

O.A.781 of 2017

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

**Dated : 11.10.2017.**

Heard Smt. B.P. Maldhure, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. Vide order dated 15/9/2017 the applicant has been transferred from the post of Sub-Divisional Officer, Public works, Sub-Division Risod to Sub Divisional Officer, Zilla Parishad (Con.), Sub Division, Mehkar. It is stated that the applicant was posted at Risod on 3/9/2015 and has not yet completed his tenure of three years. It is stated that respondent no.4 has filed one representation on 20/6/2017 which was recommended by the Executive Engineer, Washim on 28/9/2017 and only to adjust respondent no.4, the applicant has been transferred from Risod to Mehkar.

3. The learned counsel for the applicant submits that the applicant has not yet been relived. In view thereof, the impugned order dated 15/9/2017 so far as the applicant's transfer from Risod to Mehkar is stayed till further orders.

4. Issue notice to R-2 to 4, 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.**

10. Steno copy be supplied to the Id. counsel for parties.

**Vice Chairman (J)**

dnk.

O.A.836 of 2016

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

**Dated : 11.10.2017.**

Shri B. Lahiri, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1 to 3.

Shri Mokadam, Id. counsel appears and submits that he will file Vakalatnama during the course of day on behalf of R-4.

**S.O. After Vacation.**

**Vice Chairman (J)**

dnk.

O.A.228 of 2016

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

**Dated : 11.10.2017.**

**C.A.109/2017 –**

The C.A. already stands disposed of.

**O.A.228/2016 –**

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1&2. Shri A.Y. Kapgata, Id. counsel for R-3.

The matter is already admitted and it be kept for final hearing.

**S.O. After Vacation for final hearing.**

**Vice Chairman (J)**

dnk.

O.A.613/2017

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

**Dated : 11.10.2017.**

**C.A.396/2017**

Shri N.B. Rathod, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

The learned P.O. submits that he will file reply on Friday and the matter be kept for final hearing on the same day.

Hence, matter be kept on **13/10/2017**.

**Vice Chairman (J)**

dnk.

O.A.760/2016

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

**Dated : 11.10.2017.**

None for the applicant.

Shri A.M. Ghogre, Id. P.O. for R-1A,B  
&2. Await service of R-3.

It seems that respondent no.3 has not been served since the hamdast is not collected by the applicant. As a last chance the applicant is directed to collect the hamdast immediately, failing which the petition shall stand dismissed against respondent no.3.

**S.O. one week.**

**Vice Chairman (J)**

dnk.

O.A.271/2017

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

**Dated : 11.10.2017.**

None for the applicant.

Shri H.K. Pande, Id. P.O. for R-1&3.  
Await service of R-2 & 4.

The learned P.O. submits that he has received instructions from respondent no.3 only and he seeks time to file reply. The other respondents are not yet served.

Hence, **S.O. four weeks.**

**Vice Chairman (J)**

dnk.

O.A.675/2017

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

**Dated : 11.10.2017.**

Shri S.N. Gaikwad, Id. counsel holding for Shri R.V. Shiralkar, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1. Await service of R-2&3.

The learned counsel for the applicant submits that he will file service affidavit of R-2&3 during the course of day.

The learned P.O. seeks time to file reply.

**S.O. one week.**

**Vice Chairman (J)**

dnk.

O.A.767of 2016

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

**Dated : 11.10.2017.**

Shri N.R. Saboo, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1,2,4&5 and Shri J.B. Kasat, Id. counsel for R-3 and also appears on behalf of R-6 but vakalatnama is not filed on behalf of R-6.

Shri Kasat, Id. counsel files reply-affidavit on behalf of R-3&6. It is taken on record. Copies are served on the other sides.

The learned counsel for the applicant seeks time to file rejoinder. At his request,  
**S.O. After vacation.**

**Vice Chairman (J)**

dnk.

O.A.824 of 2016

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

**Dated : 11.10.2017.**

Shri N.R. Saboo, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1 to 3.

2. The learned P.O. files reply on behalf of R-1&2. Same is taken on record. Copy is given to the Id. counsel for the applicant.

3. In the O.A. the applicant has claimed for direction to decide his appeal against the order of suspension. In the reply-affidavit respondent nos. 1&2 have stated that the appeal preferred by the applicant before the Governor has already been decided vide order dated 20/3/2017 and now no appeal is pending. It is stated that the applicant has been reinstated on 24/3/2017 and therefore nothing survives in the O.A. The learned counsel for the applicant also agrees for the same.

4. In view thereof, the O.A. stands disposed of as infructuous. No order as to costs.

**Vice Chairman (J)**

dnk.

O.A.826 of 2016

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

**Dated : 11.10.2017.**

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

The learned P.O. submits that the State has filed Writ Petition against the order passed by this Tribunal in O.As.42/2016 & 75/2016 and stamp number has been received for the same Writ Petition. He seeks time to file reply. At his request, **S.O. After Vacation.**

**Vice Chairman (J)**

dnk.

O.A.22/2017

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

**Dated : 11.10.2017.**

Shri S.N. Gaikwad, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

The learned P.O. undertakes to file reply during the course of day.

**S.O. After Vacation.**

**Vice Chairman (J)**

dnk.

O.A.Nos. 37,38 & 39 of 2017

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

**Dated : 11.10.2017.**

Shri Bharat Kulkarni, Id. counsel for the applicants and Shri S.A. Sainis, Id. P.O. for the respondents.

The learned P.O. files reply-affidavit on behalf of R-2. It is taken on record. Copy is served to the learned counsel for the applicant.

**S.O. After Vacation for filing rejoinder, if any.**

**Vice Chairman (J)**

dnk.

O.A.527/2017

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

**Dated : 11.10.2017.**

None for the applicant.

Shri P.N. Warjurkar, Id .P.O. for the  
Respts.

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

**Vice Chairman (J)**

dnk.

O.A.265/2010

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

**Dated : 11.10.2017.**

Ms. N. Pathan, Id. counsel holding for Shri R.S. Shirpurkar, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondent nos. 1&2. None for R-3.

2. The learned P.O. submits that the applicant is claiming deemed date of promotion without being promoted to the Class-II post and therefore matter pertains to the Division Bench. The learned counsel for the applicant also agrees for the same.

3. In view thereof, the matter be removed from Single Bench Board and be placed before regular Division Bench as and when available.

**Vice Chairman (J)**

dnk.

O.A.750/2015

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

**Dated : 11.10.2017.**

Heard 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 submits that he wants to amend the O.A. by adding necessary party, i.e., Medical Officer and therefore he seeks further time. At his request, **S.O. After Vacation.**

**Vice Chairman (J)**

dnk.

O.A.85/2017

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

**Dated : 11.10.2017.**

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

At the request of Id. counsel for the applicant, **S.O. After Vacation.**

**Vice Chairman (J)**

dnk.

O.A.324/2017

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

**Dated : 11.10.2017.**

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

2. The applicant is a Livestock Development Officer and vide impugned order dated 31/5/2017 he has been transferred from Chandrapur to Sakhritola, Tq. Salekasa, Dist. Gondia. Since the applicant was ready to go anywhere other than the place where he has been transferred and since nobody was posted in his place the order was stayed till further orders vide order dated 9/6/2017.

2. Thereafter on 12/9/2017 the learned counsel for the applicant submitted that he will file fresh representation giving options and also will file affidavit to that effect and the matter was adjourned till 27/9/2017. On 27/9/2017 there was leave noted from the learned counsel for the applicant.

3. The learned counsel for the applicant submits that his client could not find out the alternative places lying vacant for his transfer. He therefore submitted that the applicant may be allowed to file representation within a

week and the application be disposed of with a direction to the respondents authorities to decide his representation within a stipulated period. In view thereof, the application stands disposed of with following directions :-

(i) The applicant may file fresh representation giving fresh options for his transfer within one week from today. In case such representation is received from the applicant, the respondent no.1 shall take decision on the same within one month from the date of receipt of the representation. Till the decision on the representation is taken by respondent no.1, the applicant be allowed to continue at the place where he is now working prior to transfer. In case the representation is rejected, the applicant shall immediately leave the charge.

**Vice Chairman (J)**

dnk.

**O.A. No.774/2017.**

**(Dr. Priti Rajabhau Shirsath & 1 V/s  
State of Mah. and 3 others)**

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

**Dated : 11<sup>th</sup> October 2017.**

Heard Shri S.C. Deshmukh, the learned counsel for the applicant and Shri S.A. Deo, the Ld. C.P.O. for State.

2. The applicant was appointed as Livestock Development Officer on 20.4.2012 and was posted at Tiroda, District Gondia.

3. On 10.2.2017, the applicant filed representation to respondent No.1 through proper channel for giving her choice posting since she has completed her normal tenure in the naxalite affected area and as per the Govt. policy a person who has completed the tenure in the naxalite affected area, is entitled to get choice posting and her choice is to be considered. However, vide impugned order dated 31.5.2017, the applicant has been transferred as Livestock Development Officer, Tiroda, District Gondia to Upari, Tq. Mul, District Gondia on the vacant post. The applicant has, therefore, being transferred again in naxalite affected area for second term, though it is not admissible as per the Govt. policy. In her representation, she has asked transfer as per her choice. However, her request has not been considered.

4. The learned counsel for the applicant submits that even after transfer, the applicant has filed representation on 5.6.2017 as per Annexure A-4.

5. The learned counsel for the applicant submits that the application can be disposed by issuing directions to the competent authority i.e. respondent No.1 to consider her representation with a proper perspective within a stipulated period.

6. The learned counsel for the applicant invited my attention to the G.Rs issued by the Govt. of Maharashtra in respect of service conditions and facilities to be provided to the employees who are working in naxalite affected areas. The G.Rs are dated 6.8.2002 and 7.12.2004. The Govt. has given an opportunity to the employees who worked in naxalite affected areas to claim choice posting after completion of their tenure in the said area. It seems that without considering the representations of the applicant in this regard, the applicant has been transferred again in the naxalite affected area for the second term. In view thereof, application can be disposed of with directions as prayed for. Hence, the following order:-

### **ORDER**

- (i) The O.A. is disposed of.
- (ii) The respondent No.1 is directed to take into consideration the representations filed by the applicant on 10.2.2017 and 5.6.2017 considering the personal problems of the applicant as well as considering the policy decision as per the G.R. dated 6.8.2002 and other

G.Rs in the field. A decision on the aforesaid representations shall be taken within **two months** from the date of this order.

(iii) It is stated that the applicant is transferred, but has not yet been relieved. The respondents are, therefore, directed not to relieve the applicant from her post at Tiroda, Distt. Gondia till a decision is taken on the representation and the same is communicated to the applicant in writing.

(iv) No order as to costs.

(v) Steno copy be supplied to the learned counsel for the parties.

**Vice Chairman (J)**

dnk.

**Vice O.A. No.144/2017. (S.B.)**

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

**Dated : 11<sup>th</sup> October 2017.**

**C.A. No.82/2017.**

Heard Shri T.U. Tathod, the Ld. counsel for the applicant and Shri S.A. Sainis, the Ld. P.O. for the respondent Nos. 1 & 2. Shri S.M. Pande, the Ld. Adv. for R.3.

**ADMIT.**

Shri S.A. Sainis, the Ld. P.O. waives notice for respondent Nos. 1 & 2.

Shri S.M. Pande, the Ld. Adv. waives notice for R.3.

Application for condonation of delay will be considered on merit at the time of hearing, since delay is of 84 days only.

S.O. **after Diwali vacation.**

Vice-  
Chairman(J)

**O.A. No.501/2017. (S.B.)**

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

**Dated : 11<sup>th</sup> October 2017.**

**C.A. Nos.359 & 92 of 2017.**

Shri S.R. Charpe, the Ld. counsel for the applicants and Shri S.A. Deo, the Ld. C.P.O. for the respondents.

At the request of the Ld. counsel for the applicants, S.O. **after Diwali vacation.**

Vice-  
Chairman(J)

**O.A. No.218/2017.**

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

**Dated : 11<sup>th</sup> October 2017.**

None for the applicant. Shri P.N. Warjekar, the Ld. P.O. for the respondents 1 to 4. None for R.5.

The Ld. P.O. has filed affidavit in reply on behalf of R.3. It is taken on record. He submits that reply of other respondents is not necessary.

Since nobody is present for the applicant, S.O. **after Diwali vacation.**

Vice-  
Chairman(J)

pdg

**O.A. No.671/2017.**

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

**Dated : 11<sup>th</sup> October 2017.**

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

2. The Ld. P.O. seeks time to file reply affidavit.

3. The Ld. counsel for the applicant insists for interim stay to the clause of the impugned G.R. dated 7.8.2012. He has also placed on record a copy of the order in O.A. No. 141/2017 and other O.As on 27.3.2017 and also the order passed in W.P.

No.7116/2014 alongwith other writ petitions by the Hon'ble High Court of Judicature at Bombay, Bench at Nagpur dated 18.12.2014.

4. Vide the said pronouncement, objections of some clauses of the G.Rs have already been stayed. In view thereof, interim stay is granted for implementation of the disputed causes of the G.R. dated 7.8.2012 till reply is filed.

5. S.O. **four weeks**.

6. Steno copy be supplied to the Ld. P.O.

Vice-  
Chairman(J)

pdg

**O.A. No.155/2012.**

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

**Dated : 11<sup>th</sup> October 2017.**

None for the applicant. Shri A.M. Khadatkar the Ld. P.O. for the respondent Nos. 1 to 4. None for R.5.

On number of dates, nobody is appearing for the applicant. A detailed order was passed on 19.8.2017 and thereafter on 31.8.2017 and 15.9.2017 and finally on 19.9.2017.

The applicant seems to be not interested in prosecuting this O.A.

The Ld. P.O. submits that the process of recruitment has already been carried out and the respondent No.5 has been appointed by way of promotion. That seems to be the reason as to why the applicant did not appear. Hence, the O.A. stands dismissed in default.

Vice-  
Chairman(J)

pdg

**O.A. No.474/2017.**

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

**Dated : 11<sup>th</sup> October 2017.**

Heard Shri D.S. Sawarkar, the Ld. counsel for the applicant and Shri A.M. Khadatkar the Ld. P.O. for the respondents.

The Ld. P.O. has filed reply on behalf of R. 3. The same is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant.

Ld. P.O. submits that the reply of other respondents is not necessary.

**ADMIT.**

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

With consent, matter is kept for final hearing **after Diwali Vacation.**

Vice-  
Chairman(J)

pdg

**O.A. No.667/2017.**

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

**Dated : 11<sup>th</sup> October 2017.**

**C.A. 423/2017.**

Heard Shri S.R. Charpe, Adv. holding for Shri S. Borkute, the Ld. counsel for the applicants and Shri S.A. Deo, the Ld. C.P.O. for the respondent No.2.

Await service to R. 1,3 and 4.

The Ld. counsel for the applicants submits that the notices have been served and he will file service affidavit within a week. The Ld. CPO submits that the application itself is not maintainable and, therefore, it will be heard on the point of maintainability on the next date.

**S.O. after Diwali Vacation.**

Vice-  
Chairman(J)

pdg

**O.A. No.668/2017.**

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

**Dated : 11<sup>th</sup> October 2017.**

**C.A. 424/2017.**

Heard Shri S.R. Charpe, Adv. holding for Shri S. Borkute, the Ld. counsel for the applicants and Shri S.A. Deo, the Ld. C.P.O. for the respondent No.2.

Await service to R. 1,3 and 4.

The Ld. counsel for the applicants submits that the notices have been served and he will file service affidavit within a week. The Ld. CPO submits that the application itself is not maintainable and, therefore, it will be heard on the point of maintainability on the next date.

**S.O. after Diwali Vacation.**

Vice-  
Chairman(J)

pdg

**O.A. No.669/2017.**

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

**Dated : 11<sup>th</sup> October 2017.**

**C.A. 425/2017.**

Heard Shri S.R. Charpe, Adv. holding for Shri S. Borkute, the Ld. counsel for the applicants and Shri S.A. Deo, the Ld. C.P.O. for the respondent No.2.

Await service to R. 1,3 and 4.

The Ld. counsel for the applicants submits that the notices have been served and he will file service affidavit within a week. The Ld. CPO submits that the application itself is not maintainable and, therefore, it will be heard on the point of maintainability on the next date.

**S.O. after Diwali Vacation.**

Vice-  
Chairman(J)

pdg

**O.A. No.382/2016.**

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

**Dated : 11<sup>th</sup> October 2017.**

**C.A. 435/2017.**

None for the applicant. Shri S.A. Sainis, the Ld. P.O. for the respondents.

On the last occasion, the application was adjourned on the ground that the applicant wanted to file an amendment application. Since nobody is present for the applicant, S.O. **after Diwali Vacation.**

Vice-  
Chairman(J)

Pdg

**O.A. No.516/2017.**

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

**Dated : 11<sup>th</sup> October 2017.**

Shri D.S. Sawarkar, the Ld. counsel  
for the applicant and Shri A.M. Khadatkar, the  
Ld. P.O. for the respondents.

At the request of Id. P.O., S.O. after  
Diwali Vacation for filing reply.

Vice-  
Chairman(J)

pdg

O.A. No.509/2017.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 11<sup>th</sup> October 2017.

None for the applicant. Shri H.K. Pande, the Ld. P.O. for the respondents.

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

Vice-  
Chairman(J)

pdg

**O.A. No.612/2017.**

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

**Dated : 11<sup>th</sup> October 2017.**

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

The Ld P.O. seeks permission to file reply affidavit on behalf of R. 1 and 2.

S.O. **four weeks.**

Vice-  
Chairman(J)

pdg

**O.A. Nos.584 & 585 of 2017.**

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

**Dated : 11<sup>th</sup> October 2017.**

Shri S.P. Palshikar, the Ld. counsel  
for the applicant. Shri A.M. Ghogre, the Ld.  
P.O. for the respondents.

At the request of Ld. P.O., S.O.  
**16.10.2017.**

Vice-  
Chairman(J)

pdg

**O.A. No. 530/2017. (S.B.)**

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

**Dated : 11<sup>th</sup> October 2017.**

Heard Shri P.S. Wathore, the Ld. counsel for the applicant and Shri S.A. Deo, the Ld. C.P.O. for the respondents. Shri M.P. Kariya, Ld. Adv for the Intervener.

The Ld. counsel for the applicant submits that he has been instructed to withdraw the O.A. by the applicant and, therefore, seeks permission to withdraw the same. In view of his request, the O.A. stands disposed of as withdrawn with no order as to costs.

Vice-  
Chairman(J)

pdg

**O.A. No.590/2016.**

**(Kunwarlal H. Wasnik V/s State & 3)**

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

**Dated : 11<sup>th</sup> October 2017.**

**Oral order**

Heard Shri M.P. Kariya, the Ld. counsel for the applicant and Shri S.A. Deo, the Ld. C.P.O. for the respondent Nos. 1 & 2. Shri P.S. Wathore, the Ld. Adv. for R.4. None for R.3.

2. In this O.A., the applicant has claimed a declaration that he is seniormost person in the department of Political Science in Government Vidarbha Institute of

Science and Humanities, Amravati and that he be appointed to the post of Head of the Department of Political Science in the said Institution. From the arguments put forth, it is clear that the applicant was appointed as an Associate Professor by nomination vide order dated 30.4.2013. At that time, respondent No.4 Dr. (Mrs.) P.A. Bhorjar was working as Assistant Professor and in fact she was working as Assistant Professor since 18.12.2009 itself. Since there was no Associate Professor or Professor in the Institution, the charge of Head of the Department was kept with respondent No.4 on the presumption that she was likely to be designated as an Associate Professor. However, the said charge has been withdrawn from respondent No.4 on 17.7.2017. After withdrawing the charge from respondent No.4, the charge of

Head of the Department is now with the Director of the Institution.

3. The Ld. counsel for the applicant submits that the applicant was appointed as Associate Professor on probation for two years. After completion of probation period successfully, the applicant made representation on 10.3.2016 and submitted that he being the seniormost Associate Professor, be given charge of the post of Head of the Department and shall be deputed to attend the Board of Study. He again sent reminder on 18.1.2016, 23.3.2016 and finally on 1.7.2016. None of his representations were replied.

4. The Ld. counsel for the applicant, however, submits that on 24.6.2016, he received one reply, a copy of which is at page No.14 of the O.A. from the Senior Administrative Officer, Directorate of Higher Education (M.S.), Pune.

By the said communication, it was stated that the process of preparing seniority list for the post of Associate Professors and Assistant Professors / Lecturers was undertaken. It was also intimated that one Dr. N.V. Dhoke, Associate Professor has been transferred in 2016 in Government Institute of Science, Nagpur.

5. From the aforesaid circumstances, it will be clear that the events of the applicant regarding his seniority and also his claim for the post of Head of the Department has not yet been settled by the Department. The Ld. counsel for the applicant submits that the O.A. can be disposed of, if necessary directions are issued to the competent respondent authority i.e. the State Government, who may, in consultation with the Director i.e. respondent No.2 take a decision on

the representation filed by the applicant.

6. The learned P.O. also agrees for the same. In view thereof, following order is passed:-

### **ORDER**

(i) The O.A. stands disposed of with directions to respondent Nos. 1 and 2 to take an appropriate decision as per rules and regulations on the representations filed by the applicant from time to time i.e. on 10.3.2016, 18.7.2016, 23.3.2016 and 1.7.2016 within a period of two months from the date of this order.

- (ii) Learned counsel for respondent No.4 submits that she was added as respondent in the proceedings, hence she may be given an opportunity to make representation before the competent authority.
- (iii) It is needless to say that she cannot be prevented from filing any representation in this regard. If she files such representation within one week from today, the competent authority may also consider that representation alongwith the representation of the applicant, provided that the copy of such representation is handed over to the

applicant and the  
respondents in  
advance.

- (iv) Steno copy be provided  
to the learned C.P.O.

Vice-  
Chairman(J)

Pdg