

**O.A. No. 737/2018**

**(S.B.)**

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

**Dated : 24<sup>th</sup> September 2018.**

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

2. Vide impugned order dated 18.8.2018, the applicant has been transferred from Amravati Revenue Division to Soil Conservation Department of Zilla Parishad, Deulgaon Raja. The Ld. counsel for the applicant has invited my attention to the fact that earlier the applicant was promoted to the post of Sub-Divisional Officer vide order dated 25.4.2018 and in pursuance of the said order, he was posted in Amravati Division at Yavatmal which is at Annexure A-3. However, within four

months, he has been transferred to Deulgaon Raja. The Ld. CPO submits that the order of posting of the applicant in Amravati Division at Yavatmal has been issued illegally and the same has been cancelled by the competent authority. He has also placed on record a copy of communication dated 20.9.2018 which is marked "X" for identification. It is, however, true that the applicant has already joined at Yavatmal and is working there since four months. It is stated that he has not yet been relieved. In view thereof, the respondents are directed not to relieve the applicant till affidavit in reply is filed.

3. Issue notices to respondent Nos. 2 to 4 returnable **after four weeks.**

4. Shri S.A. Deo, the learned C.P.O. waives notice for the respondent No.1. Hamdast granted.

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

separate notice for final disposal shall not be issued.

7. 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.

8. 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.

9. 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.

10. 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.

11. S.O. **four weeks.**

Vice-Chairman(J)

pdg.

**O.A. No. 369/2018**

**(S.B.)**

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

**Dated : 24<sup>th</sup> September 2018.**

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

It seems that the applicant has made grave allegations against the Police Inspector Shri Ram Pawar and others. However, such officers are not made party to the O.A. The Ld. counsel for the applicant submits that he wants to take instructions in this regard. Ld. P.O. submits that interim relief has been granted in this case. Same will also be considered tomorrow.

**S.O. 25.9.2018.**

Interim relief to continue till tomorrow.

Vice-Chairman(J)

**O.A. No. 444/2015**

**(S.B.)**

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

**Dated : 24<sup>th</sup> September 2018.**

Shri Arpit Gajbhiye, Adv. holding  
for Shri N.B. Bargat, the Ld. counsel  
for the applicant and Shri V.A.  
Kulkarni, the learned P.O. for the  
respondents.

S.O. **3.10.2018** for final hearing.

Vice-Chairman(J)

pdg.

O.A. No. 744/2016

(S.B.)

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

**Dated : 24<sup>th</sup> September 2018.**

None for the applicant. Shri M.I. Khan, the learned P.O. for the respondent No.1. None for R.2 to 4. Miss A. Lanjewar, Adv. for R.5.

At the request of Miss A. Lanjewar, Adv. for R.5., S.O. **in due course.**

Vice-Chairman(J)

pdg.

O.A. Nos. 421, 422, 423, 424 & 425 of 2017  
(S.B.)

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

**Dated : 24<sup>th</sup> September 2018.**

Heard Shri S.M. Khan, the Ld. counsel for the applicants and Shri S.A. Sainis, the learned P.O. for the respondents.

The Ld. counsel for the applicants submits that he does not want to file rejoinder and the matter be heard on merits.

At the request of the Ld. counsel for the applicants, S.O. **28.9.2018.**

Vice-Chairman(J)

pdg.



**O.A. No. 923/2017**

**(S.B.)**

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

**Dated : 24<sup>th</sup> September 2018.**

Heard Mrs. V. Chimukar, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondent Nos. 1 and 2. Shri S. Majid, Adv. for R. 3 and 4.

The Ld. counsel for the applicant has filedl reply to the counter affidavit filed by respondent Nos. 3 and 4, it is taken on record and copies thereof are supplied to the Ld. P.O. and private respondents. She has also filed one application for permission to file documents on record and she wants to file on record the first transfer order of the applicant dated 31.5.2016 which are marked as "X" & "X-1" for identification. The Ld. counsel for the applicant seeks time to file amendment application.

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

Vice-Chairman(J)

**O.A. No. 27/2018**

**(S.B.)**

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

**Dated : 24<sup>th</sup> September 2018.**

Heard Shri P.P. Khaparde, the Ld. counsel for the applicant and Shri the learned P.O. for the respondent Nos. 1 and 2. Shri S.M. Khan, Adv. for R. 3.

At the request of the Ld. counsel for the applicant, S.O. **27.9.2018.**

Vice-Chairman(J)

pdg.

**O.A. No. 402/2018**

**(S.B.)**

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

**Dated : 24<sup>th</sup> September 2018.**

Shri S.A. Sahu, Adv. holding for  
Shri M.I. Dhattrak, the Ld. counsel for  
the applicant and Shri M.I. Khan, the  
learned P.O. for the respondent  
No. 1. None for R. 2.

At the request of the Ld. counsel  
for the applicant, S.O. **in due course.**

Vice-Chairman(J)

pdg.

**O.A. No. 466/2018**

**(S.B.)**

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

**Dated : 24<sup>th</sup> September 2018.**

Heard Shri J.S. Wankhede, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

The Ld. counsel for the applicant wants to file rejoinder.

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

Vice-Chairman(J)

pdg.

**O.A. No. 519/2018**

**(S.B.)**

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

**Dated : 24<sup>th</sup> September 2018.**

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

Closed for orders.

Vice-Chairman(J)

pdg.



O.A. 536/2018 (D.B.)

**Coram: J.D. Kulkarni,  
Vice-Chairman(J) and  
Shree Bhagwan,Member(A)**

**Dated : 24/09/2018**

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

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

**Member(A)**

**Vice-Chairman(J)**

dnk.

**O.A.St.1919/2016 (D.B.)**

**Coram: J.D. Kulkarni,  
Vice-Chairman(J) and  
Shree Bhagwan,Member(A)**

**Dated : 24/09/2018**

**C.A.475/2016 in O.A.St.1919/2016 -**

Heard Shri S.P. Palshikar, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1&2, Shri H.D. Futane, Id. counsel for R-3&13 and none for rest of the respondents.

2. The learned P.O. has filed reply-affidavit to the C.A. for condonation of delay on behalf of R-2. It is taken on record. Copy is served to the other side. The learned counsel for R-3&13 adopted the reply filed by R-2 and submits that he does not want to file any separate reply-affidavit.

3. The applicant has challenged in this O.A.(St.) the order dated 11/12/2013 passed by respondent no.2 in the departmental appeal. The said order is at Annex-A-1 at P.B. page nos. 17 to 22 (both inclusive). The appeal of the



applicant has been dismissed. The application for condonation of delay however has been filed in July,2016. It is stated that there is a delay of 598 days for filing the O.A. and the applicant wants that the said delay shall be condoned. The only reason for delay as seems from the application is that the applicant could not get some documents and therefore he was required to file application under RTI Act for getting those documents. The documents however have not been received even till today. The copy of application under RTI Act has not been placed on record and therefore it is not known as to on which date the application for getting documents was filed and whether the said documents are really relevant or not. It is also not known as to why those documents were not mentioned in the appeal memo. The reason for delay is vague and in fact there is absolutely no

reason as to why the applicant was required to wait for filing the O.A. before this Tribunal. The application should have been filed immediate after receiving the order of rejection of appeal. The applicant has therefore measurably failed to satisfy the Tribunal the reasons for delay.

4. In view thereof, we do not find any satisfactory reason for condoning the delay application. The C.A. for condonation of delay therefore stands dismissed. Consequently, the O.A. (St.) also stands dismissed with no order as to costs.

**Member(A)**

**Vice-Chairman(J)**

dnk.

Dated :- 24/09/2018.

**O.A. 100/2011 (D.B.)**

**Coram: J.D. Kulkarni,**

**Vice-Chairman(J) and**

**Shree Bhagwan,Member(A)**

**Dated : 24/09/2018**

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

2. In view of the order dated 18<sup>th</sup> September,2018 the learned P.O. has placed on record the letter dated 01/12/2010 which is marked Exh-X which is written by the Dy. Director of Sports, Pune to the Collector, Buldhana and it's copy has been sent to the applicant. The learned counsel for the applicant submits that in the said letter there is a reference in para-3 about the letter dated 5<sup>th</sup> June,2010. The learned P.O. is requested to place that letter on record as mentioned in para no.3.

3. The learned P.O. has also submitted that the applicant was prosecuted for producing false and fabricated documents of sports certificate and not only that he was convicted. He has placed on record the copy of the Judgment passed by the Chief Judicial Magistrate, Buldhana in Reg. Criminal Case No.54/2010 in respect of that

proceedings which is marked Exh-X1. The learned counsel for the applicant submits that he has already filed copies against the conviction order and the appeal is pending. In view thereof, the matter be kept on **01/10/2018 (PH)**.

**Member(A) Vice-Chairman(J)**

dnk.

Dated :- 24/09/2018.

**O.A. 749/2016 (D.B.)**

**Coram: J.D. Kulkarni,**  
**Vice-Chairman(J) and**  
**Shree Bhagwan,Member(A)**

**Dated : 24/09/2018**

Shri N.S. Warulkar, Id. counsel for the applicant and Sri V.A. Kulkarni, Id. P.O. for the respondents.

2. The learned P.O. seeks time to file affidavit in view of the order dated 04/07/2018. The learned counsel for the applicant has also shown the copy of one communication dated 06/04/1990. He submits that he will file the said copy along with the Pursis today itself. This communication shows that the Government has directed to all the Collectors in Maharashtra State to appoint the persons of L.Rs. of Freedom Fighters' directly.

**S.O. one week** for filing affidavit.

**Member(A)**

**Vice-Chairman(J)**

dnk.

Dated- 24/09/2018.

**O.A. 361/2017 (D.B.)**

**Coram: J.D. Kulkarni,  
Vice-Chairman(J) and  
Shree Bhagwan,Member(A)**

**Dated : 24/09/2018**

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

**Closed for orders.**

**Member(A)**

**Vice-Chairman(J)**

dnk.

**O.A. 838/2010 (D.B.)**

**Coram: J.D. Kulkarni,**

**Vice-Chairman(J) and**

**Shree Bhagwan,Member(A)**

**Dated : 24/09/2018**

Heard Shri S. Borkar, Id. counsel  
for the applicant and Shri P.N. Warjurkar,  
Id. P.O. for the respondents.

**Closed for orders.**

**Member(A)**

**Vice-Chairman(J)**

dnk.

**O.A. 63/2011 (D.B.)**

**Coram: J.D. Kulkarni,**

**Vice-Chairman(J) and**

**Shree Bhagwan,Member(A)**

**Dated : 24/09/2018**

None for the applicant.

Shri H.K. Pande, Id. P.O. for the respondents.

2. The learned P.O. files return on behalf of respondent no.2. It is taken on record. The only point to be considered in this case is whether the Project Affected Persons can be appointed



directly without any interview. This issue has been dealt with by this Tribunal in number of matters such as O.A.Nos.317 & 318/2009 with 55/2010. The copy of the said Judgment has been placed on record by the learned P.O. which is marked Exh-X for the purposes of identification. Since nobody is appeared for the applicant, the matter be kept **on 01/10/2018** for passing necessary orders.

**Member(A)**

**Vice-Chairman(J)**

dnk.

Dated – 24/09/2010

**O.A.No.107/2017 (S.B.)**

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 24.09.2018.**

None for the applicant. Shri H.K.Pande,  
Id. P.O. for the State. Await services of  
respondent nos. 2 to 4.

The matter was heard on 18/09/2018  
also, that date also none for the applicant. As  
decided on 18/09/2018, the **O.A. is disposed  
of as dismissed with no order as to costs.**

**Member**

**(A)**

aps.

**O.A.No.200/2017 (S.B.)**

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 24.09.2018.**

**C.A.No.104/2017:-**

Shri H.D.Futane, Id. counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the respondents.

It is pointed out in para no. 6 of the affidavit-in-reply of respondent no. 3 that L.Rs. were also aware of this fact by impugned order on 23/10/2017. The applicant was expired on 15/02/2016 and the suspension period was determined to be treated as such by order dated 02/10/2012.

In view of date mentioned, the delay is not justified. Hence, **the C.A. as well as O.A. is disposed of with no order as to costs.**

**Member**

**(A)**

aps.

**O.A.No.686/2017 (S.B.)**

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 24.09.2018.**

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

The Id. P.O. filed the affidavit-in-reply on behalf of the respondent no.3. It is taken on record. Copy is served to the other side.

The Id. counsel for the applicant wants to go through the same. At the request of Id. counsel for the applicant, **S.O. two weeks.**

**Member**

**(A)**

aps.

**O.A.No.883/2017 (S.B.)**

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 24.09.2018.**

Dr. H.C.Kunde the applicant in person and Shri P.N.Warjurkar, Id. P.O. for the respondents.

The Id. P.O. filed the affidavit-in-reply on behalf of the respondent no.3. It is taken on record. Copy is served to the applicant in person.

The applicant in person admits that his advocate is busy in Hon'ble High Court. However, the matter will be listed after two weeks time. Meanwhile, the Id. counsel for the applicant may file Rejoinder, if any. **S.O. two weeks.**

**Member**

**(A)**

aps.

**O.A.No.890/2017 (S.B.)**

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 24.09.2018.**

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

The Id. P.O. filed the affidavit-in-reply on behalf of the respondent no.3. It is taken on record. Copy is served to the other side.

The Id. P.O. pointed out that the applicant has demanded deemed date of promotion as a Assistant Police Inspector. However, he also pointed out in para no. 7 that the criminal offence no. vide Crime No. 220/2009, u/s 9,50,51,39(2)(3-A), (3-B), (3-C), 48-A, 44-1B is registered against the applicant in J.M.F.C. Court, Chandrapur.

In view of this, department is not willing to grant the deemed date of promotion to him. The Id. counsel for the applicant desires time to file Rejoinder. **S.O. two weeks.**

**Member**

**(A)**

aps.

**O.A.No.962/2017 (S.B.)**

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 24.09.2018.**

Shri Manwatkar holding for Shri N.B.Kalwaghe, the Id. counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the respondents.

The Id. P.O. filed the affidavit-in-reply on behalf of the respondent nos. 2 & 3. It is taken on record. Copy is served to the other side.

As requested by Id. counsel for the applicant, **S.O. two weeks.**

**Member**

**(A)**

aps.



**O.A.No.423/2018 (S.B.)**

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 24.09.2018.**

**C.A.No.227/2018:-**

Shri Bhise holding for Shri R.V.Shiralkar, the Id. counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the respondents.

The C.A. for amendment is **allowed**.  
The Id. counsel for the applicant carry out the amendment within a week.

As requested by Id. counsel for the applicant, **S.O. two weeks.**

**Member**

**(A)**

aps.

**O.A.No.533/2018 (S.B.)**

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 24.09.2018.**

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

The Id. counsel for the applicant has pointed out order no. 10%&2@yk-i:dk-@ukif'A fouk; d@fuycu@2015&11535] fnuId 05-09-2015-

The Id. P.O. submits that he has received the affidavit-in-reply and file within a week. At his requested, **S.O. one week.**

**Member**

**(A)**

aps.

**O.A.No.576/2018 (S.B.)**

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 24.09.2018.**

Heard Shri M.R.Rajgure, the Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents.

The Id. counsel for the applicant pointed out letter by Collector, Wardha dated 06/01/2017 by which it says that his applicant has been retired from retrospective date as per the last para of the order. However, the Id. counsel for the applicant is not disputing D.O.B. i.e. 04/03/1954 which is mentioned in the order of the Collector, Wardha. As per that D.O.B. after 60 years retirement will be on 31/03/2014.

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

**S.O. two weeks.**

**Member (A)**

aps.

**O.A.No.644/2018 (S.B.)**

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 24.09.2018.**

Shri A.P.Sadavarte, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the respondents.

The Id. C.P.O. desires four weeks time to file affidavit-in-reply. At his requested, **S.O.**  
**four weeks.**

**Member**

**(A)**

aps.

**O.A.No.685/2018 (S.B.)**

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 24.09.2018.**

Shri Bhise holding for Shri R.V.Shiralkar, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State. Await service of respondent nos. 2 & 3.

The Id. Counsel for the applicant submits that notices are yet to be served. At his requested, **S.O. two weeks.**

**Member**

**(A)**

aps.

**O.A.No.694/2018 (S.B.)**

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 24.09.2018.**

Shri A.P.Sadavarte, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the respondents.

During last hearing i.e. on 12/09/2018 the Id. C.P.O. has submitted communication from Government in which one week time was requested. In view of that matter was listed after one week time. However, the Id. C.P.O. again seeking time, at his request, **S.O.**  
**01/10/2018.**

**Member**

**(A)**

aps.

**O.A.No.703/2018 (S.B.)**

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 24.09.2018.**

Shri P.R.Agrawal, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondent nos. 1 & 2. Shri A.R.Chavhan going to file Vakalatnama on behalf of the respondent no. 3.

The Id. P.O. seeks time to file affidavit-in-reply. At his request, **S.O. three weeks.**

**Member**

**(A)**

aps.



**O.A.No.386/2018 (S.B.)**

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 24.09.2018.**

Shri Bhise holding for Shri R.V.Shiralkar, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

As requested by Id. counsel for the applicant, **O.A.386/2018 and O.A.423/2018 is listed together**, permission granted. At his request, **S.O. two weeks.**

**Member**

**(A)**

aps.

**O.As.282,283,284,352,353  
& 875 of 2017 (D.B.)**

**Coram: J.D. Kulkarni,  
Vice-Chairman(J) and  
Shree Bhagwan,Member(A)**

**Dated : 24/09/2018**

Heard Shri A.P. Sadavarte, Id. counsel for the applicants and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. The learned P.O. submits that he has already argued on merits and he does not want to file any reply to the written notes of arguments.

3. Hence, the matters are closed for orders.

**Member(A)**

**Vice-Chairman(J)**

dnk.