

O.A.735 of 2017

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

Dated : 06.10.2017.

Heard Smt. K.N. Saboo, Id. counsel for the applicant and Smt .S.V. Kolhe, Id. P.O. for the State.

2. The applicant Dr. Anil V. Kadu has been transferred from Bhamberi, Tq. Tehlara, Dist. Akola to Jam, Tq. Ghatanji, Dist. Yavatmal. The said order is at P.B. page no.13 and the name of the applicant is at sr.no.67. It is dated 31/5/2017.

3. The said order, however, was subsequently modified vide order dated 28/8/2017 and he had been shown to have transferred at Talpasachi Umarkhed, Dist. Yavatmal on vacant post. The applicant has not yet been relieved.

4. The learned counsel for the applicant submits that nobody has been posted in applicant's place at Bhamberi, Tq. Tehlara, Dist. Akola. It is further stated that the applicant has filed one representation prior to his transfer on 9/5/2017 to the Secretary, Department of Agriculture, Animal Husbandry (R/1).

5. The ld. counsel for the applicant submits that the application may be disposed of with a direction to respondent no.2 to decide the representation within a stipulated period and till that time the applicant may not be relieved from his post i.e. Bhamberi, Tq. Tehlra, Dist. Akola. In view of the submission made as above, the following order :-

ORDER

The application stands disposed of with a direction to respondent no.1 to take decision on the representation filed by the applicant on 9/5/2017 as per Annex-A-3 as per rules and regulations. Such decision shall be taken within two months from the date of this order and till that time the applicant shall not be relieved from his post and the decision 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.647 of 2017

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

Dated : 06.10.2017.

Shri Hajare, Id. counsel holding for
Shri M.M. Sudame, Id. counsel for the
applicant and Shri A.M. Ghogre, Id. P.O. for
the respondent nos. 2 to 5. None for R-6.

The learned P.O. files reply on behalf
of R-2&3. It is taken on record. Copy is
served on the applicant.

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

Vice Chairman (J)

dnk.

O.A.251 of 2017

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

Dated : 06.10.2017.

C.A.314/2017 -

None for the applicant.

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

The applicant to file service affidavit of
R-2.

The learned P.O. seeks time to file
reply. At his request, **S.O. four weeks**.

Vice Chairman (J)

dnk.

O.A.517 of 2017

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

Dated : 06.10.2017.

C.A.336/2017

Heard Shri G.K. Bhusari, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

2. For the reasons stated in the application, the C.A. is allowed.

O.A. 517/2017 –

Heard Shri G.K. Bhusari, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents. The application is being disposed of with the consent of Id. counsel for parties at the admission itself.

2. The applicant has challenged the impugned order of punishment in the departmental inquiry passed by respondent no.3 on 19/7/2005 by which punishment of stoppage of further increments for a period of three years permanently has been awarded. The learned counsel for the applicant admits the fact that he has filed appeal before respondent no.2, the Principal Chief Conservator of Forests, Nagpur against the order of punishment and the said appeal is still pending. He, therefore, requested that

the application be disposed of by giving direction to respondent no.3 to decide the appeal within stipulated period.

3. In view of the fact that the appeal is dated 2/3/2006 and no order has been passed till today, i.e., almost for more than 11 years. The application stands disposed of with a direction to respondent no.2 shall take decision on the appeal filed by the applicant dated 2/3/2006 within a period of three months from the date of this order and the decision shall be communicated to the applicant in writing. No order as to costs.

Vice Chairman (J)

dnk.

O.A.109 of 2017

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

Dated : 06.10.2017.

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

2. The Id. P.O. files reply-affidavit on behalf of R-2. It is taken on record. Copy is given to the Id. counsel for the applicant. He wants to go through the same.

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A.202 of 2017

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

Dated : 06.10.2017.

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

2. The learned counsel for the applicant submits that the respondents have already been served and he has filed service affidavit. The learned P.O. seeks time to file reply. At his request, **S.O. one week**.

Vice Chairman (J)

dnk.

O.A.340 of 2017

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

Dated : 06.10.2017.

Shri G.K. Bhusari, Id. counsel holding
for Shri S.N. Gaikwad, Id .counsel for the
applicant and Shri S.A. Sainis, 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.354 of 2017

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

Dated : 06.10.2017.

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

2. In this O.A. the applicant has challenged the respondents inaction in not considering the applicant for transfer to the place of his choice and requested for a direction to the respondents to transfer him at the place of choice at per prayer clause (b).

3. On the last occasion i.e. on 14th September,2017 the learned P.O. submitted that a proposal has been sent to respondent no.3 in this regard.

4. Today, the learned P.O. has placed on record the communication dated 4/10/2017 which is marked Exh-X for the purposes of identification from which it seems that the applicant has been transferred from the post of Fitter, Industrial Training Institute, Bramhapuri, Dist. Chandrapur to Industrial Training Institute, Nagpur as per his choice. In view thereof, nothing survives in this O.A. as the applicant's grievance has been

redressed. Hence, the application stands disposed of with no order as to costs.

Vice Chairman (J)

dnk.

O.A.409 of 2017

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

Dated : 06.10.2017.

Shri P.V.Thakre, Id .counsel for the applicant and Shri M.I. Khan, 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.Nos. 421,422,423,424 & 425 of 2017

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

Dated : 06.10.2017.

Shri S.M. Khan, Id .counsel for the applicants and Shri M.I. Khan, 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.660 of 2017

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

Dated : 06.10.2017.

Shri Bharat Kulkarni, 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. four
weeks** for filing reply.

Vice Chairman (J)

dnk.

O.A. No.530/2014.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 6th October 2017.

**C.A. No.22/2015 in
C.P.(St.)No.87/2015.**

Heard Shri P. Jibhkate, learned counsel for the applicant and Smt. S.V. Kolhe, the learned P.O. for the Respondents 1 to 3. Shri S.S. Pandit, Adv. holding for Shri M.G. Bhangde, the Ld. counsel for respondent No.4.

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

Vice-
Chairman

pdg

O.A. No.554/2004.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 6th October 2017.

**C.A. No.399/2015 in
C.P.(St.)No.1669/2015.**

Heard Shri J.C. Shukla, learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

Ld. P.O. has placed on record the communication dated 25.9.2017 which is marked "X" for identification and submits that the entire order has been complied with. The learned counsel for the applicant seeks time to go through it and will submit his submission on the next date.

S.O.12th October 2017.

Vice-
Chairman

Pdg

O.A. No.687/2014.

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

Dated : 6th October 2017.

C.A. No.151/2016 in
C.P.(St.)No.615/2016.

Heard Shri S.K. Tambde, Adv. holding for Shri A.C. Dharmadhikari, learned counsel for the applicant and Smt. S.V. Kolhe, the learned P.O. for the Respondents 1 to 3. Mrs. Vaishali Khadekar, Adv. for R. 4 and 5. None for R.6.

The Ld. counsel for R. 4 and 5 submits that necessary steps have been taken to comply with the order of this Tribunal and all the amount may be paid within two weeks.

In view thereof, **S.O. two weeks.**

Vice-

Chairman

pdg

O.A. No.673/2013.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 6th October 2017.

C.A. No.159/2016 in
C.P.(St.)No.634/2016.

None for the applicant. Shri S.A. Sainis, the learned P.O. for the Respondents.

The Ld. P.O. submits that except the interest of gratuity, entire amount has been paid to the applicant and a proposal for granting interest of gratuity has been submitted to the office of Accountant General (M.S.), Nagpur. He has placed on record communication to that effect dated 5.8.2017 which is marked "X" for identification. He seeks two weeks'time for compliance.

S.O. 16th October 2017 for compliance.

Vice-
Chairman

pdg

O.A. No.618/2014.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 6th October 2017.

C.A. No.323/2016 in

C.P.(St.)No.1261/2016.

Mrs. Nisha Khope, Adv. holding for Shri S.D. Zoting, learned counsel for the applicant and Shri V.A Kulkarni, the learned P.O. for the Respondents 1 to 3. Shri P.A. Kadu, Adv. for R.4.

The Ld. Adv. for R.4 submits that the service book of the applicant has been collected yesterday only and, therefore, he seeks time to comply with the order of this Tribunal. Copy of communication filed by Ld. counsel for the applicant is placed on record and is marked "X" for identification.

The Ld. counsel for the applicant submits that similar matter is fixed on 1.11.2017.

Hence, S.O.1.11.2017.

Vice-
Chairman

pdg

O.A. No.487/2015.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 6th October 2017.

**C.A. No.390/2016 in
C.P.(St.)No.1535/2016.**

None for the applicant. Shri S.A. Sainis, the learned P.O. for the Respondents.

The Ld. P.O. submits that he has already filed reply affidavit.

However, its copy has not been received by the applicant.

S.O. 16th October 2017.

Vice-
Chairman

pdg

O.A. No.260/2004.

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

Dated : 6th October 2017.

**C.A. No.489/2016 in
C.P.(St.)No.1974/2016.**

Mrs. R.G. Nitnaware, Adv.
holding for Shri M.I. Dhattrak,
learned 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. four weeks.

Vice-
Chairman

pdg

O.A. No.504/2014.

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

Dated : 6th October 2017.

C.A. No.498/2016 in
C.P.(St.)No.2017/2016.

None for the applicant. Shri S.A. Sainis, the learned P.O. for the Respondent No.1. Shri P.V. Thakre, Adv. for R. 2 to 5.

The Ld. Counsel for R. 2 to 5 submits that the compliance has already been done and the matter is being unnecessarily prolonged. Since the Ld. counsel for the applicant is absent today, it be kept for passing necessary order on **16th October 2017.**

Vice-

Chairman

pdg

O.A. No.251/2011.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 6th October 2017.

**C.A. No.528/2016 in
C.P.(St.)No.2169/2016.**

Shri Y.K. Haroriya, Adv. holding for Shri S.O. Ahmed, learned counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the Respondents.

The learned counsel for the applicant seeks time.

Ld. P.O. submits that the order has been complied with.

Hence, **S.O. 16th October 2017.**

Vice-
Chairman

pdg

O.A. No.233/2011.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 6th October 2017.

C.A. No.09/2017 in C.P.(St.)No.44/2017.

None for the applicant. Shri A.M. Khadatkar, the learned P.O. for the Respondents.

The applicant has placed on record one communication which is marked "X" for identification from which it seems that the compliance has been made. Since nobody appeared for the applicant today, it

be kept for necessary orders on
16th October 2017.

Vice-
Chairman

pdg

O.A. No.833/2011.

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

Dated : 6th October 2017.

**C.A. No.20/2017 in
C.P.(St.)No.137/2017.**

Heard Mrs. A.V. Kale,
learned counsel for the applicant
and Mrs. S.V. Kolhe, the learned
P.O. for the Respondents.

According to the Ld. P.O., the order passed in O.A. No. 833/2011 has been complied with in letter and spirit and arrears have been paid to the applicant. Respondent No.1 has filed an affidavit alongwith a Chart of arrears paid to the applicant. It is the case of the applicant that, the applicant has not received allowances and entry level pay scale as per the directions of this Tribunal.

Hence, put up on **16.10.2017.**

Vice-

Chairman

pdg

O.A. No.259/2003.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 6th October 2017.

**C.A. No.78/2017 in C.P.(St.)
No.417/2017.**

Heard Shri S.S. Ghate, the learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the Respondents.

Ld. P.O. submits that the order has been complied with and, therefore, matter be kept for passing necessary orders on **16.10.2017.**

Vice-
Chairman

pdg

O.A. Nos.378 to 381 of 2016.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 6th October 2017.

C.A. No.106/2017 in C.P.(St.) No.554/2017.

Heard Shri Bharat Kulkarni, learned counsel for the applicants and Shri H.K. Pande the learned P.O. for the Respondents.

The Ld. P.O. submits that all arrears have been paid to the applicant as per the order. Only interest is to be paid and bills for payment of interest are also forwarded to the competent authority. He is directed to make compliance on or before **16th October 2017.**

Vice-
Chairman

pdg

O.A. No.707/2009.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 6th October 2017.

**C.A. No.313/2017 in C.P.(St.)
No.892/2017.**

Shri G.K. Bhusari, Adv.
holding for Shri R.V. Shiralkar,
learned counsel for the applicants

and Shri A.M. Ghogre, the learned
P.O. for the Respondents.

S.O.16th October 2017.

Vice-
Chairman

pdg

TA No. 41/93 in RCA No.78/83.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 6th October 2017.

**C.A. No.340/2017 in C.A. No.87/2017 in
C.P. (St.) No.463/2017.**

Heard Shri D.R. Rupnarayan, learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the Respondent Nos. 1 and 2. None for R. 3 and 4.

The Ld. P.O. submits that the order of this Tribunal has been duly complied with. This fact is also recorded by the Hon'ble Chairman on 1.9.2017. However, on that date, none appeared for the applicant. Today, the learned counsel for the applicant has appeared today. He admits the fact that the order of this Tribunal has been complied with. In view thereof, application for permission to initiate contempt proceedings stands disposed of. So also the C.P.(St.) stands disposed of with no order as to costs.

Vice-

Chairman

Pdg

O.A. No.799/2014.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 6th October 2017.

M.C.A. No.41/2017 in M.C.A. No.42/2017 in C.A. No.557/2016 in C.P.(St.) No.2286/2016.

Heard Shri S.S. Upadhyaya, the learned counsel for the applicants and Shri A.M. Khadatkar, the learned P.O. for the Respondents.

The MCA No. 41/2017 has been filed for condonation of delay of 122 days in filing restoration application in O.A. No. 799/2014 which was decided on 8.8.2015, whereas the MCA No. 42/2017 is for restoration of the C.A. No. 557/2016 in C.P.(St.) No.2286/2016.

The learned counsel for the applicants submits that his client has instructed him to withdraw both

these applications and , therefore, he is seeking permission to withdraw the M.C.A. Nos. 41 and 42 of 2017. The Ld. P.O. has no objection for the same. In view thereof, following order is passed:-

ORDER

M.C.A. Nos. 41 and 42 of 2017 stand disposed of as withdrawn with no order as to costs.

Vice-

Chairman

pdg

O.A. No.914/2012.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 6th October 2017.

C.A. No.371/2013 in C.A. No.372/2013 in C.A. No.191/2014.

None for the applicant. Shri P.N. Warjekar, the learned P.O. for the Respondent Nos. 1 to 5. None for R. 6 to 8.

At the request of Ld. P.O.,
S.O. 16th October 2017.

Vice-
Chairman

pdg

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

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

Dated : 6th October 2017.

None for the applicant. Smt. S.V. Kolhe, the learned P.O. for the Respondents.

On 18.9.2017 also, nobody appeared for the applicant and it was observed that on the last occasion, Shri Abhishek Pathak appearing for Shri S.V. Sirpurkar, Ld. counsel for the applicant. It

was stated that the applicant wants to withdraw Vakalatnama. By way of abundant precaution, notice was issued to the applicant also on his given address. But the envelope was returned back with an endorsement that the addressee was not found and, therefore, matter was kept for dismissal today. Today also, none appeared for the applicant.

The Ld. P.O. submits that as per oral directions of this Tribunal, she has also informed Mrs. Sirpurkar, Adv. for the applicant about pendency of the matter and Mrs. Sirpurkar has informed her that she had no instructions from the applicant. Anyway it seems that the applicant may not be interested in prosecuting the T.A. Hence, the T.A. No. 392/92 stands dismissed in default.

Vice-

Chairman

pdg

O.A. No.914/2012.

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

Dated : 6th October 2017.

C.P.No.01/2014.

Heard Shri P.N. Warjekar,
the learned P.O. for the applicant
(original respondents). None for the
contemnor (original applicant in
O.A.No.914/2012.)

S.O. 16th October 2017.

Vice-
Chairman

pdg

O.A. No.914/2012.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 6th October 2017.

C.P.No.02/2016.

Shri P.N. Warjekar, the learned P.O. for the applicant (original respondent). None for the contemnor (original applicant).

S.O. 16th October 2017.

Vice-
Chairman

pdg

O.A. No.849/2014.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 6th October 2017.

C.P.No.02/2017.

Heard Shri S.M. Khan, Adv. holding for Shri P.C. Marpakwar, the learned counsel for the applicant and Shri H.K. Pande, the Ld. P.O. for the respondents.

The Ld. P.O. has placed on record one communication dated 5.10.2017 which is marked "X" for identification, from which seems that the respondents are claiming one week's time for compliance.

Hence, S.O. 16.10.2017.

Vice-
Chairman

pdg

O.A. No.137/2016.

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

Dated : 6th October 2017.

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

2. The applicant in this O.A. has
claimed the following directions:-

(i) Quash and set aside the
impugned chargesheet dated

21.8.2014 placed at Annexure a-6 issued under Rule 8 of the M.C.S.(Discipline & Appeal) Rules, 1979 being illegal, arbitrary and bad in law.

(ii) Direct the respondents to send the proposal to the Accountant General (M.S.)-II, Nagpur for releasing regular pension of the applicant and also claim of gratuity since the departmental enquiry has not been completed within a period of 6 months from the date of chargesheet dated 21.8.2014, in the interest of justice.

(iii) Direct the respondents to release the claim of encashment of leave as per the provisions of the service rules and further be pleased to direct the respondents to release the claim of G.I.S. payment to the applicant, in the interest of justice.

(iv) Direct the respondents to further be pleased to issue the

claim of ad hoc pension from 1.1.2015 to 30.6.2015 which is not paid and as it appears from the correspondence of Accountant General, Nagpur.

3. The Ld. counsel for the applicant submits that the Enquiry Officer was appointed in this case on 29.4.2014. However, it is surprising to note that the chargesheet and other relevant papers have been forwarded to the Enquiry Officer on 11.1.2016, i.e. almost after 2 years and 2 months and till today the enquiry has not been completed and, therefore, the applicant has requested that the impugned chargesheet dated 21.8.2014 be quashed. The applicant has already got retired on 31.12.2014 and he is getting only provisional pension.

4. The Ld. P.O. has placed on record an affidavit of one Shri D.N. Desai, Assistant Conservator of

Forests, Yavatmal, wherein details have been mentioned and it is stated that one witness viz. Shri V.R. Raut to be examined in the enquiry and the matter is placed on 9.11.2017. The respondents are, therefore, directed to see that the enquiry shall be completed in any case within a period of 3 months from today and final order in the enquiry may be passed till that date and shall be conveyed to the applicant in writing. In view thereof, the application stands disposed of with consent. It is, however, made clear that in case the enquiry is not completed within three months from today as already ordered, the respondents shall pay regular pension to the applicant alongwith all admissible arrears to which he is entitled.

5. The applicant is directed to co-operate the authorities. This order will be subject to co-operation

of the applicant. Application stands
disposed of.

Vice-

Chairman

pdg

O.A. No.602/2016.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 6th October 2017.

Heard Shri M.P. Kariya, the learned counsel for the applicant and Smt. S.V. Kolhe, the Ld. P.O. for the respondents.

2. Application has been disposed of with consent of parties.

3. The applicant has claimed that the order dated 22.8.2016 issued by respondent No.2 i.e. the Collector, Yavtmal has been passed in the departmental enquiry on 22.8.2016 and the applicant has been punished in the departmental

enquiry in the said case and has been reverted from the post of Circle Officer to the post of Talathi. The Ld. P.O. submits that it was necessary for the applicant to file an appeal as per the provisions of Rule 17 of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 before the Divisional Commissioner, Amravati Division, Amravati, since the proceedings were initiated under Rule 8 of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979.

4. The learned counsel for the applicant submits that the applicant may be permitted to withdraw this O.A. with liberty to file an appeal before the Divisional Commissioner, Amravati Division, Amravati. In view thereof, application stands disposed of with following directions:-

(i) The O.A. is dismissed as

withdrawn.

(ii) The applicant will be at liberty to file an appeal before the Divisional Commissioner, Amravati Division, Amravati.

(iii) The learned counsel for the applicant submits that he will file an appeal within a period of two weeks.

(iv) If the appeal is filed, the learned Divisional Commissioner, Amravati Division, Amravati shall consider it on its merit considering the fact that the time spent in approaching this Tribunal, may be considered for condonation, if the application applies for condonation of delay.

Vice-
Chairman

