

O.A. 175/2018 (SB)

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

**Dated : 26.04.2018**

Shri S.R. Kotangale, learned counsel holding for Shri P.S. Wathore, learned counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1. Await service of R-2 to 4.

The learned counsel for the applicant submits that he will file service affidavit before the next date. At his request, **S.O. 03/05/2018**.

**Member (A).**

dnk.

O.A. 197/2018 (SB)

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

**Dated : 26.04.2018**

Shri S.N. Gaikwad, learned counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for R-1. Await service of R-2 to 4.

The learned counsel for the applicant submits that he will file service affidavit before the next date. At his request, **S.O. After Vacation.**

**Member (A).**

dnk.

O.A. 03/2018 (SB)

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

**Dated : 26.04.2018**

None for the applicant. Shri M.I. Khan, Id. P.O. for R-1. Await service of R-2 to 4.

It appears that the service affidavit of R-2 to 4 is yet not filed. The applicant to file service affidavit of R-2 to 4.

**S.O. After Vacation.**

**Member (A).**

dnk.

O.A. 712/2017 (SB)

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

**Dated : 26.04.2018**

None for the applicant.

Shri S.A. Sainis, Id. P.O. for the  
respondents.

At the request of learned P.O.,  
**S.O. After Vacation** for filing reply.

**Member (A).**

dnk.

O.A. 845/2017 (SB)

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

**Dated : 26.04.2018**

None for the applicant.

Shri H.K. Pande, Id. P.O. for the  
respondents.

At the request of Id. P.O., **S.O.**  
**After Vacation** for filing reply.

**Member (A).**

dnk.

O.A. 878/2017 (SB)

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

**Dated : 26.04.2018**

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

2. The learned P.O. files copy of the order dated 23/03/2018 issued by respondent no.3 and submits that the applicant's grievance has been redressed. The copy of the same is taken on record and marked Exh-X for the purposes of identification. The learned counsel for the applicant agrees the same.

3. In view thereof, as the applicant's grievance has been redressed, the O.A. stands disposed of with no order as to costs.

**Member (A).**

dnk.

O.A. 895/2017 (SB)

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

**Dated : 26.04.2018**

None for the applicant.

Shri M.I. Khan, Id. P.O. for R-1 & 2  
and none for R-3.

From the record it appears that the  
reply of R-3 is still awaited.

The learned P.O. submits that  
reply of R-2 is sufficient and the reply of  
R-1 is not necessary.

**S.O. After Vacation** for filing reply  
of R-3.

**Member (A).**

dnk.

O.A. 27/2018 (SB)

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

**Dated : 26.04.2018**

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

With the consent of learned counsel for parties, **S.O. 04/05/2018**.

**Member (A).**

dnk.



O.A. 157/2018 (SB)

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

**Dated : 26.04.2018**

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

2. The applicant has to retire on superannuation within 1½ years. In view thereof, the respondents are directed not to relieve the applicant from the present post until further orders.

3. In the meantime, the learned P.O. to file reply-affidavit so that the matter will be heard on the next date.

**S.O. After Vacation.**

**Member (A).**

dnk.

O.A. 201/2018 (SB)

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

**Dated : 26.04.2018**

Shri S.C. Deshmukh, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

The learned CPO seeks time to file reply-affidavit. At his request, **S.O. After Vacation** for filing reply.

**Member (A).**

dnk.

O.A. 203/2018 (SB)

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

**Dated : 26.04.2018**

None for the applicant.

Shri P.N. Warjurkar, Id. P.O. for  
R-1 to 4. None for R-5.

At the request of learned P.O.,  
**S.O. After Vacation** for filing reply.

**Member (A).**

dnk.

O.A. 265/2018 (SB)

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

**Dated : 26.04.2018**

Heard Shri W.G. Paunikar, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. There was dispute of amount of two months' salary in which the learned CPO pointed out that the said amount has now been paid to the applicant. The learned counsel for the applicant also accepted the same. The only point to be disputed in this case is that the provisional pension and its calculation. Since the O.A. is to be heard on merits, the respondents are directed to pay provisional pension continuously till the final outcome of the O.A. So far as one month's salary for the month of February, 2013 is concerned, that issue will be the part of final outcome of this O.A.

3. Issue notice to R-2 to 5, returnable **After Vacation**. 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. **S.O. After Vacation.**

**Member (A).**

dnk.

O.A. Nos. 282 & 282 of 2018 **(SB)**

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

**Dated : 26.04.2018**

Heard Shri R.V. Shiralkar, learned counsel for the applicants and Shri S.A. Deo, Id. CPO for the State.

2. The learned counsel for the applicants pointed out that the applicants grievances have been redressed in view of the Divisional Commissioner's order dated 18/05/2017. So far as the seniority and deemed of promotion is concerned, as the applicants' cases were to be considered in the DPC by respondent no.2 in near future and therefore the applicants withdrew the O.A.Nos.302 & 303 of 2014 on 11/09/2017 and the same stand disposed of as withdrawn. But subsequently, the Divisional Commissioner has issued the order of 17/04/2018 thereby cancelling previous order dated 18/05/2017 and as such being aggrieved by that decision, the applicants approached before this Tribunal. In such circumstances, this Tribunal feels that the Divisional

Commissioner's order dated 17/04/2018 should be stayed till filing of the reply. In view thereof, the Divisional Commissioner's order dated 17/04/2018 be stayed till filing of the reply.

3. The applicant is permitted to amend prayer clause as prayed for in O.A.282/2018.

4. In the meantime, issue notice to R-2 and 3, returnable in **four weeks**. Learned C.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. **S.O. four weeks.**

**Member (A).**

dnk.



O.A. Nos.15 & 21 of 2018 **(SB)**

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

**Dated : 26.04.2018**

Heard S/ Shri S.P. Palshikar, Id. counsel for the applicant (in O.A.No.15/2018), Shri S.N. Gaikwad, Id. counsel for the applicant (in O.A.21/2018) and Shri A.M. Ghogre/ S.A. Sainis, Id. P.O. for the respondents.

2. By the impugned order dated 01/01/2018 the applicants were transferred from Government Medical College, Nagpur to Government Medical College, Gondia. This Tribunal by order dated 23/03/2018 (in O.A.15/2018) has made observations regarding non compliance of placing the cases of the applicants before the Civil Services Board. The learned P.O. today has placed on record the communication dated 16/04/2018 which is marked Exh-X for the purposes of identification, from which it seems that the cases of the applicants are not placed before Civil Service Board which is mandatory in nature. As the respondents are failed to

comply the mandatory procedure before issuing impugned transfer order, the transfer order dated 01/01/2018 so far as only applicants are concerned, needs to be quashed and set aside. Hence, the following order :-

**ORDER**

The O.As. are party allowed. The impugned order dated 01/01/2018 so far as only applicants are concerned, is quashed and set aside. The respondents will be at liberty to transfer the applicants after following due procedure of law, if they so desire. No order as to costs.

**Member (A).**

dnk.