

O.A. 717/2017 (SB)

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

Dated : 28.02.2018

None for the applicant.

Shri S.A. Deo, Id. CPO for the State.

2. It seems that the office objections are not removed.

3. From the prayer clause it seems that the applicant is challenging the rejection of his application for compassionate appointment vide letters dated 10/03/2011, 17/03/2011 and 14/11/2014. The application has been filed in the year 2017, i.e., on 21/09/2017. Prima facie application is seems to be barred by limitation. Since nobody appeared for the applicant, the matter be kept for passing necessary orders in **next week**.

Vice Chairman (J)

dnk.

O.A. 995/2017 (SB)

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

Dated : 28.02.2018

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

2. The applicant to file service affidavit of R-2 to 4.

3. The learned C.P.O. submits that the applicant's claim was rejected in 2011 vide letter dated 03/11/2011 (A-9,P-25) itself and therefore the application is not tenable and barred by limitation. The applicant to clarify this position.

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A. 06/2018 (SB)

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

Dated : 28.02.2018

Heard Shri N.B. Bargat, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1.

2. The learned counsel for the applicant submits that he will file service affidavit of R-2&3. He also submits that the fresh notice be issued to respondent no.4.

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

Vice Chairman (J)

dnk.

O.A. 81/2018 (SB)

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

Dated : 28.02.2018

None for the applicant.

Shri P.N. Warjurkar, Id. PO for R-1.
Await service of R-2 to 4.

S.O. two weeks for filing service
affidavit of R-2 to 4.

Vice Chairman (J)

dnk.

O.A. 101/2017 (SB)

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

Dated : 28.02.2018

MCA 77/2017

None for the applicant.

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

2. The State is directed to place on record details of whatever steps it has taken till today for complying the order.
3. The matter be kept in **next week**.

Vice Chairman (J)

dnk.

O.A. 832/2016 (SB)

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

Dated : 28.02.2018

None for the applicant.

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

It seems that the rejoinder is not
filed.

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

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

S.O. after four weeks.

Vice Chairman (J)

dnk.

O.A. 308/2017 (SB)

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

Dated : 28.02.2018

Mrs. S.A. Dhawas, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

The learned P.O. files reply on behalf of R-1. It is taken on record. Copy is served on the applicant.

The learned P.O. seeks time to file reply of R-3. At his request, **S.O. three weeks.**

Vice Chairman (J)

dnk.

O.A. 382/2017 (SB)

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

Dated : 28.02.2018

Shri I.G. Meshram, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 13/03/2018** for filing rejoinder.

Vice Chairman (J)

dnk.

O.A. 610/2017 (SB)

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

Dated : 28.02.2018

Shri I.G. Meshram, Id. counsel for the applicant and Shri A.M. Kulkarni, Id. P.O. for the respondents.

The learned P.O. files reply on behalf of R-1 to 5. It is taken on record. Copy is served on the applicant.

The learned counsel for the applicant seeks time to file rejoinder, if necessary. At his request, **S.O.**
12/03/2018.

Vice Chairman (J)

dnk.

O.A. 782/2017 (SB)

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

Dated : 28.02.2018

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

With the consent of learned counsel for parties, the matter be placed for final hearing.

In the meantime, the applicant is at liberty to file rejoinder.

S.O. 5/3/2018.

Vice Chairman (J)

dnk.

O.A. 16/2018 (SB)

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

Dated : 28.02.2018

Mrs. A.Y. Pardhi, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

At the request of learned P.O.,
S.O. three weeks for filing reply.

Vice Chairman (J)

dnk.

O.A. 86/2018 (SB)

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

Dated : 28.02.2018

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

At the request of learned C.P.O.,
S.O. four weeks for filing reply.

Vice Chairman (J)

dnk.

O.A. 440/2017 (SB)

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

Dated : 28.02.2018

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

2. The applicant a Police Constable has challenged the order of his transfer dated 05/06/2017 from Police Station, Warora to Police Station Tekmandwa (naxal cell) (Annex-A-1, P-9). It is stated that the said order of transfer is without jurisdiction as the Superintendent of Police, Chandrapur has no authority to issue such transfer order in his capacity as Superintendent of Police. Admittedly, as per the provisions of Section 22 (J) of the Maharashtra Police Act, the Competent Authority to transfer the Police Officers upto the level of Police Inspector is the Establishment Board no.1 if the transfer is to be within district. In case the police personnel is to be transferred out of district, the Competent Authority has to refer such matter before the Establishment Board no.2. In this case

the order is passed by the Superintendent of Police, Chandrapur and admittedly the matter was not placed before the Establishment Board.

3. In view of this , the impugned order of transfer of the applicant is illegal, without jurisdiction and without authority. The same therefore requires to be quashed and set aside. Hence, the following order:-

ORDER

The O.A. is allowed. The impugned order dated 05/06/2017 issued by respondent no.2, the Superintendent of Police, Chandrapur transferring the applicant a Police Constable from Police Station, Warora to Police Station Tekmandwa (naxal cell) is quashed and set aside. The respondent no.2 shall allow the applicant to resume the charge at Police Station, Warora with immediate effect. No order as to costs.

Vice Chairman (J)

dnk.

O.A. 146/16 (SB)

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

Dated : 28.2.2018

C.A.448/2017

Heard 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.

For the reasons stated in the civil application no.448/2017, the same is allowed in the interest of justice and equity.

O.A.146/2016 –

Heard 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.

2. The learned P.O. submits that he has already filed reply-affidavit on behalf of all the respondents.

3. The matter is closed for orders along with other connected matters.

Vice Chairman (J)

dnk.

O.A. 208/16 (SB)

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

Dated : 28.2.2018

C.A.449/2017

Heard 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.

For the reasons stated in the civil application no.449/2017, the same is allowed in the interest of justice and equity.

O.A.208/2016 –

Heard 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.

2. The learned P.O. submits that he has already filed reply-affidavit on behalf of all the respondents.

3. The matter is closed for orders along with other connected matters.

Vice Chairman (J)

dnk.

O.A. 209/16 (SB)

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

Dated : 28.2.2018

C.A.450/2017

Heard 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.

For the reasons stated in the civil application no.450/2017, the same is allowed in the interest of justice and equity.

O.A.209/2016 –

Heard 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.

2. The learned P.O. submits that he has already filed reply-affidavit on behalf of all the respondents.

3. The matter is closed for orders along with other connected matters.

Vice Chairman (J)

dnk.

O.A. 31/2016 (SB)

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

Dated : 28.02.2018

Shri S. Borkar, Id .counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1. None for R-2&3.

At the request of learned P.O.,
S.O. one week for filing reply as a last chance.

Vice Chairman (J)

dnk.

O.A. 805/2014 (SB)

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

Dated : 28.02.2018

Shri N.R. Saboo, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

The learned P.O. files reply on behalf of R-3&4. It is taken on record. Copy is served on the applicant.

S.O. 01/03/2018 along with other similar matters.

Vice Chairman (J)

dnk.

O.A. Nos. 119 & 120 of 2014 **(SB)**

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

Dated : 28.02.2018

Shri Vipul Bhise, Id .counsel for the applicants and Shri A.M. Ghogre, Id .P.O. for the respondents.

At the request of learned counsel for the applicants, **S.O. next week** for filing amendment application.

Vice Chairman (J)

dnk.

O.A. 722/2014 (SB)

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

Dated : 28.02.2018

None for the applicant.

Heard Shri A.P. Potnis, Id. P.O. for
the respondents.

It seems that earlier on 27/2/2018
Shri S.M. Khan, Id. counsel appeared and
requested that the matter may be kept
today and therefore at his request the
matter is kept today. Today none
appeared for the applicant. Hence, the
matter be kept for dismissal **on 5/3/2018**.

Vice Chairman (J)

dnk.

O.A. 86/2015 (SB)

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

Dated : 28.02.2018

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

The learned counsel for the applicant submits that on instructions from his client it transpires that the application for transfer as stated on 20/6/2017 has not been filed before the MAT, Mumbai Bench. He further submits that the applicant now does not want to move such application and prayed that the application be heard by this Tribunal only. However he seeks further time in this regard. At his request, **S.O. 19/3/2018.**

Vice Chairman (J)

dnk.

O.A. Nos. 373, 374 & 375 of 2015 **(SB)**

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

Dated : 28.02.2018

Heard Shri S.O. Ahmed, Id .counsel for the applicants and Shri H.K. Pande, Id. P.O. and other Id. P.Os. in other matters for R-1 to 3. None for other respondents.

Closed for orders.

Vice Chairman (J)

dnk.

O.A. 494/2015 (SB)

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

Dated : 28.02.2018

Shri Chtan Galat, Id. counsel holding for Shri Anand Deshpade, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1&2. None for R-3.

At the request of learned counsel for the applicant, **S.O. 1/3/2018**.

Vice Chairman (J)

dnk.

O.A. 729/2015 (SB)

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

Dated : 28.02.2018

Shri G.G. Bade, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1 to 4. None for R-5.

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

Vice Chairman (J)

dnk.

O.A. 786/2015 (SB)

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

Dated : 28.02.2018

Shri R.A. Haque, Id. counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1&2 and Ms. A.S. Ahirkar, Id. counsel for R-3.

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

Vice Chairman (J)

dnk.

O.A. 822/2015 (SB)

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

Dated : 28.02.2018

None for the applicant.

Heard shri H.K. Pande, Id. P.O. for R-1 to 4. None for R-5.

A detailed order was passed on 3/1/2018 and the matter was kept on 12/1/2018 for passing necessary orders. On 12/1/2018 nobody was appeared for the applicant and therefore the matter was kept on 27/2/2018. On that date also nobody appeared for the applicant and therefore the matter was kept today. Today also none appeared for the applicant. It was clearly observed in the order dated 11/09/2017 that whatever amount claimed by the applicant has already been paid to the applicant on 12/1/2017 by Cheque and the learned counsel for the applicant wanted to verify this fact and only for that reason the matter was adjourned from time to time and therefore it seems that the applicant may not be interested in prosecuting the

O.A. and therefore the O.A. stands dismissed with no order as to costs.

Vice Chairman (J)

dnk.

O.A. 694/2015 (SB)

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

Dated : 28.02.2018

Heard Shri A.M. Quazi, Id. counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1&2 and Shri H.D. Futane, Id. counsel for R-3. None for R-4.

2. As per the order of this Tribunal dated 15/01/2018 the learned P.O. was directed to place on record the report of SDO in respect of inquiry made by him as well as the report of Secretary of Gram Panchayat. Today the learned P.O. has placed on record the copy of one letter addressed by the Talathi, Adula Bazar to SDO, Daryapur dated 13/10/2015 and one residence certificate issued by Sarpanch of Gram Panchayat, Adula Bazar dated 04/09/2015. The copies of the same are placed on record and marked Exh-X and X1 respectively for the purposes of identification.

3. The learned P.O. submits that the SDO has not made any other inquiry and he only accepted the report submitted by

Talathi, Adula Bazar and has issued order in respect of respondent no.3.

4. The learned counsel for respondent no.3 submits that he wants to file some documents which makes sure that the respondents no.3 is the resident of Adula Bazar. The learned counsel for the applicant also wants to file documents in respect of criminal case regarding maintenance application filed by respondent no.3 from which it will be cleared that she is not resident of Adula Bazar. The applicant and respondent no.3 will be at liberty to file whatever documents they want to file along with affidavit within a week and it is made clear that no further documents will be accepted in this matter.

5. **S.O. one week. (P.H.)**

Vice Chairman (J)

dnk.

O.A. 713/2015 (SB)

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

Dated : 28.02.2018

Heard Shri R.V. Shiralkar, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1&2 and Shri N.R. Saboo, Id. counsel for R-3. None for R-4.

2. A detailed order was passed on 15/01/2018 where from it seems that the inquiry as regards the issue as to whether the respondent no.3 was resident of Nirsana was conducted by the BDO and the said report was placed on record. It is stated that the said report was submitted to the SDO, i.e., R-2 for taking action. However it is not known whether the respondent no.2 has taken any action. The learned P.O. submits that the SDO earlier has also conducted some inquiry, but no action was taken on the said report since the matter was pending before this Tribunal.

3. The learned counsel for the applicant as well as the respondents admitted the facts that in this case no order of appointment has been issued in

favour of respondent no.3 for the post of Police Patil even though the respondent no.3 has been selected. It is also admitted fact that there is a dispute as to whether the applicant and respondent no.3 are resident of Nirsana or not. As the respective parties are claiming that their rivals are not resident of Nirsana. In such circumstances, the learned counsel for respective parties agreed that the application may be disposed of by giving directions to the SDO, i.e., respondent no.2 to make fresh inquiry within a stipulated period as regards the status of applicant as well as respondent no.3 as to whether they are resident of village Nirsana or not. In view thereof the following order :-

ORDER

The O.A. No. 713/2015 stands disposed of with a direction to respondent no.2 to make fresh inquiry as to whether the applicant and respondent no.3 are resident of village Nirsana, Tq. Nandgaon Khandeshwar, District Amravati. Such inquiry shall be completed within two months from the date of this order and as per the result of the said inquiry the respondent no.2 will be at liberty to

appoint a suitable candidate found resident of village Nirsana. Full opportunity shall be given to parties to produce documents and to submit their cases before the SDO.

Vice Chairman (J)

dnk.

O.A. No. 83/2018. (D.B.)

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

Dated : 28th February 2018.

C.A. 25/2018.

Shri S.R. Deshpande, the learned counsel for the applicants and Shri S.A. Deo, the Ld. C.P.O. for the respondent Nos.1 to 3. None for R. 4 to 9.

At the request of the learned counsel for the applicants, S.O.
1.3.2018.

Vice-
Chairman(J)

O.A. No.972 /2017. (D.B.)

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

Dated : 28th February 2018.

Shri S.M. Khan, the learned counsel for the applicant and Shri P.N. Warjekar, the Ld. P.O. for the respondents.

At the request of the learned P.O., S.O. **three weeks.**

Vice-
Chairman(J)

pdg

O.A. No.570/2017. (D.B.)

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

Dated : 28th February 2018.

Heard Shri S. Lacharwar, the
learned counsel for the applicant

and Shri A.M. Ghogre, the Ld.
P.O. for the respondents.

ADMIT.

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

Put up for final hearing
whenever regular D.B. is available.

Vice-
Chairman(J)

pdg

O.A. No.640/2017. (D.B.)

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

Dated : 28th February 2018.

None for the applicant. Shri A.M. Ghogre, the Ld. P.O. for the respondents 1 to 5. Shri S.C. Deshmukh, Adv. for R.6.

Ld. P.O. for R. 1 to 5 and Ld. Adv. for R.6 seek time to file reply affidavit. Time is granted.

S.O. two weeks.

Vice-
Chairman(J)

O.A. No.199/2015. (D.B.)

(Shri B.M. Mandale V/s State and two others)

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

Dated : 28th February 2018.

MCA No. 06/2018.

Oral order

Heard Shri R.V.Shiralkar, Adv. holding for Shri A.C. Dharmadhikari, the learned counsel for the applicant and Shri A.M. Ghogre, the Ld. P.O. for the respondents.

2. In this M.C.A., the original respondent / State is claiming three months' extension for implementation of the order passed by this Tribunal in O.A. No. 199/2015 dated 8.9.2017. The respondent / State was to comply the order within a period of three months from the date of order of this Tribunal, or else to grant regular pension and all other consequential financial benefits to the applicant within two years. Departmental enquiry was to be complete within three months as already stated. Time of three

months has expired on 8.12.2017. No application has been filed for extension of time before expiry of that period. Application has been moved on 21.2.2018, i.e. after about five months of passing of the order.

3. The Ld. P.O. submits that the applicant could not get certified copy. The certified copy is received on 17.1.2018. It, however, seems that the application for certified copy itself has been moved on 2.1.2018, i.e. after the period of compliance was over. I, therefore, do not find any *bonafides* in the application.

4. The order passed by this Tribunal is conditional, i.e. the departmental enquiry was to be completed within three months from the date of order and in case the enquiry was not completed within three months, respondents were to grant regular pension and all other consequential financial benefits to the applicant immediately within a further period of two weeks from the date of completion of enquiry. The Ld. P.O. submits that final order in the departmental enquiry is ready and it is pending for concurrence of the Government. It cannot be a ground for extension. If at all, the enquiry is completed and the applicant is found guilty, action under Rule 27 of the Maharashtra Civil Services (Pension) Rules, 1982 can be taken. It is stated no Appeal / writ against the order of this Tribunal has yet been filed. In view

thereof, application for extension of time is rejected.

Vice-Chairman(J)

pdg