

O.A. No. 184/2016

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

Dated : 13.09.2017.

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 file rejoinder as well as amendment application, if necessary. At his request, **S.O. three weeks.**

Vice Chairman (J)

dnk.

O.A. No. 113/2017

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

Dated : 13.09.2017.

C.A.53/2017

Heard Shri R.V. Shiralkar, Id. counsel for the applicants and Shri V.A. Kulkarni, Id. P.O. for the respondents.

The learned counsel for the applicants submits that he may be permitted to withdraw the application for condonation of delay with liberty to file separate application for condonation of delay.

In view of above, the C.A. stands disposed of as withdrawn with liberty to file separate application.

O.A. 113/2017 –

S.O. four weeks.

Vice Chairman (J)

dnk.

O.A. No. 144/2017

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

Dated : **13.09.2017.**

C.A.82/2017 -

Shri S.S. Bhalerao, Id. counsel holding for Shri T.U. Tathod, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1&2 and Shri S.M. Pande, Id .counsel for R-3.

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

Vice Chairman (J)

dnk.

O.A. No. 786/2015

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

Dated : **13.09.2017.**

C.A.400/2017

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

The learned P.O. submits that she wants to take instructions as to whether to file reply to the application for amendment. The learned counsel for R-3 also seeks time to file reply to the C.A.400/2017.

S.O. one week.

Vice Chairman (J)

dnk.

O.A. No. 760/2016

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

Dated : 13.09.2017.

None for the applicants.

Smt. S.V. Kolhe, Id. P.O. for R-1A,B & 2. Await service of R-3.

2. It seems that since long no steps are taken to serve R-3.

3. In view thereof, issue fresh notice to R-3, 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. No. 271/2017

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

Dated : 13.09.2017.

None for the applicant.

Smt. S.V. Kolhe, Id. P.O. for R-1.
Await service of R-2 to 4.

The respondent nos.2 to 4 are not
yet served.

S.O. four weeks for passing
necessary orders.

Vice Chairman (J)

dnk.

O.A. No. 767/2016

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

Dated : 13.09.2017.

Smt. K.N.Saboo, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1,2,4&5. None for R-3&6.

The learned P.O. is requested to contact the respondent no.3's counsel Shri J.B. Kasat since the reply of respondent no.3 is necessary.

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A. No. 151/2017

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

Dated : 13.09.2017.

Shri S.M. Pande, Id. counsel holding for Shri R.S. Parsodkar, Id .counsel for the applicant and Shri H.K. Pande, Id. P.O. for the Respts.

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

Vice Chairman (J)

dnk.

O.A. No. 403/2017

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

Dated : **13.09.2017.**

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

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

Vice Chairman (J)

dnk.

O.A. No. 491/2017

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

Dated : **13.09.2017.**

Shri Akash Khobragade, Id. counsel holding for Shri I.N. Choudhari, Id. counsel for the applicant and Shri P.N. Warjurkar, 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. No. 528/2017

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

Dated : **13.09.2017.**

None for the applicant. Shri A.M.
Ghogre, 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. No. 222/2013

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

Dated : 13.09.2017.

Shri S.P. Palshikar, Id .counsel for
the applicants and Shri A.P.Potnis, Id
.P.O. for the Respts.

At the request of Id. counsel for
the applicant, **S.O. 18/9/2017.**

Vice Chairman (J)

dnk.

O.A. No. 783/2013

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

Dated : **13.09.2017.**

Mrs. V. Khadekar, Id .counsel for
the applicants and Shri A.M. Ghogre, Id
.P.O. for the Respts.

At the request of Id. counsel for
the applicant, **S.O. three weeks.**

Vice Chairman (J)

dnk.

O.A. No. 676/2014

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

Dated : 13.09.2017.

Shri S. Majid, Id .counsel for the applicants and Shri M.I. Khan, Id .P.O. for the Respts.

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

Vice Chairman (J)

dnk.

O.A. No. 109/2015

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

Dated : **13.09.2017.**

Shri S.Y. Deopujari, Id .counsel for the applicant, Shri H.K. Pande, Id. P.O.for R-1 to 3 and Shri P.A. Kadu, Id .counsel for R-3.

At the request of Id. counsel for respondent no.3, **S.O. 19/9/2017.**

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

Vice Chairman (J)

dnk.

O.A. No. 770/2016

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

Dated : **13.09.2017.**

Heard Shri S.P. Palshikar, Id
.counsel for the applicant and Shri A.M.
Khadatkar, Id .P.O. for the Respondents.

Closed for orders.

Vice Chairman (J)

dnk.

O.A. No. 44/2013

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

Dated : 13.09.2017.

Shri S.P. Palshikar, Id .counsel for
the applicant and Shri A.M. Khadatkar, Id.
P.O. for the respondents.

At the request of Id. counsel for
the applicant, **S.O. four weeks.**

Vice Chairman (J)

dnk.

O.A. No. 185/2017

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

Dated : **13.09.2017.**

Heard Shri T. Rahul, Id. counsel
for the applicant and Shri S.A. Sainis, Id.
P.O. for the respondents.

Closed for orders.

Vice Chairman (J)

dnk.

O.A. No. 561/2017

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

Dated : 13.09.2017.

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

2. The learned P.O. seeks time to file reply in this matter for which the learned counsel for the applicant has strongly objected. In fact vide order dated 16/8/2017 also the learned counsel for the applicant insisted for interim relief and this Tribunal was pleased to observe that on the point of interim the order has already been passed on 2/8/2017 by the Vice Chairman (J) (i.e. myself) and therefore the interim relief was not considered. No new circumstances has been brought on record, unless and until the reply is filed the matter cannot be heard on the point of interim relief.

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A. No. 562/2017

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

Dated : 13.09.2017.

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

2. The learned P.O. seeks time to file reply in this matter for which the learned counsel for the applicant has strongly objected. In fact vide order dated 16/8/2017 also the learned counsel for the applicant insisted for interim relief and this Tribunal was pleased to observe that on the point of interim the order has already been passed on 2/8/2017 by the Vice Chairman (J) (i.e. myself) and therefore the interim relief was not considered. No new circumstances has been brought on record, unless and until the reply is filed the matter cannot be heard on the point of interim relief.

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A. No. 724/2016

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

Dated : 13.09.2017.

None for the applicant.

2 Heard Shri A.M. Khadatkar, Id. P.O. for the respondents.

3. On 4/9/2017 the learned P.O. has placed on record the copy of the order dated 29/8/2017 from which it seems that the impugned order passed in respect of applicant whereby she has been transferred to Chandrapur has now been modified and the applicant has been transferred to Pune. However, since nobody appeared for the applicant on that date the matter was kept today for passing necessary order.

4. In the O.A. the applicant has requested that the impugned order of transfer dated 14/10/2016 in respect of her posting from Bhandara to Chandrapur has now been cancelled and the applicant has been posted at her choice post i.e. at Pune. Thus nothing survives in the O.A. The applicant therefore may not be interested in prosecuting the O.A.

5. In view thereof, the O.A. stands dismissed.

Vice Chairman (J)

dnk.

O.A. No. 533/2015

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

Dated : 13.09.2017.

None for the applicant.

2 Heard Smt. S.V. Kolhe, Id. P.O. for the respondent nos. 1&2. None for R-3.

3. In this O.A. the applicant has claimed that the order dated 3/8/2015 issued by respondent no.2 (Annex-A-6) whereby the respondent no.3 has been selected for the post of Police Patil of village Chambhai, Tq. Mangrulpri, District Washim be quashed and set aside and he is also claiming that respondent no.2 be directed to appoint the applicant as Police Patil for the said village. The learned P.O. has placed on record the copy of the order dated 1/9/2015 which is marked Exh-X for the purposes of identification for which it seems that one Mr. Dinesh G. Fuke who is respondent no.3. in this case has already been appointed as Police Patil and he is very much working as such since then. The very purpose of O.A. thus stand frustrated. If at all the applicant is

aggrieved by the appointment of respondent no.3, he should have challenged the said appointment order. In view thereof, nothing survives in the O.A. and hence the same stands dismissed with no order as to costs.

Vice Chairman (J)

dnk.

O.A. No. 480/2017

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

Dated : 13.09.2017.

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

2. In this O.A. the applicant has challenged the impugned order of his transfer dated 21/6/2017 (Annex-A-1) whereby the applicant was transferred from the post of Block Development Officer (BDO), Panchayat Samiti, Lakhandur, Dist. Bhandara to Block Development Officer (BDO), Panchayat Samiti, Arvi, Dist. Wardha. Since the applicant was not relieved, it was directed to respondent authority not to relieve the applicant till further orders.

3. The learned P.O. has placed on record the communication received by him dated 23/8/2017 (P-50) wherein it has been stated as under :-

^2- R; k vutlakus Jh-Mh, e-najj xVfodkl
vf/kdkjh] i pk; r l ferh] yk[kanj] ft- HkMjk ; kph
fnukad 21@6@2017 jksthp; k vkns kUo; s >kysyh
cnyh jnn d#u R; kph inLFkki uk xVfodkl

vf/kdkjh] i pk; r l ferh] yk[kknij] ft- HkMkj ; k
i nkoj i wsl # B0.; kl kBh i Lrko 'kkl u ekU; rd kBh
l knj dj.; kr vkyk vkgs mijkDr i Lrkokl vfre
ekU; rk i klr >ky; kurj ; kckcrps vknsk fuxTer
dj.; kr ; shty- mijkDr oLrFLFkrh ek-
U; k; kf/kdj.kkps fun'kLkl vk.k.; kr ; koh gh
fourth**

4. From the aforesaid circumstances it will be clear that the respondent authority is going to cancel the impugned order of transfer. In view thereof, nothing survives in this O.A. Hence, the O.A. stands disposed of. The respondents are directed to continue the applicant at his post at Lakhandur. No order as to costs.

Vice Chairman (J)

dnk.

O.A. No. 176/2010 with C.A. 114/17

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

Dated : 13.09.2017.

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

At the request of Id. P.O., **S.O.**
22/9/2017.

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

Vice Chairman (J)

dnk.

O.A. No. 343/2017

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

Dated : 13.09.2017.

Heard Shri Bharat Kulkarni, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. Shri Kulkarni, learned counsel files rejoinder on behalf of the applicant. It is taken on record. Copy is served to the learned P.O.

3. Vide order dated 31/5/2017 issued by respondent no.2 the applicant has been transferred on the post of Fitter Mechanic from Government Milk Scheme, Chandrapur to Government Milk Scheme, Gondia. The reason for the said transfer is shown that one Shri S.N. Kawale has retired and therefore the post is vacant.

4. The learned counsel for the applicant pointed out that the applicant has been transferred at his present post at Chandrapur vide order dated 31/5/2016. In fact on 30/5/2016 an order was passed whereby the applicant was shown to have been transferred from

Wardha to Wardha, but vide corrigendum dated 31/5/2016 the applicant came to be transferred at Chandrapur and since 31/5/2016 the applicant is at Chandrapur. By virtue of interim relief granted by this Tribunal the applicant is still working at Chandrapur.

5. It is admitted fact that the applicant was transferred to Chandrapur in the year 2016 i.e. vide order dated 31/5/2016 and has not completed his tenure at Chandrapur.

6. The learned P.O. submits that the post at Gondia was lying vacant because of the retirement of one Shri S.N. Kawale, Fitter Mechanic who retired on 31/5/2017 on superannuation and therefore there was need to accommodate the applicant in place of Shri Kawale. Admittedly, the Minutes of Meeting has not placed on record to prove that there was administrative exigency to do so. The approval of the competent authority is also not obtained for mid-term transfer.

7. Considering all the aforesaid aspects, I am satisfied that the impugned order dated 31/5/2017 whereby the applicant has been transferred on the post of Fitter Mechanic from Government Milk Scheme, Chandrapur to Government

Milk Scheme, Gondia is not legal and proper and hence the following order :-

ORDER

The O.A. is allowed. The impugned order dated 31/5/2017 as regards applicant's transfer from Chandrapur to Gondia is quashed and set aside. The applicant shall be allowed at Chandrapur in his present post till he completes his tenure or till the administrative exigency arises.

Vice Chairman (J)

dnk.

T.A. No. 392/92 in W.P. No.2786/88.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 13th September 2017.

Shri Abhishek Pathak, Adv. holding for Shri S.V. Sirpurkar, the learned counsel for the applicant and Smt. S.V. Kolhe, the learned P.O. for the respondents.

Registrar of this Tribunal to verify about the notice issued to the applicant.

S.O. **one week.**

Vice-
Chairman(J)

pdg

O.A. No. 268/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 13th September 2017.

Miss Poonam Moon, the learned counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents 1 and 2. Shri G.K. Bhusari, Ld. counsel for R.3.

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

S.O. **two weeks.**

Vice-
Chairman(J)

pdg

O.A. No. 544/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 13th September 2017.

Heard Shri J.C. Shukla, the learned counsel for the applicant and Shri A.P. Potnis, the learned P.O. for the respondent No.1.

Hamdast is not collected from R. 2 to 5. Hence, it be kept after **two weeks** for dismissal.

Vice-
Chairman(J)

pdg

O.A. No. 461/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 13th September 2017.

None for the applicant. Shri S.A.
Deo, the learned C.P.O. for the
respondent No.1.

Await service to R. 2 & 3.

S.O. two weeks.

Vice-
Chairman(J)

pdg

O.A. No. 535/2016.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 13th September 2017.

Heard Shri N.S. Warulkar, the learned counsel for the applicant and Shri the learned P.O. for the respondents 1 and 2. Shri A.D. Girdekar, Adv. for R.4. None for R.3.

The learned counsel for the applicant submits that he wants to withdraw the O.A. and wants to file appropriate application before the Hon'ble High Court and, therefore, he seeks permission to withdraw the O.A. with such liberty. In view thereof, O.A. stands disposed of as withdrawn with liberty to approach the appropriate forum. No order as to costs.

Vice-
Chairman(J)

pdg

O.A. No. 310/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 13th September 2017.

Shri N.S. Warulkar, Adv. holding
for Shri S.P. Palshikar, the learned
counsel for the applicant and Shri P.N.
Warjekar, the learned P.O. for the
respondents.

S.O. **two weeks.**

Vice-
Chairman(J)

pdg

O.A. No. 512/2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 13th September 2017.

Heard Smt. R. Deshpande, the learned counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents.

The learned P.O. has filed reply affidavit on behalf of R.2. The same is taken on record and a copy thereof is supplied to the learned counsel for the applicant.

The Ld. P.O. submits that this reply covers the defence taken by other respondents.

The learned counsel for the applicant seeks one week's time.

S.O. **one week** for filing rejoinder.

Vice-
Chairman(J)

pdg

O.A. Nos. 523, 524 and 525 of 2017.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 13th September 2017.

None for the applicants. Shri H.K. Pande, the learned P.O. for the respondents.

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

Put up alongwith
O.A.No.159/2016.

Vice-
Chairman(J)

pdg

O.A. Nos.159/2016.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 13th September 2017.

Shri J.C. Shukla, the learned counsel for the applicants and Shri S.A. Sainis, the learned P.O. for the respondents.

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

Put up alongwith O.A. Nos. 523,
524 and 525 of 2017.

Vice-
Chairman(J)

pdg

O.A. No. 173/2006.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 13th September 2017.

Heard Shri R.V. Shiralkar, the learned counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

Reply to the amended O.A. is not filed. Hence, the matter is taken for hearing with consent of parties.

The Hon'ble High Court vide order dated 30.1.2017 in W.P. No.4978/2016 has specifically observed that it is necessary for the applicant to produce the documents and to amend the O.A. and also it is necessary for respondent No.2 to file reply to the amended O.A. It seems that the applicant has amended the O.A. accordingly and added paras 4.8 to 4.12 and paras (vi) and (vii) and also amended prayer clause. Opportunity was given to the respondents to give reply to the said amended O.A. As already observed by the High Court, it was directed that opportunity be given to the respondents to reply to the amended pleadings.

The Ld. P.O. has submitted that he has intimated vide letter dated 9.8.2017 to both the respondents that there is a need to file reply

affidavit. However, no response has been received from them. In view thereof, respondent Nos. 1 and 2 are directed to appear before this Tribunal and to file reply affidavit to the amended O.A., since same is necessary for deciding the issue involved.

S.O. **two weeks**.

Steno copy provided to the Ld.
P.O.

Vice-
Chairman(J)

pdg

O.A. No. 358/2009.

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 13th September 2017.

Heard Shri S.P. Palshikar, the learned counsel for the applicant and Smt. S.V. Kolhe the learned P.O. for the respondents 1 to 3. None for R.4 and 5.

At the request of learned counsel for the applicant, S.O. **18th September 2017.**

Vice-
Chairman(J)

O.A. No. 613/2017.(S.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 13th September 2017.

C.A.No.396/2017.

Shri N.B. Rathod, the learned counsel for the applicant and Mrs. S.V. Kolhe, the learned P.O. for the respondents 1, 2 and 4. None for R.3.

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

Vice-
Chairman(J)

pdg

O.A. No. 772/2014.(S.B.)

Coram: Shri J.D. Kulkarni,
Vice-Chairman (J).
Dated : 13th September 2017.

Shri A.M. Tirukh, the learned counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

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

Vice-
Chairman(J)

pdg