

O.A. No.251/2017

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

**Dated : 29.09.2017.**

**C.A.314/2017**

Mrs. Priti Patekar, Id. counsel holding for Shri D.I. Charlewar, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1&3. Await service of R-2.

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

**Vice Chairman (J)**

dnk.

O.A. No.521/2017

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

**Dated : 29.09.2017.**

**C.A.338/2017**

Heard Shri N.D. Thombre, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1&2 and Shri M.V. Mohokar, Id. counsel for R-3&4. None for R-5.

2. The applicant in the O.A. has claimed that his LPC was properly drawn on 23/6/2015 as per Annex-A-2 but suddenly vide order dated 7/10/2015 the said LPC has been modified. The applicant has challenged this action. There is a delay for filing the O.A. No reply is filed on behalf of the respondents to the delay application.

3. The learned counsel for the applicant submits that there was delay because litigation in O.A.108 along with O.A. Nos.176 & 197 of 2016 pending before this Tribunal at Nagpur in which the applicant was party. The said O.A. came to be decided vide order dated 13/12/2017 in which the Hon'ble Tribunal

was pleased to observed in para-7 as under :-

*“Having regard to the aforesaid facts and circumstances of the case, Medical Officers who were recruited in the District Technical Service, Class-III and whose names figure in the list of 869 Medical Officers absorbed as Group B Medical Officers in terms of G.R. dated 17/10/2014, are eligible to get pay in the scale of Rs.8000-13500 in the 5<sup>th</sup> pay commission. They are also entitled to get pay in the pay band of Rs.9300-34800+grade pay of Rs.5400/- in the 6<sup>th</sup> pay commission. The present applicants, are also entitled to the above pay scale/pay band if their names figured in the list of Medical Officers, Group C working in Z.Ps, who were absorbed in Group B posts by G.R. dated 17/10/2014. These original applications are accordingly disposed of with no order as to costs.”*

4. The applicant was hoping for the action in view of the aforesaid directions, but no action was taken and therefore there is a delay. So called delay cause for filing application is therefore condoned

in the interest of justice and equity. In view thereof, the C.A. for condonation of delay is allowed with no order as to costs.

**O.A.521/2017** –

Heard Shri N.D. Thombre, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1&2 and Shri M.V. Mohokar, Id. counsel for R-3&4. None for R-5.

2. Issue notice to R- 5, returnable in **four weeks**. Learned P.O. for R-1&2 as well as Id. counsel for R-3&4 waives respective notices. Hamdast allowed.

3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

4. 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.

5. 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.

6. 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.

7. **S.O. four weeks.**

**Vice Chairman (J)**

dnk.

O.A. No.739/2017

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

**Dated : 29.09.2017.**

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the State.

2. The applicant Dr. Suchita D. Dhande has been serving as a Livestock Development Officer in the District Polyclinic Center at Chandrapur. She has been transferred from Chandrapur to Purada in Tahsil Kurkheda, Dist. Gadchiroli in place of one Dr. Gajbhiye. It is stated that though the transfer order has been issued on 31/5/2017, the officers were to be relieved on 30/9/2017. The applicant filed representation for change of her posting, but the same has not yet been considered. The applicant's representation is dated 27/6/2017 in which she has stated that her husband is serving in WCL at Chandrapur and both her sons are taking education at Chandrapur. It is further stated that the applicant has already worked in naxalite affected area of Gadchiroli during the

period from 1994 to 1997 and then from 2004 to 2009 and therefore her transfer is against the government policy in this regard. Since the applicant is not yet relieved from her post, the respondents are directed not to relieve her till further orders. The learned P.O. is directed to take instructions as regards the status of the representation filed by the applicant on 27/6/2017.

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

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



O.A. No.736/2017

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

**Dated : 29.09.2017.**

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the State.

2. The applicant Dr. Sanjay P. Pardey is a Assistant Commissioner of Animal Husbandry at Akola and has been transferred from Akola to Chikhli, dist. Buldana on the same post. Admittedly he was due, but he is yet not relived. The applicant has filed representations dated 11/7/2017 and then on 30/8/2017 to the Secretary of Animal Husbandry Department and Commissioner of Animal Husbandry Department respectively. In both the representations it is stated as under :-

(1) Representation dated 11/7/2017 -

^ek>s vkblyk fnukd 24@4@2017 jksth RIGHT BREAST MALINGNANCY (BREAST CANCER) ps funk u >kysys v l u fnukd 30@4@2017 jksth RIGHT BREAST o MAJOR OPERATION >kysys vkgs l ?ki fjfLFkrhr fnukd 5@7@2017 jksth MKNDVjkah

fryk CHEMOTHEUAY ADVICE dsysyh vkgs  
CHEMOTHEURAPY QDr ulxiij ; Flp mi yC/k  
vI u fryk CHEMOTHEURAPY P; k  
TREATMENT I kBh MKDVjkauh I kixryy; k fnuadkl  
oGkoGh U; kos ykxrs ?kjkrhy ekBk ewyxk ; k ukR; kus  
vkbzyk oGkoGh ulxiij ; Fls mi pkjkl kBh eyk U; kos  
ykxrs R; keGsfnyyh inLFkki uk gh vkbP; k oSkdh;  
n"V; k xjI ks hph vkgs rI p ek>k ewyxk gk ; ko"khZ  
b; Rrk 10 oh yk vI u R; kph gskkjh 'kSkf.kd vMp.k  
g; keGsek>h >kysyh cnyh gh xjI ks hph vkgs rI p  
ek>; k ofMykps fu/ku >kysys vI Y; keGsdks/qcd  
tckcnkjh I wnk ek>; koj p vkgs\*\*

(2) Representation dated 30/8/2017 -

^ek>s vkbzyk fnuad 24@4@2017 jksth RIGHT  
BREAST MALINGNANCY (BREAST CANCER)  
ps funku >kysys vI u fnuad 30@4@2017 jksth  
RIGHT BREAST o MAJOR OPERATION >kysys  
vkgs I ?ki fjfLFkrhr fnuad 5@7@2017 jksth MKDVjkauh  
fryk CHEMOTHEUAY ADVICE dsysyh vkgs  
CHEMOTHEURAPY QDr ulxiij ; Flp mi yC/k  
vI u fryk CHEMOTHEURAPY P; k  
TREATMENT I kBh MKDVjkauh I kixryy; k fnuadkl  
oGkoGh U; kos ykxrs ?kjkrhy ekBk ewyxk ; k ukR; kus  
vkbzyk oGkoGh ulxiij ; Fls mi pkjkl kBh eyk U; kos  
ykxrs rI p ek>k ewyxk gk ; ko"khZ b; Rrk 10 oh yk  
vI u R; kph gskkjh 'kSkf.kd vMp.k g; keGsek>h  
>kysyh cnyh gh xjI ks hph vkgs\*\*

3. Both the representations are still pending. For the reasons stated in the representations and considering the genuineness of the claim of the applicant the respondent nos. 1 & 2 are directed to take action on the representations filed by the applicant with sympathetic view. The decision on the said representations shall be taken within one month from the date of this order and till that time the transfer of the applicant at Chikhli, Dist. Buldana vide impugned order dated 31/5/2017 is stayed.

4. The decision taken on representations shall be communicated to the applicant in writing. The application therefore stands disposed of accordingly.

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

**Vice Chairman (J)**

dnk.

O.A. No.738/2017

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

**Dated : 29.09.2017.**

**C.A.477/2017**

Heard Shri N.R. Saboo, Id. counsel for the applicants and Shri A.M. Khadatkar, Id. P.O. for the State.

2. By this C.A., the applicants are seeking leave to sue jointly. For the reasons stated in the C.A., leave to sue jointly as prayed for is granted, subject to the applicants paying requisite court fees, if not already paid. C.A. stands disposed of accordingly.

**O.A.738/2017 –**

Heard Shri N.R. Saboo, Id. counsel for the applicants and Shri A.M. Khadatkar, Id. P.O. for the State.

2. The applicant no.1 is the husband of applicant no.2 and both are working as Live Stock Development Officer. The applicant no.2 Deepmala N. Dawande has been transferred from Vihirgaon to Desaiganj, Tq. Wadsa, Dist. Gadchroli.

Whereas, the applicant no.1 Devendra J. Meshram has been transferred from Koregaon Chop, Tq. Desiganj, Dist. Gadchiroli to Khemjai, Tq. Warora, Dist. Chandrapur. Prior to their transfers both the applicants filed representation to the Competent Authority on 8/5/2017. It was clearly mentioned in the said representation that the applicant no.2 Deepmala has delivered a twin in December,2016 only and therefore on that ground so also on the ground of husband and wife being in service be posted at one place or nearby place. However, without considering their request the impugned order has been passed. It is stated that the applicants are not yet relieved from their respective posts. In view thereof, the impugned order of transfer dated 31/5/2017 in respect of applicants only is stayed till further orders.

3. The learned counsel for the applicants submits that the application can be disposed of if their representations dated 8/5/2017 are decided within stipulated period and till that time the applicants shall not be asked to be relieved. In view of the facts discussed in

forgoing paras and considering the prima facie genuine difficulties faced by the applicants, I am of the opinion that in the interest of justice and equity the respondent no.1 is directed to take decision on the representation filed by the applicants on 8/5/2017 as per rules within one month from the date of this order and the same shall be communicated to the applicants in writing. Till that time the impugned order of transfer of the applicants only stand stayed.

4. The learned counsel for the applicant submits that after transfer of the applicants, they have filed another representation dated 9/6/2017 to the Minister also and the copy is placed on record at P.B. page nos. 24&25. However such representation should not be directly sent to the Minister. The applicants will be however at liberty to send the copies of both the representations to the respondent no.1 immediately.

5. In view of above, the O.A. stands disposed of accordingly.

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

**Vice Chairman (J)**

dnk.

O.A. No.648/2017

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

**Dated : 29.09.2017.**

**C.As. 413 & 414 of 2017**

None for the applicants.

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

**S.O. four weeks.**

**Vice Chairman (J)**

dnk.



O.A. No.198/2017

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

**Dated : 29.09.2017.**

**C.A.447/2017**

Shri N.D. Thombre, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1 to 3. None for R-4&5.

The learned P.O. files reply of R-1&2. Same is taken on record. Copy is given to the applicant. The matter was heard on merit but since the reply has been filed today itself, the same is admitted and kept for final hearing on **3/10/2017**.

The learned P.O. waives notice for R-1 to 3.

**S.O. 3/10/2017.**

**Vice Chairman (J)**

dnk.

O.A. No.193/2017

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

**Dated : 29.09.2017.**

Shri P.P. Khaparde, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1. Await service of R-2 to 4.

2. At the request of Id. counsel for the applicant, issue fresh notice to R-2 to 4, returnable in **four weeks**. Hamdast allowed.

3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

4. 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.

5. 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.

6. 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.

7. **S.O. four weeks.**

**Vice Chairman (J)**

dnk.

O.A. No.54/2017

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

**Dated : 29.09.2017.**

Shri N.R. Saboo, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

The pleadings in this case are complete, the similar connected matter is admitted and hence it shall be kept along with O.A.782/2016.

**S.O. three weeks.**

**Vice Chairman (J)**

dnk.

O.A. No.298/2017

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

**Dated : 29.09.2017.**

Shri D.M. Khandait, Id. counsel holding for Shri S.A. Marathe, 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. three weeks.**

**Vice Chairman (J)**

dnk.

O.A. No.426/2017

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

**Dated : 29.09.2017.**

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

At the request of Id. P.O., **S.O. two weeks.**

**Vice Chairman (J)**

dnk.

O.A. No.499/2017

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

**Dated : 29.09.2017.**

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

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

**Vice Chairman (J)**

dnk.

O.A. No.571/2017

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

**Dated : 29.09.2017.**

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

At the request of Id. P.O. as well as Id. counsel for R-3, **S.O. two weeks.**

**Vice Chairman (J)**

dnk.



O.A. No.629/2017

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

**Dated : 29.09.2017.**

Shri N.D. Thombre, Id. counsel for the applicant as well as Shri S.P. Palshikar, Id. counsel present.

Shri A.M. Ghogre, Id. P.O. for the respondents.

At the request of Id. counsel, **S.O.**  
**3/10/2017.**

**Vice Chairman (J)**

dnk.

O.A. No.730/2017

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

**Dated : 29.09.2017.**

Shri G.C. Khond, Id. counsel for  
the applicant and Shri S.A. Sainis, Id.  
P.O. for the State.

At the request of Id. counsel for the  
applicant, **S.O. 3/10/2017.**

**Vice Chairman (J)**

dnk.

O.A. No.734/2017

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

**Dated : 29.09.2017.**

1. Heard Shri N.R.Saboo, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1.
2. Issue notice to R-2 to 4, returnable in **four weeks**. Learned P.O. waives notice for R-1. Hamdast allowed.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. 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.
5. 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.

6. 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.

7. **S.O. four weeks.**

**Vice Chairman (J)**

dnk.

O.A. No.735/2017

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

**Dated : 29.09.2017.**

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

2. The applicant Dr. Anil V. Kadu has been transferred from Bhamberi, Tq. Telhara, Dist. Akola to Jam, Tq. Ghatanji, Dist. Yavatmal. The transfer order is at page no.13 and name of the applicant is at sr.no.67. Admittedly, the applicant has completed his tenure at Bhamberi, Tq. Telhara and is overdue. The only reason is for filing this O.A. is that the applicant has filed a representation prior to his transfer to the Secretary, Department of Agriculture, Animal Husbandry, Mumbai and only ground that his father aged about 80 years and he is required to be taken to the Hospital. Except this, there is no other ground. The applicant has not joined his new post. The learned counsel for the applicant submits that the notices may be issued in this case and in the meantime, the respondents be directed to

decide his representation. This can be done only if the applicant joins his post immediately. The learned counsel for the applicant submits that the applicant is not present today and therefore he wants to take instructions. In view thereof, **S.O. one week.**

**Vice Chairman (J)**

dnk.

**O.A. No. 618/2017. (S.B.)**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J).**  
**Dated : 29<sup>th</sup> September 2017.**  
**C.A. 399/2017.**

Heard Shri A.P. Tathod, the learned counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents 1 to 3. None for R.4.

The learned counsel for the applicant seeks time to file an application for correction of addresses.

S.O. **three weeks.**

Chairman(J) . Vice-

pdg

**O.A. No. 733/2017.**

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

Heard Shri S.M. Bhangde, the learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondent No. 1.

2. The applicant has applied for the post of Police Constable from Sportsman category and his name was earlier shown in the provisional list on merit. But in the final select list, his name has been shown at wait list No.1 and from final select list, his name has been deleted. The learned counsel for the applicant submits that he has come to know that the person selected from Sportsman category on merit from Open category got 164 marks, is not joining and, therefore, naturally applicant's name should have been in the final select list. However, to the surprise of the applicant, his name has been deleted even from the wait list and in his place the name of Chandrakant Kendre has been shown as selected. Candidate No.1



had got 149 marks i.e. less than the applicant. Ld. P.O. submits that the sports certificate of the applicant has been doubtful and, therefore, action has been taken. Whatever may be the reason, reply of the respondents will be necessary to come to a proper conclusion. It is however made clear that the selection of Shri Chandrakant Kendre will be subject to the outcome of this O.A.

3. Issue notice to the respondents 2 to 5 returnable after **four weeks**.

4. Shri M.I. Khan, the learned P.O. waives notice for the respondent No. 1. Hamdast granted.

5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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.

7. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunals (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 or courier and acknowledgement be obtained and produced

along with affidavit of compliance in the Registry within three weeks. Applicant is directed to file Affidavit of compliance and notice.

S.O. **four weeks.**

Vice-  
Chairman(J)

Pdg

**O.A. No. 68/2016.**

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

None for the applicant. Shri P.N. Warjekar, the learned P.O. for the respondents.

The applicant had filed pursis on the last date seeking permission to

withdraw the O.A. However, there are so many things written in the pursis whereby it seems that the respondent authorities might have agreed to pay the sum on certain terms and conditions. The learned counsel for the applicant as well as the applicant are absent today. In the meantime, the Ld. P.O. is requested to take instructions on the pursis filed by the applicant.

S.O. two weeks.

Vice-  
Chairman(J)  
pdg

O.A. No. 562/2016.

Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J).  
Dated : 29<sup>th</sup> September 2017.  
MCA No. 61/2017.

Heard Shri A.C. Dharmadhikari, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents 1 to 3. Shri G.K. Bhusari, Adv. for R.4 and 5.

At the request of Ld. P.O., 3<sup>rd</sup> October 2017 to take instructions from the respondents.

Vice-  
Chairman(J)  
pdg

**O.A. No. 646/2017.**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J).**  
**Dated : 29<sup>th</sup> September 2017.**  
**C.A. No. 412/2017.**

Heard Shri S. Borkute, the Ld. counsel for the applicant and Shri A.P.Potnis, the learned P.O. for the respondents.

The applicant has challenged the Recruitment Rules, 2012 published on 10.9.2012 (A.12) issued by respondent No.1. These rules are challenged for the first time in this O.A. in 2017. The Ld. counsel for the applicant submits that earlier he had approached the High Court. But the High Court has directed the applicant to appear before this Tribunal. It is material to note that, the order of the High Court is already passed on 7<sup>th</sup> September 2016 and the applicant is approaching this Tribunal in 2017. The Ld. counsel for the applicant, therefore, seeks permission to file an application for condonation of delay.

S.O. **one week.**

Vice-

Chairman(J)

Pdg

**O.A. No. 520/2016.**

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

**C.A. No. 457/2017.**

None for the applicant. Shri M.I. Khan, the learned P.O. for the respondent No.1.

2. The Ld. P.O. submits that the applicant has made some allegations against respondent No.4 in the amendment.

3. In view thereof, issue notice to the respondents 1 to 4 on C.A. No. 457/2017 returnable within **four weeks**.

4. Shri M.I. Khan, the learned P.O. waives notice for the respondents. Hamdast granted.

5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal need 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.

7. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunals (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 or courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within three weeks. Applicant is directed to file Affidavit of compliance and notice.

Vice-  
Chairman(J)

pdg

**O.A. No. 695/2015.**

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

Heard Shri S.N. Gaikwad, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents 1 and 2. None for R.3.

The Ld. counsel for the applicant submits that he has not received



acknowledgement of receipt of notice of respondent No.3 from his client. In view thereof, application is dismissed against respondent No.3.

Since respondent No.2 has already filed reply affidavit, matter is admitted and kept for final hearing after **four weeks.**

Shri S.A. Sainis, the learned P.O. waive notice for respondents 1 and 2.

Vice-  
Chairman(J)

Pdg

**O.A. No. 310/2017.**

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

Heard Shri S.P. Palshikar, the Ld. counsel for the applicant and Shri P.N.

Warjekar, the learned P.O. for the respondents.

**S.O. one week** as a last chance.

Chairman(J) . Vice-  
pdg

**O.A. No. 137/2016.**

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

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

Heard Shri S. K. Tambde, the Ld. counsel for the applicant and Shri A.P. Potnis, the learned P.O. for the respondents.

The departmental enquiry is initiated against the applicant vide chargesheet dated 21.8.2014 and till today it is not completed. In the reply affidavit of respondent Nos. 3 and 4 in para 13, it has been stated that it is not mandatory to complete the enquiry within six months and if enquiry is not completed within six months, it cannot be said to cause prejudice to the applicant,, if the period is extended and the applicant cannot claim to quash the chargesheet itself. It is material to note that the applicant has already retired on 31.12.2014 and such statement on the part of respondent Nos. 2 and 3 is against the provisions of the rules for conducting departmental enquiry. Observations that no prejudice will be caused to the applicant, is absolutely funny and careless, which shows carelessness on the part of the respondents in conducting departmental enquiry. The Ld. P.O. is

directed to take instructions from respondent Nos. 2 to 4 as to within how many days enquiry will be completed. Respondent No.2 shall file a short affidavit to that effect on **6.10.2017.**

**S.O. 6.10.2017.**

Vice-

Chairman(J)

pdg

**O.A. No. 768/2016.**

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

Heard Shri N.R. Saboo, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

At the request of Ld. P.O., **S.O.**  
**two weeks** to file reply to the amended O.A.

Vice-  
Chairman(J)

pdg

**O.A. No. 43/2017.**

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

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

The Ld. P.O. has filed reply on behalf of R.4. It is taken on record.

**S.O. four weeks.**

Chairman(J) . Vice-

pdg

**O.A. No. 268/2017.**

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

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

The Ld. counsel for R.3 has filed reply on behalf of R.3. It is taken on

record and a copy thereof is supplied to the other sides.

S.O. **two weeks** for filing reply by Ld. P.O. of R. 1 and 2.

Vice-  
Chairman(J)

pdg

**O.A. No. 512/2017.**

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

Smt. Rashi Deshpande, the Ld. counsel for the applicants and Shri A.M.



Khadatkar, the learned P.O. for the respondents.

Since the pleadings are complete, the matter is admitted with the consent of respective counsels and kept for final hearing on **9<sup>th</sup> October 2017**.

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

Vice-  
Chairman(J)

pdg

**O.A. No. 520/2017.**

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

Shri S.M. Khan, Ld. counsel for the applicants and Shri A.M. Khadatkar, the learned P.O. for the respondent No.1. Shri Vinay Dahat, Adv. for R. 2 and 3.

S.O. **two weeks.**

Vice-  
Chairman(J)

pdg

