

O.A. 970/2017 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,
Vice-Chairman (J).**

Dated : 12.2.2018

C.A.11/2018

Heard Shri G.G. Bade, Id. Counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1 to 3. None for R-4.

2. For the reasons stated in the application, the delay of 2 years and 2 months in filing the present application is hereby condoned with no order as to costs. In view of this, the C.A. stands disposed of.

O.A. 970/2017 –

Heard Shri G.G. Bade, Id. Counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1 to 3. None for R-4

2. In the present application the applicant seeks to direct the respondents to decide the representations dated 21/12/2009, 21/01/2010, 11/06/2015, 04/09/2015 and 26/10/2015 within a stipulated period. It appears that the representations are pending since long. In the circumstances, the O.A. is

disposed of with no order as to costs with a direction to respondent nos. 1&2 to decide the representations within a period of three months from the date of this order.

Vice Chairman (J)

dnk.

O.A. 16/2018 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,
Vice-Chairman (J).**

Dated : 12.2.2018

Shri P.V. Thakre, Id. Counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1. Await service of R-2&3.

At the request of learned counsel for the applicant, **S.O. to 16/02/2018** for filing service affidavit of R-2&3.

Vice Chairman (J)

dnk.

O.A. 20/2018 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,
Vice-Chairman (J).**

Dated : 12.2.2018

None for the applicant. Shri S.A. Deo, Id. CPO for R-1. Await service of R-2 to 10.

S.O. to 21/03/2018 for filing service affidavit of R-2 to 10.

Vice Chairman (J)

dnk.

O.A. 713/2017 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,
Vice-Chairman (J).**

Dated : 12.2.2018

Shri A.R. Ingole, Id. Counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

The learned counsel for the applicant seeks time to satisfy the query regarding the jurisdiction. At his request, **S.O. one week.**

Vice Chairman (J)

dnk.

O.A. 783/2017 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,
Vice-Chairman (J).**

Dated : 12.2.2018

Heard Shri P.S. Patil, Id. Counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

2. It appears from the pleadings of the applicant that in fact there is no post available at Badnera Circuit House as a Receptionist. The learned P.O. submits that the said order is already stayed by the concerned respondent.

3. The learned P.O. is therefore directed to take instructions from the concerned respondent regarding availability of the post and in case no post is available as pleaded then as to how the applicant will be accommodated at the transfer post and for how much period the order of stay passed by concerned respondents would be continued. The copy of the order is placed at Annex-A-7, Page-24. The learned P.O. seeks time to file their report.

At the request of learned P.O., **S.O. to 15/03/2018** for filing of the report.

Vice Chairman (J)

O.A. 860/2017 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,
Vice-Chairman (J).**

Dated : 12.2.2018

Heard Shri V.A. Kothale, Id. Counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. The learned P.O. files on record the communication received to him from the respondent no.1 that the State is positive regarding the decision to be taken in the case, is marked at Exh-X for the purpose of identification.

3. It is to be noted that vide Annex-A-1, Page-13 the State Government has communicated that in view of the policy decision that no teaching staff from Government Engineering College would be transferred and therefore the case of the present applicant is not considered. However we have a specific G.R. dated 6/8/2002 (A-4,P-18) to the effect that any Government staff working in the naxalite affected area is required to be transferred after serving for a specified period. The said specified period is already completed by the present applicant long back. In

that circumstances the communication at Annex-A-1 appears to be against the G.R. and hence cannot withstand.

4. However, in view of the present communication the case of the present applicant is under active positive consideration.

5. **S.O. to 6/3/2018** for fresh decision from the respondent no.1 in this regard in the light of the above observations for filing decision if any.

Vice Chairman (J)

dnk.

O.A. 916/2017 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,
Vice-Chairman (J).**

Dated : 12.2.2018

Heard Shri V.A. Kothale, Id. Counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. The learned P.O. files written submission of respondent no.3. It is taken on record. Copy is given to the other side.

3. The contradictory statements made in Annex-A-2 regarding the review of the suspension order has come to the conclusion which has been clarified by the respondent no.3 personally by filing present affidavit that the decision regarding revocation would be taken only after filing of the charge sheet by the ACB Unit, Buldhana in the competent court. The said affidavit is accepted.

4. In the circumstances, the O.A. is admitted and it be placed for final hearing on **26/02/2018**.

5. The learned P.O. waives notice for the respondents.

Vice Chairman (J)

dnk.

O.A. 946/2017 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,
Vice-Chairman (J).**

Dated : 12.2.2018

Shri N.S. Warulkar, Id. Counsel for
the applicants and Shri S.A. Sainis, Id.
P.O. for the respondents.

The learned P.O. has already filed
reply-affidavit.

S.O. to 26/02/2018 for final
hearing.

Vice Chairman (J)

dnk.

O.A. 965/2017 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,
Vice-Chairman (J).**

Dated : 12.2.2018

Shri Bharat Kulkarni, Id. Counsel
for the applicant and Shri A.M. Ghogre,
Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. to
26/02/2018** for filing reply by way of last
chance.

Vice Chairman (J)

dnk.

O.A. 19/2018 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,
Vice-Chairman (J).**

Dated : 12.2.2018

Shri Bharat Kulkarni, Id. Counsel
for the applicant and Shri A.M. Ghogre,
Id. P.O. for the respondent nos. 1&2.
None for R-3.

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

Vice Chairman (J)

dnk.

O.A. 106/2018 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,
Vice-Chairman (J).**

Dated : 12.2.2018

Shri S.S. Dhengale, Id. Counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

2. The learned counsel for the applicant seeks time to take instructions regarding the withdrawal if any of the present application. At his request, **S.O. to 15/02/2018.**

Vice Chairman (J)

dnk.

O.A. 389/2016 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,
Vice-Chairman (J).**

Dated : 12.2.2018

Shri Nishant Gurnani, Id. counsel holding for Shri S.J. Kadu, Id. Counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 26/03/2018**.

Vice Chairman (J)

dnk.

O.A. 414/2016 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,
Vice-Chairman (J).**

Dated : 12.2.2018

Smt. B.M. Kesare, Id. Counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for respondent nos. 1 to 3. None for R-4.

2. The learned counsel for the applicant files on record the copy of advertisement of notification issued by the concerned respondent regarding the selection to the post of Police Patil. It is dated 19th June,2015 and marked Exh-X for the purposes of identification. Copy of the same is supplied to the learned P.O. The learned P.O. also files on record the copy of statement of marks. It is marked Exh-X1 and same is supplied to the learned counsel for the applicant.

3. **S.O. to 22/02/2018** for final hearing.

Matter be treated as **P.H.**

Vice Chairman (J)

dnk.

O.A. 736/2016 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,
Vice-Chairman (J).**

Dated : 12.2.2018

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

2. The present applicant is challenging the order of his transfer dated 24/05/2015 (Annex-A-1) wherein he is transferred from Head Quarter, Washim to Malegaon Police Station. The present applicant is serving as Head Constable.

3. According to the applicant, his wife is serving as a Police Constable at Police Station, Shirpur (presently under suspension). He pleaded that as he was posted at Washim earlier, the distance between this post and Shirpur was 40 Kms. and therefore he requested the Superintending of Police, Washim to post both the spouses at one place. Accordingly, the Superintending of Police, Washim sent a proposal to the Inspector General of Police, Amravati on 23/6/2014. The Inspector General of Police has

accepted the proposal and sent recommendation to the Superintending of Police, Washim on 23/6/2014. However without accepting the said recommendation, the Superintending of Police, Washim has passed the impugned order and thus instead of posting the wife and husband at same place at Shirpur, the present applicant is now posted at Malegaon. Challenging the order as mid-term and mid tenure and against the service policy for keeping the spouses together, the applicant wants that the said order be quashed and set aside.

4. The affidavit-reply of respondent no.4., S.P., Washim and the submission for the learned P.O. would show that the present applicant was posted on many occasion at Washim. His wife is already under suspension at Shirpur and the applicant is now posted at Malegaon which is about 10-12 Kms. away from Shirpur. He submits that there is no mandatory law that the husband and wife should be posted at one place only and not in any other place. Taking into consideration the exigency, the spouses can be posted at one place or nearby area. Therefore, In view of the request of

the applicant though they could not be posted at Shirpur, he is posted at Malegaon, which is 10-12 Kms. away. The learned counsel for the applicant however submits that there was no reason for not posting the present applicant at Shirpur when there is recommendation from the Inspector General of Police. Considering all the facts on record and finding that the present applicant requested for transfer and though there were recommendation from the Inspector General of Police, considering the administrative exigency that the Superintendent of Police made efforts for keeping the spouses together as much as possible, in my view no interference in the impugned order is warranted. In such circumstances, the application hereby stands dismissed with no order as to costs.

5. The respondent no.3 may consider the cases of the present applicant and his wife in the Annual General Transfers of 2018.

Vice Chairman (J)

dnk.

O.A. 776/2016 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,
Vice-Chairman (J).**

Dated : 12.2.2018

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

2. It appears that no decision is taken by the concerned respondents on the complaint of the applicant. In the circumstances, the learned P.O. seeks time to take instructions regarding the progress made in the investigation of the complaint.

3. **S.O. to 26/02/2018** for filing the progress report.

To act upon steno copy.

Vice Chairman (J)

dnk.

O.A. 774/2016 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,
Vice-Chairman (J).**

Dated : 12.2.2018

None for the applicant. Heard Shri A.M. Khadatkar, Id. P.O. for respondent nos. 1&3. None for R-2&4.

2. The record would show that since 16/06/2017 consistently for more than four dates nobody appeared for the applicant.

3. The learned P.O. submits that in fact the decision regarding the payment of the suspension period according to rules can be taken only after the departmental inquiry is concluded. However in absence of the learned counsel for the applicant, the application stands dismissed in default.

Vice Chairman (J)

dnk.

O.A. 793/2016 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,
Vice-Chairman (J).**

Dated : 12.2.2018

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

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

Vice Chairman (J)

dnk.

O.A. 117/2017 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,
Vice-Chairman (J).**

Dated : 12.2.2018

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

The learned P.O. files affidavit-in-
reply on behalf of respondent no.1. It is
taken on record. Copy is given to the
applicant.

S.O. to 16/02/2018.

Vice Chairman (J)

dnk.

O.A. 330/2017 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,
Vice-Chairman (J).**

Dated : 12.2.2018

Shri P.V.Thakre, Id. Counsel for the applicant, Shri H.K. Pande, Id. P.O. for respondent nos.1 to 3 and Shri S.N. Gaikwad, Id. Counsel for R-4.

At the request of Id. counsel for R-4, **S.O. 16/02/2018.**

Vice Chairman (J)

dnk.

O.A. 431/2017 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,
Vice-Chairman (J).**

Dated : 12.2.2018

Shri P.J. Mehta, Id. Counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

At the request of learned counsel for the applicant, **S.O. to 16/02/2018**.

Vice Chairman (J)

dnk.

O.A. 661/2017 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,
Vice-Chairman (J).**

Dated : 12.2.2018

Shri G.G.Bade, Id. Counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for respondent nos. 1 to 3. None for R-4.

At the request of learned counsel for the applicant, **S.O. to 20/02/2018**.

Vice Chairman (J)

dnk.

O.A. 721/2017 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,
Vice-Chairman (J).**

Dated : 12.2.2018

Shri C.N. Funde, Id. Counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

The learned counsel for the applicant submits that some amendments are required to the present application and therefore he seeks time to file amendment application. At his request, **S.O. to 01/03/2018.**

Vice Chairman (J)

dnk.

O.A. 722/2017 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,
Vice-Chairman (J).**

Dated : 12.2.2018

Shri C.N. Funde, Id. Counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

The learned counsel for the applicant submits that some amendments are required to the present application and therefore he seeks time to file amendment application. At his request, **S.O. to 01/03/2018.**

Vice Chairman (J)

dnk.

O.A. 14/2018 with C.A.19/2018 **(SB)**

**Coram : Hon. Shri Justice M.T.Joshi,
Vice-Chairman (J).**

Dated : 12.2.2018

Shri G.G.Bade, Id. Counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1&2 and Shri A.A. Khawaja, Id. counsel for R-3.

At the request of Id. counsel for the applicant, **S.O. to 28/02/2018.**

Vice Chairman (J)

dnk.

O.A. No. 845/2016. (D.B.)

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

Dated : 12th February 2018.

M.C.A. No.01 and 02 of 2018.

Heard Shri A.V. Band, the learned counsel for the applicant and Shri S.A. Sainis, the Ld. P.O. for the respondent No.1.

2. Matter has been dismissed in default on 9.6.2017. Since no steps were taken to serve respondent Nos. 2 and 3. The learned counsel for the applicant submits that in fact respondents were served. But, the acknowledgement was not received. For the reasons stated in the application for condonation of delay and in the interest of justice, delay caused in filing restoration application is condoned and application for restoration be registered.

O.A. No. 845/2016.

1. Heard both sides.
2. The learned counsel for the applicant submits that the respondents

were served, but since no acknowledgment was received, it was not placed on record. There was no deliberate inaction on the part of the applicant and in the interest of justice, matter be restored to file. Considering the facts and circumstances of the matter, O.A. stands restored to its original file.

3. On restoration,, notice be issued to respondent Nos. 2 and 3 returnable after **three weeks.**

4. Shri S.A. Sainis, the Ld. 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 need 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.

7. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunals (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 or courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within three weeks. Applicant is directed to file Affidavit of compliance and notice.

S.O. **three weeks.**

Vice-Chairman(J)

pdg

O.A. (St.) No. 2666/2017. (D.B.)

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

Dated : 12th February 2018.

C.A. No.493/2017.

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

S.O. **two weeks.**

Vice-Chairman(J)

pdg

O.A. No. 309/2017. (D.B.)

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

Dated : 12th February 2018.

Miss K.K. Pathak, the learned counsel for the applicant and Shri H.K. Pande, the Ld. P.O. for the respondents.

Ld. P.O. has filed affidavit in reply of R.4, it is taken on record and a copy thereof is supplied to the other side.

S.O. **two weeks.**

Vice-Chairman(J)

pdg

O.A. No. 509/2017. (D.B.)

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

Dated : 12th February 2018.

None for the applicant. Heard Shri P.N. Warjekar, the Ld. P.O. for the respondents.

ADMIT.

Shri P.N. Warjekar, the Ld. P.O. waives notice for the respondents.

Applicant will be at liberty to file rejoinder, if necessary.

Vice-Chairman(J)

pdg

O.A. No. 687/2017. (D.B.)

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

Dated : 12th February 2018.

Shri D.N Surjuse, the learned counsel for the applicant and Shri H.K. Pande, the Ld. P.O. for the respondent No.1. Shri V.G. Palshikar, Adv. for R.3.

Ld. P.O. has filed affidavit in reply of R.1, it is taken on record and a copy thereof is supplied to the other side. Adv. for R.3 has also filed reply / submission of R. 2 to 6 and undertakes to file his Vakalatnama on behalf of R. 2 and 4 to 6.

S.O. **two weeks.**

Vice-Chairman(J)

pdg

O.A. No. 768/2017. (D.B.)

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

Dated : 12th February 2018.

Shri Shyamprakash Chouhan, Adv.
holding for Shri N.D. Thombre, the learned
counsel for the applicant and Shri A.P.
Potnis, the Ld. P.O. for the respondents.

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

Vice-Chairman(J)

pdg

O.A. No. 844/2016. (D.B.)

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

Dated : 12th February 2018.

Shri Y.P. Kaslikar, the learned counsel for the applicant and Shri V.A.

Kulkarni, the Ld. P.O. for the respondents 1 to 3. None for R.4.

At the request of Ld. counsel for the applicant,.S.O. **three weeks** for filing rejoinder.

Vice-Chairman(J)

pdg