

O.A. 988/2017 (SB)

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

Dated : 26.2.2018

None for the applicant.

Shri P.N. Warjurkar, Id. P.O. for
R-1. Await service of R-2&3.

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

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A. 42/2018 (SB)

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

Dated : 26.2.2018

None for the applicant.

Shri S.A. Sainis, Id. P.O. for R-1.
Await service of R-2&3.

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

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A. 84/2018 (SB)

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

Dated : 26.2.2018

Smt. K.N. Saboo, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1. Await service of R-2&3.

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

Vice Chairman (J)

dnk.

O.A. 771/2017 (SB)

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

Dated : 26.2.2018

Heard Shri N.D. Thombre, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1 to 3. None for R-4.

Since the pleadings are complete, with the consent of learned counsel for parties, the matter is admitted and kept for final hearing.

The learned CPO waives notice for R-1 to 3.

S.O. 20/03/2018.

Vice Chairman (J)

dnk.

O.A. 82/2018 (SB)

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

Dated : 26.2.2018

Shri V.Y. Lade, Id. counsel holding
for Shri S.G. Karmarkar, Id. counsel for
the applicant and Shri S.A. Deo, Id. CPO
for the respondents.

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

Vice Chairman (J)

dnk.

O.A. 80/2018 (SB)

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

Dated : 26.2.2018

Shri S. Chavhan, 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.**
four weeks for filing reply.

Vice Chairman (J)

dnk.

O.A. 146/16 with C.A.448/17 **(SB)**

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

Dated : 26.2.2018

Shri Sagar Thakkar, Id. counsel holding for Shri A.J. Thakkar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1&3. None for R-2.

At the request of learned counsel for the applicant, **S.O. 28/02/2018** along with other connected matters.

Vice Chairman (J)

dnk.

O.A. 208/16 with C.A.449/17 **(SB)**

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

Dated : 26.2.2018

Shri Sagar Thakkar, Id. counsel holding for Shri A.J. Thakkar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1&3. None for R-2.

At the request of learned counsel for the applicant, **S.O. 28/02/2018** along with other connected matters.

Vice Chairman (J)

dnk.

O.A. 209/16 with C.A.450/17 **(SB)**

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

Dated : 26.2.2018

Shri Sagar Thakkar, Id. counsel holding for Shri A.J. Thakkar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1&3. None for R-2.

At the request of learned counsel for the applicant, **S.O. 28/02/2018** along with other connected matters.

Vice Chairman (J)

dnk.

O.A. 40/2018 (SB)

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

Dated : 26.2.2018

Shri Sarang Kotwal, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

The learned P.O. seeks time to file reply. Time is granted.

S.O. four weeks.

Vice Chairman (J)

dnk.

O.A. 965/2017 (SB)

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

Dated : 26.2.2018

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

The learned counsel for the applicant seeks permission to correct the address of respondent no.2 and submits that the notice has already been served on the proper address. In the interest of justice he is permitted to do so forthwith.

The learned P.O. seeks time to file reply-affidavit. At his request, **S.O. Next week.**

Vice Chairman (J)

dnk.

O.A. 41/2018 (SB)

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

Dated : 26.2.2018

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

2. One Shri Sharad Nathuji Fule has retired from service as Jr. Clerk. His widow has filed this application since she received a communication whereby amount of Rs.5,32,543/- is being deducted from the pensionary benefits of her husband. The applicant's husband has already retired and also died. In view of this the direction as regard the recovery of Rs. 5,32,543/- vide the impugned communication is stayed till further orders.

3. In the meantime, the learned P.O. to file reply-affidavit.

S.O. four weeks.

Steno copy be supplied to the learned counsel for the parties.

Vice Chairman (J)

dnk.

O.A. 776/2016 (SB)

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

Dated : 26.2.2018

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

The learned counsel for the applicant seeks time to take instructions from the applicant as to whether withdraw the O.A. or not. At his request, **S.O. two weeks.**

Vice Chairman (J)

dnk.

O.A. 916/2017 (SB)

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

Dated : 26.2.2018

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

Closed for orders.

Vice Chairman (J)

dnk.

O.A. 144/2018 (SB)

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

Dated : 26.2.2018

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

2. The matter is being heard at the admission stage with the consent of Id. counsel for parties.

3. Vide impugned order dated 12/02/2018 the applicant has been transferred from the post of Technical Officer, Divisional Agriculture Office, Aheri, Dist. Gadchiroli to the post of Taluka Agriculture Officer at Aheri, Dist. Gadchiroli on the vacant post. Admittedly, the applicant has not yet been relived from his post.

4. The learned counsel for the applicant submits that the applicant has already completed more than 4½ years in the naxalite affected / rural area and as per the G.R. dated 06/08/2002 he is entitled to get choice post. In fact he has applied for choice post at Samudrapur, Hinganghat or Deoli in Wardha District. However, his request was not considered. The learned counsel for the applicant invited my attention to the queries whereby the applicant has shown willingness

even for being considered in Aurangabad Division. The learned counsel for the applicant further submits that the applicant belongs to Kokan Region and he is ready to be accommodated at Ratnagiri or in other place at Kokan Region. The learned counsel for the applicant submits that the applicant will submit a fresh detailed representation in this regard within one week and same may be considered at the time of Annual general transfers of 2018 to be issued in the month of April/ May, 2018.

5. The learned counsel for the applicant has also placed reliance on the Judgment in Writ Petition no.2770/2013 delivered by the Hon'ble High Court of Judicature at Bombay, Bench at Nagpur on 17/01/2014. In the said Judgment the Hon'ble High Court observed as under :-

"We therefore clarify the position accordingly and respondent no.2 to see that employees, who have put in more than three years of service in tribal/naxalite areas, are transferred out of said areas as the employees who have put in three years service earlier in such areas, cannot be sent back to that areas. Employees continuing there in excess of three years cannot be made to suffer. Those who have never worked in tribal/ naxal prone areas need to be posted there at least once in their service."

6. Since the applicant has not yet been relieved from his post, the respondents are

directed not to relieve him till the representation filed by the applicant and consider on its own merits. The respondents will be at liberty to file a detailed representation regarding his transfer on any of the post of his choice as duly mentioned in the said representation. The said representation shall be filed within one week from the date of this order and on receiving the said representation, the representation shall be considered on its own merits at the time of annual general transfers of 2018 in the month of April/ May,2018 and till that time the respondents are directed not to relive the applicant from his present post, i.e., Technical Officer O/o Divisional Agriculture Officer, Aheri, Dist. Gadchiroli. In view of above, the O.A. stands disposed of with no order as to costs.

Vice Chairman (J)

dnk.

O.A. 946/2017 (SB)

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

Dated : 26.2.2018

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

2. The matter is being heard at the admission stage with the consent of Id. counsel for parties.

3. The applicant no.1 is the mother of applicant no.2 and they are legal heirs of one Arun Shamrao Jare who was working with respondent no.3 as Police Wireless Operator. From the admitted fact on record it seems that Arun Jare died on 20/07/2004 due to Kidney disease. Admittedly, after the death of Arun Jare the name of applicant no.1 Smt. Sharda wd/o Arun Jare was taken on the wait list of the candidates to be appointed on compassionate ground. However, the applicant no.1 did not get appointment till she attained the age of 40 years. The applicant no.1 therefore applied for replacing the name of applicant no.2 in the wait list. The said application was

rejected vide impugned communication dated 22/07/2016 on the ground that there is no provision to replace the name. The applicants have therefore filed this O.A. and requested that the application on compassionate appointment filed by the applicants be considered.

4. In the reply-affidavit it has been stated that the applicant no.2 never applied for the post after attaining the age of majority and in fact the applicant no.1 was intimated vide impugned communication that her son may apply for compassionate appointment on attaining the age of majority. The learned counsel for the applicant has placed on record today the copy of the application dated 13/07/2016 which is marked Exh-X for the purposes of identification from which it seems that on the very day the applicant no.2 also applied for compassionate appointment.

5. The learned counsel for the applicant submits that his application is covered by the decision of this Tribunal of Mumbai Bench in O.A.No. 503/2015 in the case of **Piyush Mohan Shinde Vs. State of Maharashtra & Ors.** decided on 05/04/2016. In the said Judgment the Hon'ble Tribunal was pleased to direct

the respondent authorities to consider the application even for substitution of the name. The said relevant para is as under:-

“ In view of the foregoing, I think I must hold for the applicant in this matter. In the context of the present facts, the better course of action would be to direct the respondents to consider the case of appointment of the present applicant for appointment on compassionate ground on the basis of the application for the mother of the applicant referred to above dated 18/1/2011 (Exh.-G, page no.34 of the paper book). The respondents are, therefore, directed to consider the said application of applicant’s mother and to replace her name by the name of the present applicant for appointment on compassionate ground and pass an appropriate order as per law within a period of two months from today. The Original Application is allowed in these terms with no order as to costs.”

6. In the present case admittedly the applicant has attained the age of majority on 10/07/2016 and he has applied for

compassionate appointment on 13/07/2016. His mother has also applied for substitution of her son's name in her place. The applicant no.2 also got legal right to apply for the compassionate appointment after attaining the age of majority. Whether the circumstances are there so as to appoint the applicant no.2 in place of his father or not will have to be considered by the competent authority as per its own merits. However the rejection of the application straightway without considering the same is not legal. In view thereof, the following order :-

ORDER

The O.A. is partly allowed. The respondent no.3 is directed to substitute the name of applicant in place of his mother in the wait list of candidates to be appointed on compassionate ground. The respondent no.2 shall also consider applicants application for compassionate appointment dated 13/07/2016 and to take necessary decision within two months from the date of this order and shall communicate the same to the applicants in writing. No order as to costs.

Vice Chairman (J)

dnk.

O.A. No. 587/2017. (S.B.)

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

Dated : 26th February 2018.

Shri Nitin Vaidya, Adv. holding for Ms. N.Jog, the learned counsel for the applicants and Shri M.I. Khan, the Ld. P.O. for the respondents.

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

Vice-
Chairman(J)

O.A. No. 699/2017. (D.B.)

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

Dated : 26th February 2018.

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

S.O. **15.3.2018** before the regular D.B.

Interim relief to continue till then.

Vice-
Chairman(J)

pdg

O.A. No. 733/2015. (D.B.)

Coram: Shri J.D. Kulkarni,

Vice-Chairman(J)

Dated : 26th February 2018.

None for the applicant. Shri V.A. Kulkarni, the Ld. P.O. for the respondents.

S.O. whenever regular D.B. is available.

Vice-
Chairman(J)

O.A. No.147/2018. (D.B.)

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

Dated : 26th February 2018.

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

2. Issue notice to respondent Nos. 2 and 3 returnable after **four weeks**.

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

4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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.

6. 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.

7. 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.

8. S.O. **four weeks.**

Vice-
Chairman(J)

O.A. No.146/2018. (D.B.)

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

Dated : 26th February 2018.

Heard Shri N.A. Jachak, the learned counsel for the applicants and Shri S.A. Deo, the Ld. C.P.O. for the respondents.

2. The applicant is seeking promotion to the post of Health Supervisor. It is stated that his name has been recommended and only hurdle was that the applicant did not submit SSC certificate. According to the learned counsel for the applicant, certificate has

already been submitted to the respondents and still no order has been issued.

3. Ld. CPO is requested to take instructions in this regard and to make a statement within two weeks.

S.O. two weeks.

Vice-
Chairman(J)

pdg

O.A. No.741/2013. (D.B.)

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

Dated : 26th February 2018.

C.P. No.02/2018.

There is a leave note from Shri P.V. Thakre, the learned counsel for the applicant. Shri H.K. Pande, the Ld. P.O. for the respondents.

S.O. 15th March 2018.

Vice-
Chairman(J)

pdg

O.A. No.742/2013. (D.B.)

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

Dated : 26th February 2018.

C.P. No.01/2018.

There is a leave note from Shri P.V. Thakre, the learned counsel for the applicant. Shri H.K. Pande, the Ld. P.O. for the respondents.

S.O. 15th March 2018.

Vice-
Chairman(J)

pdg

O.A. No.951/2017. (D.B.)

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

Dated : 26th February 2018.

Mrs. K.N. Saboo, the learned counsel for the applicant and Shri A.P. Potnis, the Ld. P.O. for the respondents 1 to 3. Shri A.P. Girhe, Adv. for R.4.

The Ld. P.O. for R. 1 to 3 as well as Ld. Adv. for R.4 seek time to file reply affidavit.

S.O. **two weeks.**

Vice-
Chairman(J)

pdg

O.A. No.522/2017. (D.B.)

Coram: Shri J.D. Kulkarni,

Vice-Chairman(J)

Dated : 26th February 2018.

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

ADMIT.

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

S.O. **15.3.2018** for final hearing.

I.R. to continue till then.

Vice-
Chairman(J)

pdg

O.A. No.614/2017. (D.B.)

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

Dated : 26th February 2018.

C.A. 533/2016.

Heard Shri R.V. Shiralkar, the learned counsel for the applicant and Shri V.A. Kulkarni, the Ld. P.O. for the respondents 1 and 2. Shri N.B. Rathod, Adv. for R.3.

S.O. **two weeks** as a last chance for filing reply to the application for condonation of delay by R. 1 and 2.

Vice-
Chairman(J)

O.A. (St.) No.2141/2016. (D.B.)

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

Dated : 26th February 2018.

C.A. Nos. 520 & 521 of 2016.

Heard Shri A.D. Girdekar, the learned counsel for the applicants and Shri M.I.Khan, the Ld. P.O. for the respondents.

The learned counsel for the applicant seeks time to remove objection.

S.O. **two weeks**

Vice-
Chairman(J)

O.A. (St.) No.1441/2016. (D.B.)

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

Dated : 26th February 2018.

C.A. No.368/2016.

Heard Shri P.P. Khaparde, the learned counsel for the applicants and Shri H.K. Pande, the Ld. P.O. for the respondent No.1.

2. At the request of the learned counsel for the applicant, issue fresh notice to R. 2 to 4 returnable after **four weeks.**

3. Shri H.K. Pande, the Ld. P.O. waives notice for the respondent No.1. Hamdast granted.

4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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.

6. 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.

7. 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.

8. S.O. **four weeks.**

Vice-
Chairman(J)

