applicant submits that in view of communication dated 26.11.2018 (A-X), the applicant is ready to withdraw the O.A. provided the applicant is allowed file comprehensive representation, giving details of her choice in the Annual General Transfers of 2019. The applicant will file such representation within a week and the respondents be directed to consider the same within stipulated period. He, therefore, seeks permission to withdraw the O.A. Permission to withdraw the O.A. is granted accordingly and hence, I proceed to pass the following order:-

ORDER

- (i) The O.A. stands disposed of as withdrawn with no order as to costs.
- (ii) The applicant is given liberty to file a comprehensive representation giving the post of her choice of

transfer from Ballarpur to any other place.

- (iii) Such comprehensive representation shall be filed within one week from today.
- (iv) On receiving such representation, the respondents are directed to take necessary decision on it as early as possible and in any case at the time of Annual General Transfers of 2019 and till that time the applicant maybe allowed to serve at Ballarpur.
- (v) No order as to costs.

Vice-Chairman(J)

Dt. 20.12.2018.

pdg.

O.A. No. 994/2018

(S.B.)

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

Dated : 20th December 2018.

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

2. The applicant has applied for the post of Police Patil of village of village Kora, Tehsil Samudrapur, District Wardha. Vide letter dated 4.5.2018, he was intimated about his selection and was directed to produce character certificate and physical fitness certificate. However, vide

communication dated 6.11.2018, it has been informed to him that his selection was cancelled, since he was convicted U/s 12 (a) of the Bombay Prevention of Gambling Act. The applicant has challenged the cancellation of his selection. It is claimed that the impugned order of cancellation be quashed and set aside and during the pendency of the O.A., the applicant be appointed to the said post or in the alternative to stay further proceedings in the process of selection of Police Patil. Since each and every appointment to the Govt. post is subject to character verification, the applicant cannot be appointed by way of interim relief on the post. So far as further procedure of selection of Police Patil is concerned, the entire application is silent as to how many persons were held to be eligible for the post, how many marks the applicant obtained and whether anybody next to the applicant in merit is liable to be appointed etc. In such circumstances,

no interim relief can be granted at this stage.

3. Hence issue notice to respondent Nos. 2 to 4 returnable in **four 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. 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. 20.12.2018.

pdg.

O.A. No. 995/2018 (S.B.)

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

Dated : 20th December 2018.

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

2. The applicant has applied for the post of Police Patil of village of village Asola, Post-Wasi, Tehsil Samudrapur, District Wardha. Vide letter dated 4.5.2018, he was intimated about his selection and was directed to produce character certificate and physical fitness certificate. However, vide communication dated 6.11.2018, it has been informed to him that his

selection was cancelled, since he was convicted U/s 12 (a) of the Bombay Prevention of Gambling Act. The applicant has challenged the cancellation of his selection. It is claimed that the impugned order of cancellation be quashed and set aside and during the pendency of the O.A., the applicant be appointed to the said post or in the alternative to stay further proceedings in the process of selection of Police Patil. Since each and every appointment to the Govt. post is subject to character verification, the applicant cannot be appointed by way of interim relief on the post. So far as further procedure of selection of Police Patil is concerned, the entire application is silent as to how many persons were held to be eligible for the post, how many marks the applicant obtained and whether anybody next to the applicant in merit is liable to be appointed etc. In such circumstances, no interim relief can be granted at this stage.

3. Hence issue notice to respondent Nos. 2 to 4 returnable in **four 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. 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. 20.12.2018.

pdg.

O.A. No. 349/2015

(S.B.)

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

Dated : 20th December 2018.

Heard Miss Apurva Kolhe, Adv. holding for Shri A.S. Kilor, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

The Ld. P.O. has placed on record a copy of judgment in case of Jairam Balwant Kulkarni, which is marked X for the purpose of identification. The Ld. counsel for the applicant also placed on record a copy of Proforma of sanction to be obtained for initiation of departmental enquiry against the retired employee

which is marked X-1 for the purpose of identification. Documents are taken on record.

Matter is heard.

The Ld. P.O. submits that he may be allowed to place on record copy of sanction order during the course of the day.

Matter be kept on **21.12.2018.**

Vice-Chairman(J)

Dt. 20.12.2018.

pdg.

O.A. No. 926/2017

(S.B.)

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

Dated : 20th December 2018.

Heard Shri J.C. Shukla, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents 1 to 4. None for R. 5 to 8.

Matter pertains to promotion. The private respondents may be aggrieved parties by way of any order that may be passed by this Tribunal. The Ld. counsel for the applicant is, therefore, directed to file service affidavit in respect of private respondents.

The Ld. P.O. has placed on record a copy of order of Divisional Commissioner, Amravati bearing Appeal No.33/ATP/Amravati/2017-18 dated 28.12.2017, from which it

seems that the applicant has filed an appeal against the order of his non-granting the order of promotion and the said appeal was dismissed in default. Question therefore, is how the application was filed before this Tribunal without exhausting the remedy of appeal or without waiting for the order in appeal. The Ld. counsel for the applicant submits that he will satisfy this Tribunal on this point also.

S.O. after vacation.

Vice-Chairman(J)

Dt. 20.12.2018.

pdg.

O.A.St.No.1148/2018. (D.B.)

Coram: Shri A.D.Karanjkar, Member(J)
Dated : 20th December 2018.

C.A.No.164/2018:-

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

The reply is yet to be file. **S.O. two weeks.**

Member(J)

Date:-20/12/2018.
aps.

O.A.No.545/2008. (D.B.)

Coram: Shri A.D.Karanjkar, Member(J)
Dated: 20th December 2018.

C.A.No.546/2017:-

Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

The Id. Counsel for the applicant submitted a document. It is taken on record.

The matter is kept for final hearing.

S.O. 09/01/2019.

Member(J)

Date:-20/12/2018.
aps.

O.A.No.197/2015. (D.B.)

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

Dated: 20th December 2018.

C.A.No.251/2018:-

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

The Id. P.O. filed the affidavit-in-reply
on behalf of the respondent no. 2. It is taken
on record. He further submits that he will
serve the copy to the other side.

S.O. three weeks.

Member(J)

Date:-20/12/2018.

aps.

O.A.No.520/2016. (D.B.)

Coram: Shri A.D.Karanjkar, Member(J)
Dated : 20th December 2018.

C.A.No.457/2017:-

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

S.O. four weeks.

Member(J)

Date:-20/12/2018.
aps.

O.A.No.505/2018. (D.B.)

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

Dated: 20th December 2018.

None for the applicant. Shri A.P.Potnis,
the Id. P.O. for the State. Await service of
respondent no. 2.

**S.O. four weeks for filing service
affidavit.**

Member(J)

**Date:-20/12/2018.
aps.**

O.A.No.506/2018. (D.B.)

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

Dated: 20th December 2018.

None for the applicant. Shri S.A.Deo,
the Id. C.P.O. for the State. Await service of
respondent nos. 2 to 4.

**S.O. three weeks for filing service
affidavit.**

Member(J)

**Date:-20/12/2018.
aps.**

O.A.No.535/2018. (D.B.)

Coram: Shri A.D.Karanjkar, Member(J)
Dated: 20th December 2018.

None for the applicant. Shri S.A.Deo,
the Id. C.P.O. for the State.

S.O. three weeks for filing Reply.

Member(J)

Date:-20/12/2018.
aps.

O.A.Nos.538 & 539/2018. (D.B.)

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

Dated: 20th December 2018.

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

**S.O. three weeks for filing service
affidavit.**

Member(J)

Date:-20/12/2018.

aps.

O.A.No.842/2017. (D.B.)

Coram: Shri A.D.Karanjkar, Member(J)
Dated: 20th December 2018.

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

The Id. P.O. filed the affidavit-in-reply
on behalf of the respondent no. 1. It is taken
on record. He further submits that he will
serve the copy to the other side.

**S.O. three weeks for Rejoinder, if
any.**

Member(J)

Date:-20/12/2018.
aps.

O.A.No.940/2017. (D.B.)

Coram: Shri A.D.Karanjkar, Member(J)
Dated : 20th December 2018.

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

S.O. two weeks.

Member(J)

Date:-20/12/2018.
aps.