

O.A.532 of 2017

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

Dated : 09.10.2017.

C.A.346/2017 –

Shri P.P. Khaparde, Id. counsel holding for Shri R.V. Shiralkar, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1&4. Shri C.V. Mahurkar, Id. counsel for R-3 and also appears on behalf of R-2 and he submits that he will file vakalatnama on behalf of R-2.

Shri Mahurkar, learned counsel submits that he will file reply/submission on behalf of R-2&3 during the course of day.

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

Vice Chairman (J)

dnk.

O.A.92 of 2016

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

Dated : 09.10.2017.

Shri P.S. Gawai, Id. counsel for the applicant , Shri A.M. Khadatkar, Id. P.O. for R-2&3 and Shri P.P. Khaparde, Id. counsel holding for Shri R.V.Shiralkar, Id. counsel for R-1.

2. The Id. CPO is directed to take instructions as to why the Medical Board is not constituted as per the order passed by this Tribunal.

S.O. 10/10/2017.

Vice Chairman (J)

dnk.

O.A.341 of 2017

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

Dated : 09.10.2017.

Heard Shri S.N. Gaikwad, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The applicant is a lady employee with the respondent no.4 at Rural Hospital, Katol. It is stated that she has completed her tenure of four years at Katol and is due for transfer since she had joined at Katol on 7/7/2011. Her husband is serving at Primary Health Center, Pachgaon, Tq. Umred, Dist. Nagpur and her family members are residing at Nagpur. Prior to General orders of transfer she has filed representations to issue transfer order. However, she did not find place in the General order of transfers for the year,2017. She is now pregnant. The applicant has filed number of representations such as on 19/3/2015 (A-3,P-11), on 23/3/2016 (P-12) and finally on 8/3/2017 (P-14) along with the relevant documents. However her claim is not considered. She is still working at Katol. The application is therefore disposed of with

direction to respondent no.2 to take decision on the representations filed by the applicant within a period of one month from today. The decision shall be intimated to the applicant in writing. Till the applicant's representations are considered on merit, she may be allowed to continue at Rural Hospital, Katol.

3. The O.A. stands disposed of accordingly.

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

Vice Chairman (J)

dnk.

O.A.219 of 2017

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

Dated : 09.10.2017.

Mrs. P.T. Joshi, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1,3&4. Await service of R-2.

2. The learned counsel for the applicant submits that she has not received acknowledgment of R-2 and therefore she may be permitted to issue fresh notice in respect of R-2.

3. At the request of Id. Counsel for the applicant, issue fresh notice to R-2, 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.568 of 2017

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

Dated : 09.10.2017.

None for the applicant.

Shri M.I. Khan, Id. P.O. for R-1 to 4.

2. The learned P.O. files reply on behalf of R-3. It is taken on record. He submits that the reply of other respondents is not necessary.

3. In view thereof, the matter is admitted and kept for final hearing.

4. The learned P.O. waives notice for the respondents.

5. **S.O. After Vacation** along with other connected matter.

Vice Chairman (J)

dnk.

O.A.569 of 2017

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

Dated : 09.10.2017.

None for the applicant.

Shri V.A. Kulkarni, Id. P.O. for R-1
to 4.

2. The learned P.O. files reply on behalf of R-3. It is taken on record. He submits that the reply of other respondents is not necessary.
3. In view thereof, the matter is admitted and kept for final hearing.
4. The learned P.O. waives notice for the respondents.
5. **S.O. After Vacation** along with other connected matter.

Vice Chairman (J)

dnk.

O.A.617 of 2017

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

Dated : 09.10.2017.

None for the applicant.

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

It seems that the R-2 is not served.
The applicant to file service affidavit in
respect of R-2.

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A.643 of 2017

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

Dated : 09.10.2017.

None for the applicant.

Shri M.I. Khan, Id. P.O. for the respondents.

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

In view thereof, the matter is admitted and kept for final hearing.

The learned P.O. waives notice for the respondents.

S.O. After Vacation.

Vice Chairman (J)

dnk.

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

Dated : 09.10.2017.

Shri S.N. Gaikwad, Id. counsel holding for Shri A.P. Tathod, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1. Await service of R-2.

The learned counsel for R-2 submits that he will file service affidavit of R-2 during the course of day. The Id. CPO seeks time to file reply. At his request, **S.O. three weeks.**

Vice Chairman (J)

dnk.

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

Dated : 09.10.2017.

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

Since the pleadings are complete, the matter is admitted and kept for final hearing.

The learned P.O. waives notice for the respondents.

S.O. After Vacation.

Vice Chairman (J)

dnk.

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

Dated : 09.10.2017.

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

The learned P.O. files reply on behalf of R-2. It is taken on record.

Since the pleadings are complete, the matter is admitted and kept for final hearing.

The learned P.O. waives notice for the respondents.

S.O. After Vacation.

Vice Chairman (J)

dnk.

O.A.415 of 2017

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

Dated : 09.10.2017.

Shri Y. Kinkhede, Id .counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondent nos.1 to 4. None forR-5.

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

Vice Chairman (J)

dnk.

O.A.466 of 2017

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

Dated : 09.10.2017.

Heard Shri P.P. Khaparde, Id. counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for the respondents.

2. The learned counsel for the applicant submits that he wants to file rejoinder to the reply-in-affidavit filed by the respondents. He is permitted to file rejoinder provided the copy is served on the CPO in advance. In the meantime the pleadings are otherwise complete, the matter is admitted and kept for final hearing.

3. The learned CPO waives notice for the respondents.

4. **S.O. After Vacation.**

Vice Chairman (J)

dnk.

O.A.510 of 2017

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

Dated : 09.10.2017.

Shri G.C. Khond, Id .counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the respondents.

2. The learned P.O. submits that she wants to file reply and for that purpose she seeks one week's time. At her request, **S.O. one week** for filing reply.

Vice Chairman (J)

dnk.

O.A.599 of 2017

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

Dated : 09.10.2017.

Shri A.P. Adhe, 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. four weeks** for filing reply.

Vice Chairman (J)

dnk.

O.A.657 of 2017

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

Dated : 09.10.2017.

None for the applicant. Shri S.A. Deo,
Id. C.P.O. for the respondents.

2. The impugned order of suspension has been passed by the Collector, Akola. The learned CPO submits that no appeal has been filed by the applicant against order of suspension before the Divisional Commissioner and therefore the application is not tenable. Since the applicant is not present, the matter be kept after four weeks for preliminary hearing as regards maintainability.

S.O. After four weeks.

Vice Chairman (J)

dnk.

O.A.181 of 2015

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

Dated : 09.10.2017.

Ms. Pathan, Id. counsel holding for Shri N.R. Saboo, Id. counsel for the applicant and Smt .S.V. Kolhe, Id. P.O. for R-1&2 and none for R-3.

At the request of Id. counsel for the applicant, **S.O. After Vacation** along with O.A.476/2016.

Vice Chairman (J)

dnk.

O.A.476/2016

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

Dated : 09.10.2017.

None for the applicant.

Shri H.K. Pande, Id. P.O. for R-1 to 3.

None for R-4&5.

**S.O. After Vacation along with
O.A.181/2015**

Vice Chairman (J)

dnk.

O.A.265/2010

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

Dated : 09.10.2017.

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

2. The learned counsel for the applicant seeks three weeks time to file rejoinder. It is material to note that vide order dated 1/2/2011 liberty has already been granted to applicant to file rejoinder. But, till today no rejoinder is filed. On the contrary the applicant remained absent. In such circumstances, I do not find any merits in the request of the learned counsel for the applicant.

3. The matter be kept on **11/10/2017** for final hearing.

Vice Chairman (J)

dnk.

O.A.606/2017

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

Dated : 09.10.2017.

Heard Shri P.P. Khaparde, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1 to 5. None for R-6.

2. This matter was circulated by applicant's counsel Shri P.P. Khaparde. He files a pursis and seeks permission to withdraw the O.A. The Pursis is marked Exh-X for the purposes of identification.

3. In view thereof, the O.A. stands disposed of as withdrawn with no order as to costs.

Vice Chairman (J)

dnk.

O.A. No.431/2017. (S.B.)

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 9th October 2017.

Shri P.J. Mehta, the Ld. counsel for the applicant and Smt. S.V. Kolhe, the Ld. P.O. for the respondents.

The Ld. P.O. has filed affidavit in reply on behalf of R. 3, 5 and 6. It is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant.

The Ld. counsel for the applicant seeks two weeks' time to file rejoinder, if any.

S.O. two weeks..

Vice-
Chairman(J)

pdg

O.A. No.217/2017.

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

Dated : 9th October 2017.

Shri S.R. Charpe, the Ld. counsel for the applicants and Smt. S.V. Kolhe, the Ld. P.O. for the respondents.

The Ld. counsel for the applicant seeks time to collect hamdast.

S.O. four weeks.

Vice-
Chairman(J)

pdg

O.A. No.437/2017.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 9th October 2017.

Shri P.S. Patil, the Ld. counsel for the applicants and Smt. S.V. Kolhe, the Ld. P.O. for the respondents.

The Ld. counsel for the applicant seeks time to file acknowledgment / service affidavit.

S.O. one week.

Vice-
Chairman(J)

pdg

O.A. No.450/2017.

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

Dated : 9th October 2017.

C.A.No.308/2017.

Heard Miss. M. Hiwase, the Ld. counsel for the applicants and Smt. S.V. Kolhe, the Ld. P.O. for the respondent No.1.

2. At the request of the Ld. counsel for the applicant, issue fresh notice to respondent Nos. 2 and 3 returnable after **four weeks**.

3. Smt. S.V. Kolhe, the Ld. P.O. waives notice for respondent No.1. Hamdast granted.

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

6. 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.

7. 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)

O.A. No.461/2017.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 9th October 2017.

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

Service report is not filed on record.

Hence, S.O. **one week** for passing necessary order.

Vice-
Chairman(J)

pdg

O.A. No.383/2016.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 9th October 2017.

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

The Ld. P.O. submits that no appointment order has been issued due to the order passed by the Hon'ble High Court in W.P. No.8641/2017 dated 21.8.2017. Communication to that effect is placed on record.

S.O. 10.10.2017.

Vice-
Chairman(J)

pdg

O.A. No.615/2017.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 9th October 2017.

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

Ld. CPO has filed affidavit in reply on behalf of the respondent No.1. It is taken on record and a copy thereof is supplied to the other side.

Since pleadings are complete, O.A. is admitted and kept for final hearing with consent after **Diwali vacation.**

Shri S.A. Deo, the Ld. C.P.O. waives notice for both the respondents.

Vice-
Chairman(J)

pdg

O.A. No.481/2017.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 9th October 2017.

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

Since pleadings are complete, O.A. is admitted and kept for final hearing with consent after **Diwali vacation.**

Shri S.A. Deo, the Ld. C.P.O. waives notice for both the respondents.

Vice-
Chairman(J)

pdg

O.A. No.566/2017.

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

Dated : 9th October 2017.

Heard Shri N.D. Thombre,
the Ld. counsel for the applicants
and Smt. S.V. Kolhe, the Ld. P.O.

for the respondent Nos. 1 to 3.
None for R.4.

Ld. P.O. submits that she will file reply on behalf of R.3 during the course of the day. She also seeks time to file reply of R.1.

S.O. 13th October 2017.

Vice-
Chairman(J)

pdg

O.A. No.607/2017.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 9th October 2017.

None for the applicant. Shri M.I. Khan, the Ld. P.O. for the respondent Nos. 1 to 3 and 5. None for R.4.

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

Vice-Chairman(J)

pdg

O.A. No.684/2017.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 9th October 2017.

Shri A. Shukla, the Ld. counsel for the applicant and Shri S.A. Sainis, the Ld. P.O. for the respondents.

The Ld. counsel for the applicant submits that the applicant has applied for the post of Multipurpose Worker in consequence to the advertisement (A-1) dated 31.7.2016. As per advertisement, 50% posts are reserved for temporary spray workers (हंगामी फवारणी कर्मचारी) in

addition to 40% posts from the same category. However, those who have applied under 40% category, need not submit the certificate of experience of 90 days. According to the applicant, even though the applicant's name is in the select list, appointment is not being given on the ground that he has not produced the experience certificate. Whether the applicant belongs to 40% or 50% category, is a matter to be considered after reply of the respondents will be placed on record.

I do not find any merit to grant any interim relief at this stage. The learned counsel for the applicant submits that he wants to challenge the condition making reservation for 40% and 50% for different categories of workers considering their experience. The applicant has already participated in the selection process and, therefore, it will be necessary to see as to

whether such amendment can be allowed. However, he will be at liberty to file amendment application.

S.O. **four weeks.**

Put up with O.A.
No.632/2017.

Vice-
Chairman(J)

pdg

O.A. No.767/2017.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 9th October 2017.

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

2. Issue notice to respondent Nos. 2 and 3 returnable after **four weeks.**

3. Shri S.A. Deo, the Ld. C.P.O. waives notice for respondent No.1. Hamdast granted.

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

6. 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.

7. 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

Lateron

1. Shri P.S. Wathore, the Ld. counsel for the applicant appeared and requested for his presence.

2. Issue notice to respondent Nos. 2 and 3 returnable after **four weeks**.

3. Shri S.A. Deo, the Ld. C.P.O. waives notice for respondent No.1. Hamdast granted.

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

6. 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.

7. 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.449/2005.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 9th October 2017.

None for the applicant. Heard Shri S.A. Deo, the Ld. C.P.O. for the respondents.

Since nobody appeared for the applicant since number of dates, this matter was dismissed in default earlier. On 23.8.2017, one Adv. Shri H.D. Futane holding for Shri P.S. Kshirsagar, Ld. counsel for the applicant appeared and submitted that due to mistake in publication of name of the Advocate on board, matter was dismissed. Considering his statement, application for condonation of delay was allowed and the matter was restored on its original file and was placed before this Tribunal on 14.2.2017. On 14.2.2017, none had appeared for the applicant and the matter was placed today. Today also, none appeared for the applicant. All these facts clearly shows that the applicant may not be interested in prosecuting this O.A. which is of the year 2005. Hence, the O.A. stands dismissed in default.

Vice-

Chairman(J)

pdg

O.A. No.512/2017.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 9th October 2017.

Mrs. Rashi Deshpande, the Ld. counsel for the applicants and Shri A.M. Khadatkhar, the Ld. P.O. for the respondent.

S.O. 10.10.2017.

Vice-Chairman(J)

pdg

