

O.A. 347/2018 (SB)

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

Dated : 11.06.2018

Shri M.A. Sable, Id. counsel for the applicant, Shri S.A. Deo, Id. CPO for R-1 and Shri P. Shende, Id. counsel for R-5. Await service of R-2 to 4.

2. The learned C.P.O. files document regarding joining of R-5. Same is taken on record and marked Exh-X for the purposes of identification.

3. In this matter since the respondent no.5 has been relieved and joined at the transfer place and hence at this stage the learned counsel for the applicant should file his revised prayer.

The learned CPO seeks two weeks time. At his request, **S.O.**
25/06/2018.

Member (A).

dnk.

O.A. 370/2018 (SB)

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

Dated : 11.06.2018

Shri R.A. Gupte, learned counsel for the applicant and Shri V.A. Kulkarni, learned P.O. for R-1. Await service of R-2 to 5.

2. The department is directed to inquire into the matter and take necessary decision in respect of applicant's transfer.

3. In the meantime, the impugned order dated 31/05/2018 (P-12) in respect of applicant is stayed till the next date of hearing.

4. **S.O. 25/06/2018.**

Member (A).

dnk.

O.A. 494/2017 (SB)

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

Dated : 11.06.2018

Ms. A.K. Ramekar, Id. counsel holding for Shri Mrs. S.K. Paunikar, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

At the request of learned P.O.,
S.O. 09/07/2018 for filing reply of R-2.

Member (A).

dnk.

O.A. 23/2018 (SB)

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

Dated : 11.06.2018

Shri S.M. Bhagde, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1,2,4 & 5. None for R-3 (Caveator).

The learned P.O. files reply on behalf of R-3 to 5. It is taken on record. Copy is served on the applicant.

S.O. 15/06/2018.

Member (A).

dnk.

O.A. 78/2018 (SB)

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

Dated : 11.06.2018

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

At the request of Id. P.O., **S.O.**
09/07/2018 for filing reply.

Member (A).

dnk.

O.A. 229/2018 (SB)

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

Dated : 11.06.2018

Shri A.P. Sadavarte, 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.**
25/06/2018 for filing reply.

Member (A).

dnk.

O.A. 266/2018 (SB)

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

Dated : 11.06.2018

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

The learned CPO seeks three weeks' time to file reply. Considering the applicant's retirement date as 30/06/2018, the matter is listed on **26/06/2018** for filing reply.

Member (A).

dnk.

O.A. 377/2018 (SB)

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

Dated : 11.06.2018

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

2. The impugned order dated 23/05/2018 (Annex-2) is stayed till the next date of hearing. The learned P.O. to take opinion from the department and file reply. The respondents in the reply must show documentary evidence as per G.R. dated 09/04/2018.

3. Issue notice to R-2 and 3, returnable on **09/07/2018**. 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. In the meantime, the learned P.O. to file reply on behalf of the respondents.

10. **S.O. 09/07/2018.**

Member (A).

dnk.

O.A. 381/2018 (SB)

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

Dated : 11.06.2018

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. The department is directed not to relieve the applicant, till the matter is heard by the Tribunal on 14/06/2018.

3. Issue notice to R-2 to 4, returnable on **14/06/2018**. 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. 14/06/2018.**

10. Steno copy is granted.

Member (A).

dnk.

O.A. 382/2018 (SB)

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

Dated : 11.06.2018

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. The department is directed not to relieve the applicant, till the matter is heard by the Tribunal on 14/06/2018.

3. Issue notice to R-2 to 4, returnable on **14/06/2018**. 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. 14/06/2018.**

10. Steno copy is granted.

Member (A).

dnk.

O.A. 376/2018 (SB)

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

Dated : 11.06.2018

Heard Shri S.P. Palshikar, Id. counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for the State.

2. The learned counsel for the applicant prays for permission to delete respondent no.2. Permission is granted as prayed for.

3. Issue notice to R-3, returnable on **09/07/2018**. Learned C.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. In the meantime, the learned CPO to file reply on behalf of R-3.

10. **S.O. 09/07/2018.**

Member (A).

dnk.

O.A. 384/2018 (SB)

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

Dated : 11.06.2018

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. The status-quo to the impugned order dated 30/05/2018 (Annex-A-1) in respect of applicant as on today be maintained till the next date of hearing. However, the learned P.O. wants time to take instructions from the department.

3. Issue notice to R-2 to 5, returnable on **25/06/2018**. 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. 25/06/2018.**

Member (A).

dnk.

O.A. 385/2018 (SB)

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

Dated : 11.06.2018

Heard Shri A.P. Tathod, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. It seems that the applicant's choice has not been taken into consideration while transferring him and his representation is also pending with the transferring authority. Although the learned P.O. objected, in the interest of justice, I feel that status-quo should be granted and transferring authority may consider the applicant's representation within two weeks and dispose it before next date of hearing.

3. Issue notice to R-2 and 3, returnable on **25/06/2018**. 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. 25/06/2018.**

Member (A).

dnk.

O.A. 386/2018 (SB)

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

Dated : 11.06.2018

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the State.

2. The applicant is at the fag end of his career and due for retirement within two years and two months. The transferring authority should have considered this fact before issuing impugned order. Therefore, the impugned order dated 31/05/2018 (Annex-A-3) to the extent of the applicant is stayed till the next date of hearing. The transferring authority is requested to consider the application's representation till next date of hearing.

3. Issue notice to R-2 and 3, returnable on **25/06/2018**. 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. 25/06/2018.**

Member (A).

dnk.

O.A. 387/2018 (SB)

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

Dated : 11.06.2018

Heard Shri G.K. Bhusari, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the State.

2. It seems that the G.R. dated 09/04/2018 has not been followed. In view of that the status-quo to the extent of applicant in the impugned order dated 31/05/2018 (Annex-A-1) is given. The respondents are directed to maintain status-quo till next date of hearing. The learned P.O. wants time to take instructions from the department.

3. Issue notice to R-2 and 3, returnable on **25/06/2018**. 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. 25/06/2018.**

Member (A).

dnk.

O.A. 388/2018 (SB)

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

Dated : 11.06.2018

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

2. It seems that the G.R. dated 09/04/2018 has not been followed. In view of that the status-quo to the extent of applicant in the impugned order dated 31/05/2018 (Annex-A-1) is given. The respondents are directed to maintain status-quo till next date of hearing. The learned P.O. wants time to take instructions from the department.

3. Issue notice to R-2 and 3, returnable on **25/06/2018**. 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. 25/06/2018.**

Member (A).

dnk.

O.A. 389/2018 (SB)

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

Dated : 11.06.2018

Heard Shri S.N. Gaikwad, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the State.

2. The main contention of the learned counsel for the applicant is that out of 10 choices of the applicant, 8 are still vacant, but he has been given posting out of the 10 choices. The learned P.O. pointed out that the applicant has been transferred to his one of the choices. Therefore, his choice at sr.no.9 is out of the 10 choices. However, the learned counsel for the applicant submits that choice nos. 1 to 8 are vacant and therefore he requested that sr.nos. 1 to 8 preference should have been considered before choice no.9. The learned counsel for the applicant submits that Panchayat Samiti, Ghatanji which is a tribal area, that is also in the choices of the applicant at sr. no.1. Therefore, the transferring authority is directed to consider applicant's choice at page no.68 with preferences to sr.nos. 1 to 8 or 9.

Therefore, the status-quo to the extent of applicant is granted till the next date of hearing.

3. Issue notice to R-2, returnable on **25/06/2018**. 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. 25/06/2018.**

10. Steno copy is granted.

Member (A).

dnk.

O.A. No.383/2018 (D.B.)

**Coram: Shri J.D.Kulkarni,V.C.(J)
&**

**Shri Shree Bhagwan,
Member (A)**

Dated : 11th June 2018.

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

The Ld. counsel for the
applicant seeks time to amend the
O.A.

S.O. 18th June 2018.

Member (A)
(J)

Vice-Chairman

O.A. No.378/2018 (D.B.)

**Coram: Shri J.D.Kulkarni,V.C.(J)
&**

**Shri Shree Bhagwan,
Member (A)**

Dated : 11th June 2018.

Heard Shri M.R. Khan, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondent No.1..

2. The applicant has challenged the impugned charge-sheet served on him on 12.1.2018. Main allegation against the applicant is that he has avoided to complete the training which is required to be completed by a Police Constable within two chances. According to the Ld. counsel for the applicant, such compulsion cannot be

enforced after a gap of 16 years. We are not inclined to grant any interim stay, as no coercive action is being taken while initiating departmental enquiry. The departmental enquiry will take its own course whereby the applicant will be given an opportunity to defend and, therefore, no stay can be granted at this juncture. It is, however, made clear that the respondents are directed not to take any coercive steps against the applicant till reply in this O.A. is filed.

3. Issue notice to the respondent Nos. 2 to 4 returnable **four weeks.**

4. Shri P.N. Warjekar, 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. In case notice is not collected within **seven days**, and if service report on affidavit is not filed within **three days** before returnable date, O.A. shall stand dismissed without reference to the Tribunal and papers be consigned to record.

9. S.O. **four weeks.**

Member (A)

Vice-Chairman (J)

pdg.