

O.A.643/2017

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

**Dated : 29.08.2017.**

Heard Shri S.P. Palshikar, Id. Counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the State.

2. The applicant has challenged the order dated 31/7/2017 whereby he has been transferred from the post of Head Clerk, Divisional Deputy Commissioner of Social Welfare Office, Nagpur to Social Welfare Office (Education Department), Pune in place of one Smt. Khalekar who is kept under suspension. The learned counsel for the applicant submits that the applicant has not been transferred to the vacant post as Smt. Khalekar is under suspension and there will be problem for receiving salary if the applicant joined there. The leaned P.O. submits that it is possibility that Smt. Khalekar's head quarter might have been changed since she has been kept under suspension. Admittedly the applicant has completed his tenure at Nagpur and therefore due for transfer.

3. The learned counsel for the applicant has also invited my attention to one order dated 23/5/2017 whereby the applicant has been transferred to the office of Commissioner of Social Welfare, Pune. However this order is not passed by the Competent Authority. The said order is however not challenged in this O.A. The learned counsel for the applicant seeks permission to amend the O.A. for challenging order dated 23/5/2017. It is stated that the applicant has not yet been relieved from his post at Nagpur. The learned P.O. submits that he will take instructions as to whether the post of applicant where he has been transferred at Pune is vacant or not. In view of this , the matter is kept on 4/9/2017. Till that time, the respondents are directed not to relieve the applicant if he is yet not relieved.

4. Issue notice to R-2 and 3, returnable on 4/9/2017. Learned 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. 4/9/2017.**

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

**Vice Chairman (J)**

dnk.

O.A.639/2017

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

**Dated : 29.08.2017.**

Heard Shri A.J. Kadu, Id. Counsel for the applicant and Shri M.I. Khan, Id. P.O. for the State.

2. The applicant has challenged the impugned order dated 21/8/2017 issued by respondent no.2, i.e., the Additional Commissioner, Tribal Development Department, Amravati whereby the applicant's earlier order of transfer to Pusad has been cancelled and the applicant has been directed to join at Government Secondary English School, Harshi. The learned counsel for the applicant submits that the applicant has not yet been relieved.

3. Prima facie it seems that the applicant was earlier transferred from Musalwadi, Tq. Malegaon, Dist. Washim to Government Ashram School (English Medium), Pusad as per order dated 25/5/2017. It is stated that the applicant has accordingly joined but suddenly the order has been cancelled. Considering

this aspect, the respondents are directed not to relieve the applicant if he is not yet relieved.

4. Issue notice to R-2 to 5, returnable on 26/9/2017. Learned 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. 26/9/2017.**

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

**Vice Chairman (J)**

dnk.

O.A.541/2017

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

**Dated : 29.08.2017.**

Shri R.V. Shiralkar, Id. Counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1. Await service of R-2 to 4.

2. The learned counsel for the applicant submits that the notices have been served to the respondents and he will file service affidavit. The learned P.O. also seeks time to file reply.

3. In the meantime, the respondents are directed not to recover the amount as per notice dated 19/6/2017.

**S.O. 26/9/2017.**

**Vice Chairman (J)**

dnk.

O.A.144/2017

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

**Dated : 29.08.2017.**

**C.A.82/2017 -**

Heard 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.

2. The learned P.O. files affidavit-in-reply on behalf of R-2 in C.A. It is taken on record. Copy is served on the applicant.

3. The O.A. is filed along with application for condonation of delay. In the O.A. the applicant has challenged the appointment of respondent no.3 as Police Patil. The said appointment order is dated 19/12/2015. The learned counsel for the applicant submits that initially he sought some documents which were not supplied to him and thereafter he has taken objection to the appointment of respondent no.3 on 21/4/2016. Thereafter he has also filed a complaint to the competent authority regarding selection of respondent no.3. However



the said complaint is still pending and no decision is taken thereon. The learned P.O. submits that he will take instructions as regards the status of pending complaint.

**S.O. 6/9/2017.**

**Vice Chairman (J)**

dnk.

O.A.256/2017

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

**Dated : 29.08.2017.**

**C.A.237/2017**

None for the applicants.

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

The application has been kept today on the point of maintainability. On last two occasions also it was kept for similar purpose. However, none appeared for the applicant. Hence, the matter be kept for dismissal on **6/9/2017**.

**Vice Chairman (J)**

dnk.

O.A.793/2016

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

**Dated : 29.08.2017.**

Shri R.V. Shiralkar, 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.**  
**6/9/2017** for filing reply.

**Vice Chairman (J)**

dnk.

O.A.134/2017

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

**Dated : 29.08.2017.**

None for the applicant. Shri A.M.  
Ghogre, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O.**  
**26/9/2017** for filing reply.

**Vice Chairman (J)**

dnk.

O.A.433/2017

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

**Dated : 29.08.2017.**

Shri R.V. Shiralkar, 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.**  
**19/9/2017** for filing reply.

**Vice Chairman (J)**

dnk.

O.A.538/2017

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

**Dated : 29.08.2017.**

Shri K.N. Nalamwar, Id. Counsel  
for the applicant, Shri A.M. Ghogre, Id.  
P.O. for R-1&2 and Shri Rahul Tajne, Id.  
Counsel for R-3.

At the request of Id. P.O.,  
**S.O.19/9/2017** for filing reply.

**Vice Chairman (J)**

dnk.

O.A.140/2017

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

**Dated : 29.08.2017.**

Heard Shri M.K. Mishra, Id. Counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. In the O.A. the applicant is claiming direction to respondent no.2 to regularize and count the past services of the applicant from 1/11/1994 as per the G.R. dated 31/1/1996. He is also claiming a direction to respondent no.1 to decide the recommendation of respondent no.2 as regards continuity in service from 1/11/1994 as per recommendation dated 2/11/2015.

3. The learned P.O. has placed on record the communication dated 22/8/2017 which is marked Exh-X for the purpose of convenience along with the copy of the proposal dated 16/6/2015. It seems that as per said proposal the case of the applicant has been recommended for regularization. The learned P.O. submits that the application may be disposed of with direction. The learned

counsel for the applicant also admits for such direction and submits that the proposal shall be decided within stipulated period. In view thereof, the following order :-

**ORDER**

The application stands disposed of with direction to respondent nos. 1 and 2 to take decision on the proposal dated 16/6/2015 submitted by the Deputy Conservator of Forests, Chandrapur to the Chief Conservator of Forests, Chandrapur. Such decision shall be taken within three months from the date of this order and same shall be communicated to the applicant in writing. No order as to costs.

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

**Vice Chairman (J)**

dnk.



O.A.514/2017

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

**Dated : 29.08.2017.**

Heard Shri R.D. Karode, Id. Counsel for the applicant, Shri S.A. Deo, Id. CPO for R-1 and Shri A.M. Kukday, Id. Counsel for R-2&3.

2. The learned counsel for the applicant insists with interim relief shall be granted to the applicant vide impugned order dated 31/5/2017 whereby the applicant has been transferred from the post of Junior Engineer at Gosekhurd Project, sub division no.2, Weltur, Nagpur. Admittedly, the applicant is at Arvi since last 15 years. In such circumstances, it is not fit case to grant any interim relief. Since the notices are already served on the respondents. The respondents are directed to file reply. The learned P.O. as well as learned counsel for R-3 seek time to file reply.

**S.O. 26/9/2017.**

**Vice Chairman (J)**

O.A.514/2017

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

**Dated : 29.08.2017.**

Heard Shri S.R. Chakraovarati, Id. Counsel for the applicant, Shri S.A. Deo, Id. CPO for R-1 and Shri A.M. Kukday, Id. Counsel for R-2&3.

2. The learned counsel for the applicant insists that the interim relief shall be granted to the applicant vide impugned order dated 31/5/2017 whereby the applicant has been transferred from the post of Junior Engineer from Wardha Lower Project, sub division no.2, Arvi to Gosekhurd Project, sub division no.2, Weltur, Nagpur. Admittedly, the applicant is at Arvi since last 15 years. In such circumstances, it is not a fit case to grant interim relief. Since the notices have already been served on the respondents, the respondents are directed to file reply. The learned P.O. as well as learned counsel for R-3 seek time to file reply.

**S.O. 26/9/2017.**

**Vice Chairman (J)**

O.A.832/2016

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

**Dated : 29.08.2017.**

**C.A.Nos. 77/2017 & 406/2017**

Heard Ms. R. Pande, Id. Counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

2. Vide both the C.As. the applicant is claiming permission to amend the O.A. In view of the subsequent developments vide which the applicant's representations for earned leave and medical leave have been decided vide communication dated 20/3/2017. The applicant wants to bring this subsequent event on record. I am satisfied that the proposed amendment will not change the nature of the relief claimed in the O.A. In view thereof, both the C.As. are allowed. The applicant is allowed to amend the O.A. accordingly. The learned counsel for the applicant submits that she will amend the O.A. within two weeks. The amended copy be given to the learned P.O. and after receiving the copy the learned P.O. shall file reply within four weeks.

**S.O.26/9/2017.**

**Vice Chairman (J)**

O.A.416/2017

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

**Dated : 29.08.2017.**

**C.A.410/2017**

Heard Shri R. Pande, Id. Couse  
lfor the applicant and Shri A.M. Ghogre,  
Id. P.O. for the respondents.

2. The O.A. has been filed for appropriate directions to the respondents to incorporate the name of the applicant in the list of absorption dated 15/6/2017 (A-10,P-59). In the meantime, the applicant has been terminated vide impugned order dated 25/7/2017 and even though there was observations made by this Tribunal that the applicant may not be terminated. The applicant now wants to amend the O.A. in view of the subsequent development. For the reasons stated in the application and in view of the fact that the impugned order dated 25/7/2017 has been issued subsequent to the filing of this O.A., the application for amendment is allowed. The applicant to carry out the amendment within one week. The learned counsel for

the applicant submits that the applicant may be reinstated by way of interim relief. However such interim relief cannot be granted unless the respondents are heard in the matter. After the amendment to the O.A. amended copy be supplied to the learned P.O. and after receiving the copy the learned P.O. shall file reply within four weeks.

**S.O. 26/9/2017.**

**Vice Chairman (J)**

**O.A. No. 755/2015.**

**Coram : J.D. Kulkarni,  
Vice-Chairman (J)  
Dated : 29<sup>th</sup> August 2017.**

**C.A.No.259/2017.**

Shri S.D. Dharaskar, Adv. holding for Shri Vipul Bhise, the learned counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents 1 and 2. None for R. 3 to 18.

At the request of Ld. P.O., S.O. **26<sup>th</sup> September 2017** to supply addresses.

Vice-  
Chairman  
(J)

pdg.

**O.A. No. 122/2016.**

**Coram : J.D. Kulkarni,  
Vice-Chairman (J)**  
**Dated : 29<sup>th</sup> August 2017.**

Heard Shri A. Bhole, the learned counsel for the applicants and Shri A.M. Ghogre, the learned P.O. for the respondents.

At the request of Ld. counsel for the applicant, S.O. **26<sup>th</sup> September 2017** to serve respondent No.2.

Vice-  
Chairman  
(J)

pdg.

**O.A. No. 174/2016.**

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

**Dated : 29<sup>th</sup> August 2017.**

**C.A. No.300/2017.**

Heard Shri A. Bhole, the learned counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents. Shri M.M. Sudame, Ld. Adv. for the Proposed Intervener.



The Ld. P.O. as well as the learned counsel for the applicant seek time to file reply.

**S.O. 26<sup>th</sup> September 2017.**

Vice-  
Chairman  
(J)

pdg.

**O.A. No. 03/2017.**

**Coram : J.D. Kulkarni,  
Vice-Chairman (J)**  
**Dated : 29<sup>th</sup> August 2017.**

**C.A. 280/2017.**

Heard Shri H.B. Bargat, the learned counsel for the applicant and Shri ,the learned P.O. for the respondents.

This application has been file for issue of directions to the respondents for proper enquiry in respect of deemed date of promotion being given to the applicant to the post of Aval Karkun. In affidavit in reply, respondent No.3 has stated that the respondent No.2 is going to convene the meeting of D.P.C. in the second week of September 2017 for deciding the proposal of scrutiny to the deemed date and that the applicant's claim will be considered in the said meeting. In view of this, there is no need to give any special directions to respondent Nos. 2 and 3. Hence, the Civil Application stands disposed of accordingly.

**O.A. No. 03/2017.**

Heard both sides.

Since the pleadings in the O.A. are complete, O.A. is admitted and kept for final hearing after four weeks.

S.O. **26<sup>th</sup> September 2017.**

Vice-  
Chairman  
(J)

pdg.

**O.A. No. 434 and 435 of 2017.**

**Coram : J.D. Kulkarni,  
Vice-Chairman (J)  
Dated : 29<sup>th</sup> August 2017.**

None for the applicants. Smt. S.V. Kolhe, the learned P.O. for the respondents.

At the request of Ld. P.O., S.O. **26<sup>th</sup> September 2017** for filing reply affidavit.

Vice-  
Chairman  
(J)

pdg.

**O.A. No. 437/2017.**

**Coram : J.D. Kulkarni,  
Vice-Chairman (J)**  
**Dated : 29<sup>th</sup> August 2017.**

None for the applicants. Shri A.M. Ghgore, the learned P.O. for the respondents.

Applicant to file service affidavit in respondent Nos. 2 to 5.

S.O. **19<sup>th</sup> September 2017.**

Vice-  
Chairman  
(J)

pdg.

**O.A. No. 640/2017.**

**Coram : J.D. Kulkarni,  
Vice-Chairman (J)**  
**Dated : 29<sup>th</sup> August 2017.**

Heard Shri M.M. Sudame, the learned counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents.

The Ld. counsel for the applicant undertakes to remove office objection.

S.O. **4<sup>th</sup> September 2017** for removing office objection.

Vice-  
Chairman  
(J)

pdg.

**O.A. No. 65/2016.**

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

**Dated : 29<sup>th</sup> August 2017.**

Heard Shri K.V. Deshmukh,  
the learned counsel for the  
applicant and Shri M.I. Khan,  
the learned P.O. for the  
respondents.

At the request of Ld. P.O.,  
S.O. 19<sup>th</sup> September 2017 for  
filing reply as a last chance.

Vice-  
Chairman  
(J)

pdg.

**O.A. No. 98/2016.**

**Coram : J.D. Kulkarni,  
Vice-Chairman (J)**  
**Dated : 29<sup>th</sup> August 2017.**



Heard Shri S.R. Charpe, the learned counsel for the applicants and Shri A.M. Ghgore, the learned P.O. for the respondents 1 to 4. None for R.5.

At the request of Ld. P.O., S.O. **4<sup>th</sup> September 2017** for filing reply affidavit.

Vice-  
Chairman  
(J)

pdg.

**O.A. No. 814/2016.**

**Coram : J.D. Kulkarni,  
Vice-Chairman (J)  
Dated : 29<sup>th</sup> August 2017.**

Miss Amruta Gupta, Adv. holding for Shri P.B. Patil, the learned counsel for the applicants and Shri A.P. Potnis, the learned P.O. for the respondents.

At the request of Ld. counsel for the applicant, S.O. **12<sup>th</sup> September 2017** for filing rejoinder, if any.

Vice-  
Chairman  
(J)

pdg.

**O.A. No. 04/2017.**

**Coram : J.D. Kulkarni,  
Vice-Chairman (J)  
Dated : 29<sup>th</sup> August 2017.**

Heard Shri H.B. Bargat, the learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

Since the pleadings are complete, O.A. is admitted and kept for final hearing on **26<sup>th</sup> September 2017.**

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

Vice-  
Chairman  
(J)

pdg.

**O.A. No. 481/2017.**

**Coram : J.D. Kulkarni,  
Vice-Chairman (J)**  
**Dated : 29<sup>th</sup> August 2017.**

Heard Shri P.J. Mehta, the learned counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents.

The Ld. CPO has filed affidavit in reply on behalf of R.2/MPSC. It is taken on record and a copy thereof is supplied to the learned counsel for the applicant. Ld. counsel for the

applicant wants to go through the reply and file rejoinder, if necessary.

Ld. CPO submits that the reply of R.1 is not necessary, since the relevant party is respondent No.2.

**S.O. 4<sup>th</sup> September 2017.**

Vice-  
Chairman  
(J)

pdg.

**O.A. No. 615/2017.**

**Coram : J.D. Kulkarni,  
Vice-Chairman (J)  
Dated : 29<sup>th</sup> August 2017.**

Heard Shri P.J. Mehta, the learned counsel for the applicants

and Shri S.A. Deo, the learned C.P.O. for the respondents.

The Ld. CPO seeks time to file reply on behalf of R. 1 and 2. Time granted.

S.O. **4<sup>th</sup> September 2017.**

Vice-  
Chairman  
(J)

pdg.

**O.A. No. 539/2017.**

**Coram : J.D. Kulkarni,**

**Vice-Chairman (J)**  
**Dated : 29<sup>th</sup> August 2017.**

Heard Shri M.M. Sudame, the learned counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents.

At the request of Ld. CPO, S.O. **12<sup>th</sup> September 2017** for filing reply.

Vice-  
Chairman  
(J)

pdg.