

O.A. No. 697/2016

**Coram : Hon. Shri J.D. Kulkarni,
Member (J).**

Dated : 01.03.2017.

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1 to 3. None for R-4.

Closed for orders.

Member (J).

dnk.

O.A. No. 361/2016

**Coram : Hon. Shri J.D. Kulkarni,
Member (J).**

Dated : 01.03.2017.

Heard Shri Bharat Kulkarni, Id. counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the respondents.

The learned P.O. files Statement showing details of payment made to the applicant. The copy of the said statement is taken on record and marked "X" for the purposes of identification. Copy of the same is already served to the applicant. The learned counsel for the applicant submits that he will go through the said statement and will make a submission within three weeks.

S.O. 22-3-2017. (P.H.)

Member (J).

O.A. No. 304/2016

**Coram : Hon. Shri J.D. Kulkarni,
Member (J).**

Dated : 01.03.2017.

None for the applicant.

Shri A.P. Potnis, Id. P.O. for the
respondents.

S.O. 29-3-2017.

Member (J).

dnk.

O.A. No. 282/2016

**Coram : Hon. Shri J.D. Kulkarni,
Member (J).**

Dated : 01.03.2017.

None for the applicant.

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

S.O. 29-3-2017.

Member (J).

dnk.

O.A. No. 153/2016

**Coram : Hon. Shri J.D. Kulkarni,
Member (J).**

Dated : 01.03.2017.

None for the applicant.

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

S.O. 15-3-2017.

Member (J).

dnk.

O.A. No. 758/2009

**Coram : Hon. Shri J.D. Kulkarni,
Member (J).**

Dated : 01.03.2017.

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

Closed for orders.

Member (J).

dnk.

O.A. No. 173/2011

**Coram : Hon. Shri J.D. Kulkarni,
Member (J).**

Dated : 01.03.2017.

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

At the request of learned counsel for the applicant, **S.O.**
15-3-2017.

Member (J).

dnk.

O.A. No. 71/2016

**Coram : Hon. Shri J.D. Kulkarni,
Member (J).**

Dated : 01.03.2017.

Shri S.P. Palshikar, Id. counsel
for the applicant and Shri A.M.
Ghogre, Id. P.O. for the Respts.

At the request of Id. counsel for
the applicant, **S.O. 29-3-2017.**

Member (J).

dnk.

O.A. No. 759/2015

**Coram : Hon. Shri J.D. Kulkarni,
Member (J).**

Dated : 01.03.2017.

Shri Bharat Kulkarni, Id. counsel holding for Shri N.D. Thombre, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 18-3-2017.**

Member (J).

dnk.

O.A. Nos. 801, 826 & 848 of 2016

**Coram : Hon. Shri J.D. Kulkarni,
Member (J).**

Dated : 01.03.2017.

Shri D.M. Khandait, Id. counsel holding for Shri S.A. Marathe, Id. counsel for the applicants, and Shri A.M.Ghogle, Id. P.O. for the respondents.

At the request of learned counsel for the applicants, **S.O.**
18-3-2017.

Member (J).

dnk.

O.A. No. 462/2012

**Coram : Hon. Shri J.D. Kulkarni,
Member (J).**

Dated : 01.03.2017.

None for the applicant.

Smt. S.V. Kolhe, Id. P.O. for the
respondents.

S.O. 16-3-2017.

Member (J).

dnk.

O.A. No. 466/2008

**Coram : Hon. Shri J.D. Kulkarni,
Member (J).**

Dated : 01.03.2017.

Shri A.P. Sadavarte, Id. counsel holding for Shri A.D. Mohgaonkar, Id. counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the respondents.

Shri A.P. Sadavarte, Id. counsel appears on behalf of Shri A.D. Mohgaonkar, the learned counsel for the applicant and submits that he will take instructions in this matter. In the interest of justice the time is granted.

S.O. 15-3-2017.

Member (J).

dnk.

O.A. No. 736/2016

**Coram : Hon. Shri J.D. Kulkarni,
Member (J).**

Dated : 01.03.2017.

None for the applicant.

At the request of Shri P.N. Warjurkar, Id. P.O. for the respondents, S.O. 29-3-2017 for filing reply.

Member (J).

dnk.

O.A. No. 827/2016

**Coram : Hon. Shri J.D. Kulkarni,
Member (J).**

Dated : 01.03.2017.

Shri Bharat Kulkarni, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

The learned P.O. submits that he will file reply during the course of day and serve the copy to the learned counsel for the applicant. The learned counsel for the applicant submits that he will go through the same and file rejoinder if necessary.

S.O. 29-3-2017.

Member (J).

dnk.

O.A. No. 776/2016

**Coram : Hon. Shri J.D. Kulkarni,
Member (J).**

Dated : 01.03.2017.

None for the applicant.

Shri H.K. Pande, Id. P.O. for the
respondents.

At the request of learned P.O.,
S.O. 29-3-2017 for filing reply.

Member (J).

dnk.

O.A. No. 767/2016

**Coram : Hon. Shri J.D. Kulkarni,
Member (J).**

Dated : 01.03.2017.

None for the applicant.

Shri S.A. Sainis, Id. P.O. for R-1,2,4 & 5 and Shri J.B. Kasat, Id. counsel for R-3. None for R-6.

The learned counsel for R-3 seeks time to file affidavit-in-reply. Time is granted by way of last chance.

S.O.22-3-2017.

Member (J).

dnk.

O.A. No. 723/2016

**Coram : Hon. Shri J.D. Kulkarni,
Member (J).**

Dated : 01.03.2017.

Heard Shri N.S. Agrawal, 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.

Learned P.O. waives notice for the respondents.

S.O. 6-3-2017.

Member (J).

dnk.

O.A. No. 704/2016

**Coram : Hon. Shri J.D. Kulkarni,
Member (J).**

Dated : 01.03.2017.

Shri Bharat Kulkarni, Id. counsel holding for Shri S.P. Palshikar, Id. counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for the respondents.

The learned P.O. files affidavit-in-reply on behalf of R-3. It is taken on record. Copy is served to the learned counsel for the applicant. The learned counsel for the applicant submits that he will go through the reply and file rejoinder if necessary.

S.O. 29-3-2017.

Member (J).

dnk.

O.A. Nos. 649,650,651,652, & 653 of
2016

**Coram : Hon. Shri J.D. Kulkarni,
Member (J).**

Dated : 01.03.2017.

Heard Shri A.K. Tripathi, Id.
counsel holding for Shri A.
Deshpande, Id. counsel for the
applicants and Smt. S.V. Kolhe, Id.
P.O. for the respondents.

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

Learned P.O. waives notice for
the respondents.

S.O. 29-3-2017.

Member (J).

dnk.

O.A. No. 540/2016

**Coram : Hon. Shri J.D. Kulkarni,
Member (J).**

Dated : 01.03.2017.

Shri S.C. Joshi, Id. counsel holding for Shri C.A. Joshi, Id. counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for the respondents.

At the request of Id. P.O., S.O. 15-3-2017 for filing reply.

Member (J).

dnk.

O.A. No. 376/2016

**Coram : Hon. Shri J.D. Kulkarni,
Member (J).**

Dated : 01.03.2017.

Shri R.V. Shiralkar, Id. counsel
for the applicant and Shri A.M.
Ghogre, Id. P.O. for the respondents.

At the request of learned P.O.,
S.O. 15-3-2017 for filing reply as a last
chance.

Member (J).

dnk.

O.A. No. 84/2016

**Coram : Hon. Shri J.D. Kulkarni,
Member (J).**

Dated : 01.03.2017.

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.

It appears that on the last date last chance was granted to file reply. The learned P.O. again seeks time to file reply. In the interest of justice, time is granted to file reply by way of last chance.

S.O. 22-3-2017.

Member (J).

dnk.

O.A. No. 22/2016

**Coram : Hon. Shri J.D. Kulkarni,
Member (J).**

Dated : 01.03.2017.

Shri Bharat Kulkarni, Id. counsel holding for Shri S.P. Palshikar, Id. counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O.**
29-3-2017 for filing reply to the amended O.A.

Member (J).

dnk.

O.A. No. 63/2017

**Coram : Hon. Shri J.D. Kulkarni,
Member (J).**

Dated : 01.03.2017.

C.A.47/2017 -

Shri S.P. Kshirsagar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1,2,4 & 5.

Shri F.T. Mirza, Id. counsel appears and submits that he will file Vakalatnama on behalf of R-3 during the course of day and seeks permission to file reply. Considering the facts that the applicant is a Cancer patient as stated by the learned counsel for the applicant. Two weeks time is granted to file reply, with understanding that the matter shall be taken for final hearing as soon as the reply is filed.

S.O. 15-3-2017.

Member (J).

O.A. No. 596/2016

**Coram : Hon. Shri J.D. Kulkarni,
Member (J).**

Dated : 01.03.2017.

C.A.477/2016 -

Heard Shri G.M. Kubade, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1&2, none for R-3 and Shri D.R. Khapre, Id. counsel holding for Shri R.L. Khapre, Id. counsel for R-4 (Caveator).

The learned counsel for the applicant submits that the applicant does not want to press the C.A. No.477/2016 for stay. In view of the this, the application is disposed of as not pressed.

O.A.596/2016 -

Since the pleadings are complete, the matter is admitted and kept for final hearing. Concerned advocates agreed for final hearing on the next date.

The learned P.O. as well as Id. counsel for R-4 waives notice for the respective respondents.

S.O. 6-3-2017.

Member (J).

O.A. No. 222/2016

**Coram : Hon. Shri J.D. Kulkarni,
Member (J).**

Dated : 01.03.2017.

C.A.18/2017 -

Heard Shri G.K. Bhusari, Id. counsel holding for Shri R.D. Khobragade, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

2. The applicant is claiming amendment to the O.A. the learned counsel for the applicant however submits that he may be permitted to withdraw the amendment application as the applicant wants to file separate O.A. as regard the cause of action is in the said amended O.A. The said application is for amendment of O.A.

3. In view thereof, the application stands disposed of as withdrawn with permission to file separate O.A.

4. The learned counsel for the applicant submits that the applicant

has retired on 30-6-2015 and till today even provisional pension has not been received by the applicant. It seems that the regular pension has not been paid by the A.G. office on the ground that some departmental enquiry is pending against the applicant. However there is no reason as to why the provisional pension is not paid.

5. The learned P.O. is therefore directed to take the instructions in this regard and to see that at least provisional pension is paid to the applicant. Two weeks time is granted to the learned P.O. for taking instructions in this regard.

6. **S.O. 18-3-2017.**

Member (J).

dnk.

O.A. No. 336/2016

**Coram : Hon. Shri J.D. Kulkarni,
Member (J).**

Dated : 01.03.2017.

Heard Shri G.K. Bhusari, Id. counsel for the applicant, Shri P.N.Warjurkar, Id. P.O. for R-1&2 and Shri S.P. Palshikar, Id. counsel for R-3.

2. The applicant has challenged the impugned order of his transfer dated 31-5-2016 passed by the Government of Maharashtra, whereby the applicant has been transferred from Akola (Head Office) to the post of Executive Engineer in Irrigation (Research) Division, Akola. It is stated that the said transfer has been issued as per the provisions of Section 4 (4) of The Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (In short 'Transfer Act'). The only request, as

made by the applicant, is that he shall be transferred to Washim since his

wife is serving there. Admittedly, the applicant has not filed any representation after the impugned transfer order has been issued.

3. The learned counsel for the applicant submits that the application be disposed of by giving liberty to the applicant to file fresh representation for his transfer at Washim. It is further stated that the applicant is going to retire on superannuation in near future, may be within one and half year.

4. In view thereof, I pass the following order :-

ORDER

The O.A. stands disposed of with following direction :

i) The applicant is permitted to file representation for his transfer at Washim within one week. If such representation is filed, the same may be considered by the respondent/authority as per its own merits at the time of annual general

transfer of 2017. No order as to costs.

Member (J).

dnk.

O.A. Nos.645/2015.

Coram-J.D. Kulkarni, Member (J).

Dated : 1st March 2017.

C.A. No.460/2016.

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

For the reasons stated in the application, the C.A. for early hearing is allowed.

Ld. P.O. waives notice for the respondents.

Hearing expedited.

S.O. **8th March 2017** for final hearing.

Member (J)

pdg

O.A. No. 580/2015.

Coram-J.D. Kulkarni, Member (J).

Dated : 1st March 2017.

Smt. U.A. Patil, the learned counsel for the applicant and Shri A.M.Khadatkar, Ld. P.O. for the respondents 1 to 3. Shri N. Bhishikar, Adv. for R.4.

The learned counsel for the applicant undertakes to collect hamdast in respect of respondent No.3 by **22nd March 2017.**

Member (J)

Pdg

O.A. No. 245/2016.

Coram-J.D. Kulkarni, Member (J).

Dated : 1st March 2017.

Heard Shri I.N. Choudhari, the learned counsel for the applicant and Shri A.M.Khadatkar, Ld. P.O. for the respondents. 1 to 3. Shri A. Dixit, Adv. for R.4. None for R. 5 & 6.

2. Issue fresh notice to R.5

returnable on **29th March 2017.**

3. Shri A.M.Khadatkar, Ld. P.O. waives notice for respondent Nos. 1 to 3. 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.

S.O. 29th March 2017.

Member (J)

Pdg

O.A. No. 449/2016.

Coram-J.D. Kulkarni, Member (J).

Dated : 1st March 2017.

Heard Shri G.G. Bade, the learned counsel for the applicant and Shri S.A. Deo, Ld. C.P.O. for the respondent No.1.

2. Issue fresh notice to R.2 to 4 returnable on **30th March 2017.**

3. Shri S.A. Deo, 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.

S.O. 30th March 2017.

Member (J)

Pdg

O.A. No. 511/2016.

Coram-J.D. Kulkarni, Member (J).

Dated : 1st March 2017.

Heard Shri R.P. Masurkar, the learned counsel for the applicant and Shri A.M. Khadatkhar, Ld. P.O. for the respondent Nos.2 and 3.

2. Issue fresh notice to R. 1 and 4 to 7 returnable on **30th March 2017.**

3. Shri A.M. Khadatkhar, Ld. P.O. waives notice for respondent Nos. 2 and 3. 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.

S.O. 30th March 2017.

Member (J)

Pdg

O.A. No. 590/2016.

Coram-J.D. Kulkarni, Member (J).

Dated : 1st March 2017.

Heard Shri M.P. Kariya, the learned counsel for the applicant and Shri V.A. Kulkarni, Ld. P.O. for the respondent Nos.1 & 2. Shri K.V. Bhoskar, Adv. for R.4. None for R.3.

The learned counsel for R.4 submits that he does not want to file reply separately and he adopts reply of R. 1 & 2. The learned counsel for the applicant submits that he will file rejoinder, if necessary during the course of the day.

ADMIT.

Shri V.A. Kulkarni, Ld. P.O. waives notice for respondent Nos. 1 & 2.

Shri K.V. Bhoskar, Adv. waives notice for R.4

S.O. **8th March 2017** for final hearing.

Member (J)

pdg

O.A. No. 592/2016.

Coram-J.D. Kulkarni, Member (J).

Dated : 1st March 2017.

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

Ld. P.O. has filed reply affidavit on behalf of all the respondents. The same is taken on record and a copy thereof is supplied to the learned counsel for the applicant. He wants to go through it.

ADMIT.

Shri P.N. Warjekar, Ld. P.O. waives notice for the respondents.

S.O. **9th March 2017** for final hearing.

Member (J)

pdg

O.A. No. 219/2016.

Coram-J.D. Kulkarni, Member (J).

Dated : 1st March 2017.

Miss Swarupa Pahade, Adv. holding for Miss M. Chandurkar, the learned counsel for the applicant and Shri M.I. Khan, Ld. P.O. for the respondents 1 to 3. Shri H.D. Dangre, Adv. for R.4.

At the request of the learned counsel for the applicant as well as Ld. P.O. for R. 1 to 3 and Ld. Adv. for R.4, S.O. 8th **March 2017** for final disposal.

Member (J)

pdg

O.A. No. 374/2016.

Coram-J.D. Kulkarni, Member (J).

Dated : 1st March 2017.

None for the applicant. Shri S.A. Sainis, Ld. P.O. for the respondents.

The Ld. P.O. has filed reply affidavit on behalf of R.3. The same is taken on record and a copy thereof is supplied to the learned counsel for the applicant. He wants to go through it.

S.O. 29th March 2017.

Member (J)

pdg

O.A. No. 662/2016.

Coram-J.D. Kulkarni, Member (J).

Dated : 1st March 2017.

C.A. 35/2017.

Heard Shri R.G. Kavimandan, learned counsel for the applicant and Shri H.K. Pande, Ld. P.O. for the respondent Nos. 1 to 3.

The Ld. P.O. has filed reply affidavit on behalf of R.2 to the C.A. The same is taken on record and a copy thereof is supplied to the learned counsel for the applicant. He wants to go through it.

In this C.A., the applicant is claiming amendment to the pleadings whereby some new respondents are to be added. It is stated that these proposed respondents have secured less marks than the applicant and still they are selected. Selection process has already been challenged in the O.A. In view of this, there may not be any change of nature of litigation by adding these new respondents in the O.A. I find that

addition of respondents is necessary in the interest of justice and equity. For the reasons stated in the application, application for amendment is allowed. The said amendment be incorporated within two weeks.

After pleadings are amended, notice be issued to the newly added respondents returnable by **29th March 2017.** Respondent Nos. 1 to 3 will be at liberty to file additional affidavit to the amended O.A.

Shri H.K. Pande, Ld. P.O. waives notice for respondent Nos. 1 to 3. Hamdast granted.

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

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

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.

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. **29th March 2017.**

Member (J)

Pdg

O.A. No. 791/2016.

Coram-J.D. Kulkarni, Member (J).

Dated : 1st March 2017.

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

The learned P.O. seeks time to file reply. Time is granted.

S.O. **30th March 2017.**

Member (J)

pdg

O.A. No. 477/2000.

Coram-J.D. Kulkarni, Member (J).

Dated : 1st March 2017.

MCA Nos. 14 and 15 of 2014.

Shri S.W. Sambre, learned counsel for the applicant and Shri P.N. Warjekar, Ld. P.O. for the respondents.

At the request of learned counsel for the applicant, S.O. **2nd March 2017.**

Member (J)

pdg

O.A. No. 452/2005.

Coram-J.D. Kulkarni, Member (J).

Dated : 1st March 2017.

MCA No. 09 of 2017.

None for the applicant. Shri M.I.
Khan, the Ld. P.O. for the respondents.

S.O. 16th **March 2017.**

Member (J)

pdg

O.A. (St.) No. 1827/2016.

Coram-J.D. Kulkarni, Member (J).

Dated : 1st March 2017.

C.A. No. 454 of 2016.

None for the applicants. Shri M.I. Khan, the Ld. P.O. for the respondents.

The cause of action for both the applicants and the relief claimed by them is same and, therefore, in the interest of justice and for the reasons stated in the application, application to sue jointly is allowed. C.A. stands disposed of.

O.A. (St.) No. 1827/2016.

S.O. 22nd **March 2017.**

Member (J)

pdg

