

O.A. No.628/2018 (S.B.)

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

Dated : 3rd January 2019.

Heard Shri D.M. Kakani, Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondent No.1. Shri S.N. Gaikwad, Ld. counsel for R.2. None for R.3.

2. The applicant has filed pursis which is marked "X" for the purpose of identification. The applicant submits that he is ready to join at Bhamragarh under protest and requested that he be considered for transfer at any of the three places of his choice mentioned in the pursis at "A". It is stated that the post of Dy. Chief Executive Officer in Water Resources and Sanitation, Zilla Parishad, Nagpur is vacant and the post of Block Development Officer , Panchayat

Samiti, Kamptee and Saoner are likely to be vacant in the Annual General Transfers of 2019. The applicant, therefore, shall join at Bhamragarh within three days. The Ld. P.O. is requested to take instructions as to whether the applicant can be accommodated as Dy. Chief Executive Officer within stipulated period or whether his request can be considered at the time of Annual General Transfers of 2019.

3. For taking instructions, S.O. **one week**.

Steno copies be supplied to both parties.

Vice-Chairman(J)

Dt. 3.1.2019.

pdg.

O.A. (St.) No.1596/2016 (S.B.)

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

Dated : 3rd January 2019.

C.A. No.395/2016.

Shri Sunil Pande, Adv. holding
for Shri G.G. Bade, Ld. counsel for
the applicant and Shri A.P. Potnis, the
learned P.O. for the respondent No.1.

Await service to R. 2 and 3.

S.O. **two weeks** for filing reply
by Ld. P.O.

Vice-Chairman(J)

Dt. 3.1.2019.

pdg.

O.A. No.102/2017 (S.B.)

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

Dated : 3rd January 2019.

C.A. No.499/2017.

Heard Shri S.N. Gaikwad, Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondent No.1.

Await service to R. 2 to 4.

S.O. **three weeks** for filing reply by Ld. P.O.

Vice-Chairman(J)

Dt. 3.1.2019.

pdg.

O.A. No.734/2018 (S.B.)

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

Dated : 3rd January 2019.

Heard Shri S.P. Palshikar, Ld. counsel for the applicant and Shri A.P. Potnis, the learned P.O. for the respondents.

S.O. **one week** for filing reply by Ld. P.O. as a most last chance.

Vice-Chairman(J)

Dt. 3.1.2019.

pdg.

O.A. No.840/2018 (S.B.)

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

Dated : 3rd January 2019.

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

S.O. **two weeks** for filing reply by Ld. P.O.

Vice-Chairman(J)

Dt. 3.1.2019.

pdg.

O.A. No.849/2018 (S.B.)

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

Dated : 3rd January 2019.

Heard Shri A.P. Adhe, Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents.

S.O. **three weeks** for filing reply by Ld. P.O.

Vice-Chairman(J)

Dt. 3.1.2019.

pdg.

O.A. No.881/2018 (S.B.)

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

Dated : 3rd January 2019.

Shri D.S. Lokhande, the applicant is present in person. Shri S.A. Deo, the learned C.P.O. for the respondent No.1. Shri Sheikh Majid. Ld. counsel for R. 2 and 3.

Shri Sheikh. Ld. counsel for R. 4 and 5 submits that he will file his Vakalatnama during the course of the day.

Ld. counsel for the applicant submits that he will file rejoinder.

S.O. three weeks.

Vice-Chairman(J)

Dt. 3.1.2019.

pdg.

O.A. No.915/2018 (S.B.)

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

Dated : 3rd January 2019.

Heard Shri Vishal Anand, the
Ld. counsel for the applicant and Shri
S.A. Deo, the learned C.P.O. for the
respondents.

At the request of Ld. CPO, S.O.
four weeks.

Vice-Chairman(J)

Dt. 3.1.2019.

pdg.

O.A. No.917/2018 (S.B.)

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

Dated : 3rd January 2019.

Heard Shri S.P. Palshikar, the
Ld. counsel for the applicant and Shri
S.A. Deo, the learned C.P.O. for the
respondents.

At the request of Ld. CPO, S.O.
four weeks.

Vice-Chairman(J)

Dt. 3.1.2019.

pdg.

O.A. No.924/2018 (S.B.)

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

Dated : 3rd January 2019.

There is a leave note from Shri R.V. Shiralkar, the Ld. counsel for the applicant. Shri S.A. Deo, the learned C.P.O. for the respondents.

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

Vice-Chairman(J)

Dt. 3.1.2019.

pdg.

O.A. No.948/2018 (S.B.)

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

Dated : 3rd January 2019.

Dr. B.K. Meshram, the applicant is present in person. Shri H.K. Pande, the learned P.O. for the respondents.

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

Vice-Chairman(J)

Dt. 3.1.2019.

pdg.

O.A. No.839/2018

(S.B.)

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

Dated : 3rd January 2019.

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

The Ld. counsel for the applicant has filed rejoinder, it is taken on record and a copy thereof is supplied to the Ld. P.O.

ADMIT.

Shri V.A. Kulkarni, the learned P.O. waives notice for the respondents.

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

Interim relief to continue till then.

Vice-Chairman(J)

Dt. 3.1.2019.

pdg.

O.A. No.852/2018

(S.B.)

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

Dated : 3rd January 2019.

Heard Mrs. P.T. Joshi, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

The applicant has challenged the impugned order of his transfer dated 19.10.2018 whereby he has been transferred from the post of Aval Karkun, Tehsil Office, Korpana to Tehsil Office, Jivati, Distt. Chandrapur. The said order has already been cancelled. In view thereof, O.A. has become infructuous and, therefore, the same stands disposed of accordingly. No order as to costs.

Vice-Chairman(J)

Dt. 3.1.2019.

pdg.

**O.A. Nos. 445, 446 & 447 of 2015
(S.B.)**

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

Dated : 3rd January 2019.

Heard Shri Amit Gajbhiye, Adv. holding for Shri N.B. Bargat, the Ld. counsel for the applicants and Shri A.M. Ghogre, the learned P.O. for the respondents 1,2,3 and 5. None appeared for respondent No.4..

Both the counsels want to file a judgment delivered by the Hon'ble High Court, Bench at Aurangabad on the similar issue and requested time till next week.

S.O. next week.

Vice-Chairman(J)

Dt. 3.1.2019.

pdg.

O.A.No.06/2017.

(S.B.)

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

Dated : 3rd January 2019.

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

Closed for orders.

Vice-Chairman(J)

Dt. 3.1.2019.

pdg.

O.A. No.404/2018

(S.B.)

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

Dated : 3rd January 2019.

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

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

Ld. P.O. is directed to place on record the minutes of the meeting.

Vice-Chairman(J)

Dt. 3.1.2019.

pdg.

O.A.No.533/2018.

(S.B.)

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

Dated : 3rd January 2019.

Heard Shri Sankalp Meshram,
Adv. holding for Smt. Neeta Gautam,
the Ld. counsel for the applicant and
Shri P.N. Warjekar, the learned P.O.
for the respondents.

Closed for orders.

Vice-Chairman(J)

Dt. 3.1.2019.

pdg.

O.A.No. 480/2016. (D.B.)

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

Dated : 03rd January 2019.

C.P.No.23/2018:-

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. next week.**

**Member(J)
Date:-03/01/2019.
aps.**

Member(A)

O.A.No. 448/2014. (D.B.)

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

Dated : 03rd January 2019.

Shri G.G.Bade, the Id. counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondent nos. 1 to 4. None for the respondent nos. 5 to 23.

At the request of Id. counsel for the applicant, **S.O. next week.**

**Member(J)
Date:-03/01/2019.
aps.**

Member(A)

O.A.No. 803/2016. (D.B.)

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

Dated : 03rd January 2019.

C.P.No.42/2018:-

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

The Id. P.O. placed on record the S.P., Wardha letter no. d{A&6@ful fu@l Q@628@ [K@xM@2018@7154] o/W} fnukd 20-10-2018- Copy of the same is supplied to the other side.

The applicant has been reinstated. So, reinstatement part is over. For payment part bill is already submitted.

S.O. four weeks.

**Member(J)
Date:-03/01/2019.
aps.**

Member(A)

O.A.No. 130/2016. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 03rd January 2019.

C.P.No.27/2018:-

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

2. The Id. P.O. submits that matter is before the Hon'ble High Court. It may be taken after six weeks. The Id. P.O. also placed on record Hon'ble High Court writ petition no. 5634/2018, dated 12/09/2018.

3. The Id. counsel for the applicant requested to issue fresh notice to the respondent no. 2.

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

Member(J)

Date:-03/01/2019.

O.A.No. 90/2016.

Member(A)

(D.B.)

Coram: Shri Shree Bhagwan,

**Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 03rd January 2019.

C.A.No.01/2019 in C.P.No.55/2018:-

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

The Id. P.O. has filed the G.R. No. I I fu&
329@izdz117@rktf &7] fnukd 11-12-2018. By the
same the applicant has been given
appointment and his grievances has been
redressed.

In view of the above, the **C.A.**
alongwith C.P. is disposed of.

Member(J)
Date:-03/01/2019.
aps.

Member(A)

O.A.No. 709/2017. (D.B.)

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

Dated : 03rd January 2019.

C.P.No.56/2018:-

Shri G.G.Bade, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

The Id. C.P.O. has submitted letter no. d{A&6@%c/%@rki=d@i:d:2018@3039] fmkd 07-12-2018 by C.C.F., Nagpur- By which, it appears that as per the order of this Tribunal, representation has been decided.

In view of the above, **C.P. is disposed of.**

**Member(J)
Date:-03/01/2019.
aps.**

Member(A)

O.A.No. 673/2013. (D.B.)

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

Dated : 03rd January 2019.

C.P.No.17/2018:-

Shri N.C.Phadnis, the Id. Counsel for the applicant, Shri S.A.Sainis, the Id. P.O. for the Respondents & the Tahsildar, Gatanji is also present.

The Tahsildar Gatanji was pointed out that proposal was sent to the A.G. office vide letter no. I fuo&2018@i zcz08@b11] fnukd 01-10-2018] by Desk Officer, Revenue & Forest Department and the same has been approved by the Accountant General by order no. PR-6/R-5/1016171850/3674, dated 20/11/2018. Since, A.G. has sanctioned proposal of Government, there is no need to send it again to Government. Again sanction is not required by the Government.

Tahsildar, Gatanji is directed to pay within **15 days from the date of this order**. He will make sure that payment should be made to the applicant and compliance report will be placed before this Hon'ble Tribunal through Id. P.O. before next date.

S.O. 24/01/2019.

Member(J)
Date:-03/01/2019.
aps.

Member(A)

O.A.No. 762/2017. (D.B.)

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

Dated : 03rd January 2019.

C.P.No.49/2018:-

Shri S.N.Gaikwad, the Id. Counsel for the applicant & Shri S.A.Sainis, the Id. P.O. for the State. Await service of respondent nos. 1 to 4.

The Id. P.O. filed the reply on behalf of the respondent nos. 2 & 3. The same is taken on record. Copy of the same is supplied to the other side.

On P.B., Pg. No. 21, letter no. vkLFM&1@ify@rk; M@3572&v@2018] fnukd 21@07@2018, by which it appears that the ADG, Wireless has directed the applicant to approach the S.P., Buldhana. Since, the applicant name is in the compassionate ground list of S.P., Buldhana. It appears that ADG office has directed S.P., Buldhana to take necessary action regarding order of this Tribunal. However, the Id. Counsel for the applicant apprehend that applicant may be given appointment of Police Constable. In O.A., he has been denied appointment of Assistant Police Sub Inspector Radio Mechanic on the

basis of having higher education. The Id. Counsel for the applicant also submits that still there are six posts vacant in A.S.I. Radio Mechanic cadre.

The Id. P.O. is directed to take instructions from the department that whether the applicant can be accommodated in that post or not? The Id. Counsel for the applicant is also directed to approach S.P., Buldhana for the same.

S.O. four weeks.

Steno copy is granted.

Member(J)
Date:-03/01/2019.
aps.

Member(A)

O.A.No. 579/2018. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 03rd January 2019.

Shri D.M.Kakani, the Id. Counsel for the applicant & Shri M.I.Khan, the Id. P.O. for the respondents.

The Id. P.O. filed the reply on behalf of the respondent no. 3. The same is taken on record. Copy is served to the other side. He further submits that he will file the reply of the respondent nos. 1 & 2 within two weeks.

However, the Id. Counsel for the applicant submits that the reply of respondent nos. 1 & 2 are necessary. He also apprehends that applicant may be denied chance of promotion.

Respondents are directed that if at all promotions are given, required number of posts for the applicants should be kept vacant before issuing further promotion.

S.O. four weeks.

Steno copy is granted.

Member(J)
Date:-03/01/2019.
aps.

Member(A)

O.A.No. 936/2017. (D.B.)

**Coram: Shri Shree Bhagwan,
Member (A) and
Shri A.D.Karanjkar, Member(J)**
Dated : 03rd January 2019.

Shri D.M.Kakani, the Id. Counsel for the applicant & Shri M.I.Khan, the Id. P.O. for the respondents.

The applicant has been suspended vide order no. d:vkLFN&6@l gk-vf/A(Id@fuycu@50166&72@06] fnukd 09-12-06 (Annexure-A-2), P.B., Pg. No. 37 and the applicant is still under suspension. In the reply filed by the Id. P.O. letter no. vkLFN&4@vigkj@fopk@fuy@43428&27@17] fnukd 27@12@2017] the letter from Deputy Director, Health Services, Akola to Director, Health Services, Mumbai is attached and from this letter it appears that Deputy Director has recommended the case of applicant for reviewing the suspension to Director, Health Services, Mumbai.

However, this Tribunal fails to understand that why decision is not taken at the level of Deputy Director Health Services, Akola, since Deputy Director had issued Suspension order? The Id. P.O. seeks two weeks time to file reply of respondent no. 2.

S.O. two weeks.

Steno copy is allowed.

Member(J)
Date:-03/01/2019.
aps.

Member(A)

O.A.No. 962/2018. (D.B.)

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

Dated : 03rd January 2019.

Shri A.A.Syed, the Id. Counsel for the applicant & Shri A.M.Khadatkar, the Id. P.O. for the State.

The Id. Counsel for the applicant has been directed to correct the designation of the respondent no. 2. The Id. P.O. seeks two weeks time to file the reply.

Interim relief granted in para no. 2 in order dated 06/12/2018 is below:-

2. *The Id. Counsel for the applicant submits that on P.B., Pg. No. 50, Clause-B, the enquiry report has been submitted by respondent no. 4 and mentioned that no need of further Departmental Enquiry, this was in report dated 30/03/2015. The show cause notice has been issued by letter no. I g-i lsvk%dk-c-l q½ ecbz ; lps i= dzilsvk@d{A&5%8%fcpl@12@2018} fnukd 18-09-2018 by Additional Director, General of Police (Administration) vide his letter no. I g-i lsvk%dk-c-l q½ ecbz ; lps i= dzilsvk@d{A&5%8%fcpl@12@2018} fnukd 18-09-2018 by P.B., Pg. No. 15. The Id. Counsel for the applicant is challenging this show cause notice. However,*

the Id. P.O. seeks time to take reply. Issue notice to the respondents.

The above same order is continued till filing of the reply.

S.O. two weeks.

Member(J)
Date:-03/01/2019.
aps.

Member(A)

O.A.No. 173/2006. (D.B.)

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

Dated : 03rd January 2019.

C.P.No.37/2018:-

Leave note of the applicant. Shri
S.A.Sainis, the Id. P.O. for the Respondents.

At the request of Id. P.O., **S.O. two**
weeks.

Member(J)
Date:-03/01/2019.
aps.

Member(A)

O.A.No. 703/2016. (D.B.)

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

Dated : 03rd January 2019.

C.P.No.57/2018:-

None for the applicant. Shri
P.N.Warjurkar, the Id. P.O. for the State.

The Id. P.O. submits that before filing
C.P. personal notice has not been served.

In view of the above, **S.O. three weeks.**

**Member(J)
Date:-03/01/2019.
aps.**

Member(A)