

O.A. 290/2009 (SB)

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

Dated : 15.1.2018

MCA 74/2017 in MCA 75/2017 –

Shri Subham Gupta, Id. counsel holding for Shri A.S. Tiwari, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 17/1/2018**.

Vice Chairman (J)

dnk.

O.A. 840/2016 (SB)

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

Dated : 15.1.2018

Shri N. Autkar, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

2. The learned P.O. submits that the respondents will deposit the cost of Rs.10,000/- as well as file reply-affidavit during the course of day. The copy of reply be supplied to the applicant.

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A. 955/2017 (SB)

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

Dated : 15.1.2018

None for the applicant. Shri S.A. Deo, Id. CPO for R-1. Await service of R-2&3.

The applicant to file service affidavit on behalf of R-2&3.

S.O. after two weeks.

Vice Chairman (J)

dnk.

O.A. 963/2017 (SB)

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

Dated : 15.1.2018

Shri O.Y. Kashid, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1. Await service of R-2 to 5.

2. At the request of Id. counsel for the applicant, **S.O. 29/1/2018** for filing service affidavit on behalf of R-2 to 5.

Vice Chairman (J)

dnk.

O.A. 942/2017 (SB)

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

Dated : 15.1.2018

C.A.05/2018

Heard Shri J.B. Kasat, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the State.

2. The applicant is a Live Stock Development Officer and was working at Panchayat Samiti, Ner, Dist. Yavatmal. Vide impugned order dated 31/05/2017 she has been transferred to Shirpur, Tq. Malegaon, District Washim. The said order has been challenged in this O.A.

3. During pendency of the O.A., the applicant's husband died on 11/12/2017 and therefore the applicant has filed the C.A. for bringing on record the subsequent event. For the reasons sated in the application, the C.A. for amendment is allowed and the amendment be incorporated today itself.

O.A. 942/2017 -

The learned counsel for the applicant submits that the applicant has

filed representation for considering her transfer at the vacant posts at Veterinary Hospital, Kalamb, Dist. Yavatmal or at Panchayat Samiti, Ralegaon, District Yavatmal due to sad demise of her husband as well as due to her personal difficulty, i.e., on the fact that her daughter is aged about 4 years and 10 months. The learned counsel for the applicant submits that the application may be disposed of with direction to respondent no.1 to consider her request in view of the subsequent development within a stipulated period.

2. Considering the subsequent event of death of applicant's husband and also considering the personal difficulties of the applicant as well as the fact that the applicant is claiming that there are two posts vacant, one at Kalamb and other at Ralegaon and it will be in the interest of justice to direct the respondents to consider the applicant's representation on its own merits. In view thereof the following order :-

ORDER

The O.A. stands disposed of with direction to respondent nos. 1&2 to consider the representation filed by the

applicant as regards the change of her posting in view of the subsequent developments. It is stated that the said representation has been sent to the Government, i.e., respondent no.1 on 27/12/2017. The respondent no.1. therefore shall take decision on the said representation within two months from the date of this order and the same shall be communicated to the applicant in writing.

Steno copy be supplied to the learned counsel for parties.

Vice Chairman (J)

dnk.

O.A. 222/2017 (SB)

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

Dated : 15.1.2018

Heard Shri D.S. Sawarkar, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

2. The learned P.O. files reply on behalf of R-2&3. Same is taken on record. Copy is served on the applicant.

3. Since the pleadings are complete, the matter is admitted and kept for final hearing.

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

S.O. after four weeks.

Vice Chairman (J)

dnk.

O.A. 589/2017 (SB)

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

Dated : 15.1.2018

Shri N.N. Thengre, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

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

Put up along with other connected matter.

Vice Chairman (J)

dnk.

O.A. 605/2017 (SB)

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

Dated : 15.1.2018

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

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

Put up along with other connected matter.

Vice Chairman (J)

dnk.

O.A. 616/2017 (SB)

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

Dated : 15.1.2018

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. Since the pleadings are complete, the matter is admitted and kept for final hearing.
3. The learned P.O. waives notice for the respondents.

S.O. four weeks.

Vice Chairman (J)

dnk.

O.A. 952/2017 (SB)

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

Dated : 15.1.2018

Shri N.R. Saboo, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the Respts.

2. The learned counsel for the applicant submits that he will type and file legible page no.43 on record.

3. The learned P.O. seeks time to file reply. At his request, **S.O. four weeks.**

Vice Chairman (J)

dnk.

O.A. 958/2017 (SB)

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

Dated : 15.1.2018

Mrs. P. Thakre, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

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

Vice Chairman (J)

dnk.

O.A. 959/2017 (SB)

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

Dated : 15.1.2018

Shri N.S. Warulkar, Id. counsel for
the applicant and Shri S.A. Deo, Id.
C.P.O. for the Respts.

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

Vice Chairman (J)

dnk.

O.A. 965/2017 (SB)

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

Dated : 15.1.2018

Shri Bharat Kulkarni, Id. counsel
for the applicant and Shri A.M. Ghogre,
Id. P.O. for the Respts.

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

Vice Chairman (J)

dnk.

O.A. 15/2018 (SB)

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

Dated : 15.1.2018

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

2. The applicant has challenged the order dated 1/1/2018 issued by the respondent no.1 whereby the applicant has been transferred from the post of Associate Professor (Microbiology) from Government Medical College, Nagpur to Government Medical College, Gondia. The learned counsel for the applicant pointed out the fact that the applicant was promoted as Adhoc Professor on temporary basis and she was working as Adhoc Professor in Government Medical College, Nagpur. Prima facie the order dated 1/1/2018 therefore seems to be incorrect since it pertains to the transfer of Associate Professor. Subsequently vide order dated 2/1/2018 the applicant has been shown to have been promoted as Professor (Microbiology) at Government Medical College, Gondia

from the post of Associate Professor. In fact the applicant was already working as Professor on Adhoc basis and therefore she was not serving as Associate Professor. The applicant wants to challenge this order also by amending the O.A.

3. Vide order dated 9/1/2018 the Id. CPO was directed to take instructions as to whether the applicant can be accommodated at Nagpur for the academic year 2017-2018 since her daughter was taking education in 12th Standard. The Id. CPO submits that the respondent is ready to accommodate the applicant provided she undertakes to join at Gondia after academic year of 2017-2018. The learned counsel for the applicant however submits that the applicant is not ready to be accommodated on this condition and therefore the application will have to be considered on merits only.

4. Since the applicant has already been relieved from Nagpur the respondents cannot be directed to reinstate the applicant on the same post at this juncture. The learned counsel for the applicant submits that the respondents be directed not to insist the

applicant to join at Gondia till the application is heard on merits. Considering the fact that there seems to be some technical problems in issuing the order of transfer of the applicant dated 1/1/2018 and further that the applicant wants to challenge the subsequent order dated 2/1/2018, it will not be proper to insist the applicant to join at Gondia till reply-affidavit is filed in this O.A. The applicant shall file necessary application for amendment to the O.A. within one week. The learned CPO shall file reply-affidavit within two weeks.

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A. 839/2012 (SB)

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

Dated : 15.1.2018

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1 to 3. None for R-4.

Closed for orders.

Vice Chairman (J)

dnk.

O.A. 694/2015 (SB)

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

Dated : 15.01.2018

Heard Shri Ms. S.V. Kaplay, Id. counsel holding for Shri A.M. Quazi, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondent nos. 1&2. None for R-3 and 4.

2. After considering the arguments on both the sides, it seems that the applicant has filed one complaint before the SDO, Daryapur on 9/10/2015 taking objection to the status of respondent no.3 as resident of village Adula Bazar. In the reply-affidavit, it is stated that inquiry was made by the SDO in this regard and even the report of Secretary of Gram Panchayat was called. The respondent no.2, the SDO, Daryapur is therefore directed to place on record the report of inquiry which he has made on the complaint filed by the applicant on 09/10/2015.

3. The learned P.O. seeks two weeks time for producing documents on record. At his request, **S.O. two weeks**.

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

Steno copy be supplied to the learned P.O.

Vice Chairman (J)

dnk.

O.A. 713/2015 (SB)

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

Dated : 15.1.2018

Heard Shri R.V. Shiralkar, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1&2, Shri N.R. Saboo, Id. counsel for R-3 and Shri N.S. Warjurkar, Id. P.O. for R-4.

2. The applicant and respondent no.3 applied for the post of Police Patil for village Nirsana, Tq. Nandgaon Khandeshwar, District Amravati. The one of the important conditions for appointment to the said post was that the candidate must be the resident of that village. It seems that there was a dispute as regards the fact as to whether the applicant and respondent no.3 are the resident of village Nirsana. The SDO, Chandur Railway (R/2) made an inquiry and passed the order on 4/11/2015 mentioning therein that the applicant as well as respondent no.3 both were the resident of village Nirsana and on merit the respondent no.3 has been selected for the post.

3. The applicant has challenged the said selection of respondent no.3 and admittedly till today no appointment order has been issued.

4. The learned counsel for the applicant has invited my attention to the fact that after the inquiry the SDO, Chandur Railway found that the applicant as well as respondent no.3 were the resident of Nirsana, a fresh inquiry was directed vide letter dated 21/11/2015 at P.B. page no. 125 and thereon the BDO, Panchayat Samiti, Nandgaon Khandeshwar submitted his report at P.B. page nos. 127 to 139 (both inclusive). From the said report it seems that the BDO has observed that respondent no.3 is not resident of village Nirsana. It is however not known as to whether the respondent no.2 is taking any action on the said report. The report of the BDO has been placed on record along with the rejoinder-affidavit and therefore it is necessary for respondent no.2 to file affidavit in this regard.

5. The learned counsel for respondent no.3 submits that even the applicant is not resident of village Nirsana and she is resident of Amravati. The respondent no.2 is therefore directed to

make a statement in this regard also in his affidavit.

6. The learned P.O. seeks two weeks time to file affidavit for respondent no.2.

S.O. two weeks (P.H.)

Vice Chairman (J)

dnk.

O.A. No. 754/2016. (D.B.)

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

Dated : 15th January 2018.

C.A. No.434/2017.

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

2. By this C.A., the applicant is claiming directions to the respondents to consider his case for grant of promotion to the post of Additional Commissioner, Animal Husbandry. The learned counsel for the applicant submits that during the pendency of the O.A., the applicant has retired on superannuation and, therefore, this application has become

infructuous. Accordingly, the same stands disposed of.

3. It has been stated in the reply affidavit filed by the respondents about promotion to the post claimed by the applicant. It is necessary that the applicant shall serve for a period of at least three years on the post from which he claims promotion. Some G.Rs are filed on record in this regard. The learned counsel for the applicant as well as the learned P.O. are therefore, requested to file recruitment rules for which the learned counsel for the applicant seeks two weeks' time. C.A. stands disposed of.

S.O. **two weeks.**

Vice-
Chairman(J)

pdg

O.A. No. 679/2017. (D.B.)

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

Dated : 15th January 2018.

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

2. The applicant in this O.A. has claimed appointment order to the post of Assistant Commissioner, Animal Husbandry as per recommendation of MPSC received on 17.6.2017. In the reply affidavit, the respondents have stated that, though the applicant has been acquitted in the criminal case, departmental enquiry is pending against him and, therefore, the

appointment order cannot be issued.

3. The learned counsel for the applicant, alongwith pursis has filed documents received under Right to Information Act, from which it seems that the enquiry has been completed and the Inquiry Officer has come to the conclusion

that the applicant be exonerated. In view of this subsequent development, the Ld. P.O. is directed to take instructions as to whether the competent authority agrees with the Inquiry Report or whether it wants to proceed further by disagreeing with the said report and in any case whether they are considering the appointment of the applicant. The Ld. P.O. seeks two weeks' time to seek instructions. Pursis is taken on record and marked "X" for identification.

S.O. two weeks.

Vice-
Chairman(J)

pdg

O.A. No.513/2016. (D.B.)

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

Dated : 15th January 2018.

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

Closed for orders.

Vice-Chairman(J)

pdg

O.A. No.612 /2017. (D.B.)

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

Dated : 15th January 2018.

None for the applicant. Shri A.M. Ghogre, the Ld. P.O. for the respondent Nos. 1 and 2. None for R.3.

At the request of P.O., S.O.
two weeks for filing reply affidavit.

Vice-
Chairman(J)

pdg

O.A. No. 417/2017. (D.B.)

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

Dated : 15th January 2018.

Mrs. Hiranwar, Adv. holding for Shri J.R. Kidilay, the learned counsel for the applicant and Shri A.M. Ghogre, the Ld. P.O. for the respondents.

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

Vice-Chairman(J)

Pdg

O.A. No. 611/2016. (D.B.)

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

Dated : 15th January 2018.

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

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

Vice-
Chairman(J)

pdg

O.A. No. 580/2017. (D.B.)

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

Dated : 15th January 2018.

Shri N.R. Saboo, the learned counsel for the applicant and Shri A.M. Khadatkar, the Ld. P.O. for the respondents.

At the request of the learned counsel for the applicant, S.O. **one week.**

Vice-
Chairman(J)

pdg

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

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

Dated : 15th January 2018.

C.A. No.457/2017.

None for the applicant. Shri A.M. Khadatkar, the Ld. P.O. for the respondents.

The applicant did not collect hamdast on amendment application.

O.A. No. 520/2016.

Pleadings are otherwise ready, matter be, therefore, admitted and kept for final hearing whenever regular D.B. is available.

Shri A.M. Khadatkar, the Ld. P.O. waives notice for the respondents.

Vice-
Chairman(J)

O.A. No. 450/2017. (D.B.)

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

Dated : 15th January 2018.

C.A. No.308/2017.

Mrs. M. Hiwse, the Ld. counsel for the applicant. Shri S.A. Sainis, the Ld. P.O. for the respondents.

At the request of Ld. P.O., **S.O. two weeks** to file reply to the application for condonation of delay, as a last chance.

Vice-Chairman(J)

pdg