

O.A.319/2017

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

Dated : 12.06.2017.

Shri S.B. Tiwari, Id. Counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the State.

At the request of learned counsel for the applicant, **S.O. 13/06/2017.**

Vice Chairman (J)

dnk.

O.A.330/2017

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

Dated : 12.06.2017.

1. Heard Shri P.V.Thakre, Id. Advocate for the applicant and Shri S.A. Deo, Id. C.P.O. for R-1.
2. Issue notice to R-2 to 4, returnable in **three weeks**. Learned C.P.O. waives notice for R-1.
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.

8. **S.O. three weeks.**

Vice Chairman (J)

dnk.

O.A.331/2017

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

Dated : 12.06.2017.

Heard Shri M.M. Sudame, Id. Advocate for the applicant and Shri S.A. Deo, Id. C.P.O. for R-1.

2. In the O.A. the applicant, Live Stock Development Officer (Group-A) has challenged his order of transfer dated 31/5/2017 (A-1,P-23) whereby he has been transferred from Asgaon, Tq. Paoni, Dist. Bhandara to Alapalli, Tq. Aheri, Dist. Gadchiroli.

3. The applicant is serving as Live Stock Development Officer. It is stated that his wife is also serving on the same post at Lakhandur. The learned counsel for the applicant has placed reliance on the G.R. dated 6/8/2002 particularly at para no. D (2) (P-37) as also the G.R. dated 27/11/1997 at para no. 10 (P-48). The first G.R. gives opportunity to the Officer for choice posting after serving in a naxalite area, whereas the later gives preference to the husband and wife

serving in the Govt. Department. It is stated that the impugned order of transfer is against those G.Rs. The applicant has preferred his representation dated 6/6/2017 after transfer. It is also stated that even prior to the transfer order the applicant has preferred representation dated 12/5/2017, but the same were not considered.

4. The learned counsel for the applicant submits that the respondents have not taken any decision on his representation dated 12/5/2017. He submits that the application can be disposed of if the directions are given to the respondents authorities to consider his representations dated 12/5/2017 and 6/6/2017 and till that time he is not posted to join at Alapalli. In view thereof, the following order :-

ORDER

The application stands disposed of with a direction to respondent no.1 to take decision on the representations filed by the applicant dated 12/5/2017 and 6/6/2017 as per its own merits and considering the submission made by the applicant in these representations. The said representations be decided within six weeks from the date of this order and a

decision shall be intimated to the applicant in writing. Till that time the respondent no.1 is directed not to insist the applicant to join at Alapalli. He shall be continued at Asgaon if not yet relieved.

Vice Chairman (J)

dnk.

O.A.332/2017

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

Dated : 12.06.2017.

Heard Shri R.V.Shiralkar, Id.
Advocate for the applicant and Shri S.A. Deo,
Id. C.P.O. for R-1.

2. The applicant has challenged the impugned order of transfer dated 15/5/2017 (A-9,P-49) whereby he has been transferred from Govt. Medical College, Nagpur to Govt. Medical College, Dhule. The applicant is serving as Associate Professor. It is stated that her husband is suffering from Brain Tumor and he got retired prematurely on the same ground. Therefore, she has filed representation on 25/5/2017 which is pending before respondent no.1. Prima facie it seems that the impugned order has been passed in view of some litigation before the Hon'ble High Court and therefore the say of the respondents is necessary before passing any order. The CPO is directed to take instructions as to within how many days the representation filed by the applicant will be decided. Therefore, the Id. CPO seeks one week's time. Hence, put the matter after one week.

3. Issue notice to R-2 and 3, returnable in **one week**. Learned C.P.O. waives notice for R-1.
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. one week.**

Vice Chairman (J)

dnk.

O.A.381/2011

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

Dated : 12.06.2017.

Shri S. Borkar, Id. Counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the respondents.

At the request of Id. Counsel for the applicant, **S.O. 20/6/2017.**

Vice Chairman (J)

dnk.

O.A.736/2016

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

Dated : 12.06.2017.

Shri M.R. Khan, 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. one week.**

Vice Chairman (J)

dnk.

O.A.113/2017

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

Dated : 12.06.2017.

C.A.53/2017

Shri R.V. Shiralkar, Id. Counsel for
the applicant and Shri V.A.Kulkarni, Id.
P.O. for the Respts.

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

Vice Chairman (J)

dnk.

O.A.792/2016

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

Dated : 12.06.2017.

MCA 29/2017

Heard Shri T.S. Kene, Id. Counsel holding for Shri S. S. Shingane, Id. Counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for the State.

2. Notice on application be issued returnable in **four weeks**.

3. Smt. Barabde the learned 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 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 the O.A.

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 an affidavit of compliance in the Registry as far as possible once week before the date fixed by this Tribunal. Applicant is directed to file Affidavit of compliance and notice.

8. **S.O. four weeks.**

Vice Chairman (J)

dnk.

O.A.175/2010

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

Dated : 12.06.2017.

MCA 31/2017

Heard Shri A.R. Patil, Id. Counsel for the applicant and Shri H.K. Pande, Id. P.O. for the State.

2. Notice on application be issued returnable in **four weeks**.
3. Shri H.K. Pande the learned 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 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 the O.A.
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 an affidavit of compliance in the Registry as far as possible once week before the date fixed by this Tribunal. Applicant is directed to file Affidavit of compliance and notice.

8. **S.O. four weeks.**

Vice Chairman (J)

dnk.

O.A.283/2016

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

Dated : 12.06.2017.

Shri G.G. Bade, Id. Counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1, 3 to 5. Await service of R-2.

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

Vice Chairman (J)

dnk.

O.A.529/2016

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

Dated : 12.06.2017.

Shri S. Malode, Id. Counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the respondents.

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

Vice Chairman (J)

dnk.

O.A.704/2016

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

Dated : 12.06.2017.

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.**
four weeks for filing reply of R-1.

Vice Chairman (J)

dnk.

O.A.128/2017

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

Dated : 12.06.2017.

Shri P.A. Teni, Id. Counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the Respts.

The learned P.O. files reply on behalf of R-3. It is taken on record. Copy is given to the learned counsel for the applicant. The learned P.O. submits that the reply of other respondents is not necessary. The learned counsel for the applicant wants to go through the same. He seeks time to file rejoinder, if any.

S.O. one week.

Vice Chairman (J)

dnk.

O.A.186/2017

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

Dated : 12.06.2017.

None for the applicant. Smt. M.A.
Barabde, Id. P.O. for R-1.

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

Vice Chairman (J)

dnk.

O.A.199/2017

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

Dated : 12.06.2017.

Shri S.C. Deshmukh, Id. Counsel
for the applicants and Shri A.M.
Khadatkar, Id. P.O. for the respondents.

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

Vice Chairman (J)

dnk.

O.A.333/2017

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

Dated : 12.06.2017.

Shri G.G.Bade, Id. Counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

At the request of Id. Counsel for the applicant, **S.O. one week** to take instructions from the applicant.

Vice Chairman (J)

dnk.

O.A.134/2016

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

Dated : 12.06.2017.

Heard Shri A.S. Siddiqui, Id.
Counsel holding for Shri A.B. Mirza, Id.
Counsel for the applicant and Smt. S.V.
Kolhe, Id. P.O. for R-1&2. None for R-3
& 4.

Closed for orders.

Vice Chairman (J)

dnk.

O.A.173/2016

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

Dated : 12.06.2017.

Shri H.D. Futane, Id. Counsel for
the applicant and Shri A.P. Potnis, Id.
P.O. for the Respts.

At the request of Id. Counsel for
the applicant, **S.O. Next week.**

Vice Chairman (J)

dnk.

O.A. Nos. 801, 826 & 848 of 2012

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

Dated : 12.06.2017.

Shri D.M. Khandait, Id. Counsel holding for Shri S.A. Marathe, Id. Counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the Respts.

At the request of Id. Counsel for the applicant, **S.O. 14/6/2017.**

Vice Chairman (J)

dnk.

O.A.770/2016

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

Dated : 12.06.2017.

Shri S.P. Palshikar, Id. Counsel for
the applicant and Shri S.A. Sainis, Id.
P.O. for the Respts.

At the request of learned P.O.,
S.O. one week by way of last chance.

Vice Chairman (J)

dnk.

O.A.337/2017

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

Dated : 12.06.2017.

Heard Shri N.D. Thombre, Id. Counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The applicant has been transferred from the post of Professor in the Govt. Medical College, Nagpur to Govt. Medical College, Dhule vide impugned order dated 7/6/2017 (A-5,P-30). Admittedly, the applicant has completed five years at Nagpur and therefore he is due for transfer. The learned counsel for the applicant submits that earlier he had filed representations but same were not considered. Prima facie the applicant has completed more than five years and therefore it is not a case to grant interim relief.

3. Issue notice to R-2 to 5, returnable in **four weeks**. Learned C.P.O. waives notice for R-1.
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.829/2011

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

Dated : 12.06.2017.

Heard Shri A. Mardikar, Id.
Counsel for the applicant and Shri S.A.
Sainis, Id. P.O. for the Respts.

Closed for orders.

Vice Chairman (J)

dnk.

O.A. St.1550/2016 (D.B.)

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

Dated : 12.06.2017.

C.A.465/2016 -

None for the applicant. Shri S.A. Sainis, Id. P.O. for R-1 & 3 and Ms. P.V. Shendre, Id. Counsel for R-2&4.

The matter was earlier kept on the point of maintainability, but nobody appeared on behalf of the applicant. It was kept for dismissal on 5/6/2017. On that date also nobody was appeared for applicant. Today also none appeared for the applicant. In view thereof, the C.A. stands dismissed in default.

Consequently, the O.A. (Stamp) also stands disposed of.

Vice Chairman (J)

dnk.

O.A.83/2017 (D.B.)

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

Dated : 12.06.2017.

C.A.118/2017 -

Shri M.M. Sudame, Id. Counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-4 and Shri G.K. Bhusari, Id. Counsel for R-1 to 3.

The respondent nos. 1 to 3 have taken objection on the point of jurisdiction stating that the Maharashtra Jeevan Pradhikaran is not a Government Institute. The learned counsel for the applicant invited my attention to the application in which it is stated that the applicant is a Government servant and is on deputation in Maharashtra Jeevan Pradhikaran. The Id. P.O. seeks time to make statement in this regard.

S.O. one week.

Vice Chairman (J)

dnk.

O.A.336/2017 (D.B.)

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

Dated : 12.06.2017.

C.A.248/2017 -

Heard Shri R.V. Shiralkar, Id. Counsel for the applicants and Shri S.A. Sainis, Id. P.O. for R-1.

The application for sue jointly is allowed in the interest of justice and equity considering the reasons stated in the application.

O.A. 336/2017 -

The Office has taken objection regarding jurisdiction of this Tribunal since the applicants have applied for the posts in Nagar Parishad. The learned counsel for the applicant however submits that the advertisement is for State cadre posts and therefore the Tribunal has jurisdiction. The point of jurisdiction can be adjudicated on merits and the Id. P.O. can file reply to that effect.

2. In view thereof, Issue notice to R-2 & 3, returnable in **four weeks**. Learned P.O. waives notice for R-1.
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.177/2016 (D.B.)

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

Dated : 12.06.2017.

Shri S.K. Bhoyar, Id. Counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the Respts.

The learned counsel for the applicant submits that he has already deposited the cost and thus the order of this Tribunal has been complied with. The application is already disposed of as infructuous.

Vice Chairman (J)

dnk.

O.A.665/2016 (D.B.)

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

Dated : 12.06.2017.

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

The learned counsel for the applicant submits that the brief is with Advocate Shri Dhengale and he will intimate Advocate Shri Dhengale for compliance. Since the steps are not taken to serve R-2 to 4, as a last chance the matter is adjourned for **two weeks**.

Vice Chairman (J)

dnk.

O.A.764/2016 (D.B.)

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

Dated : 12.06.2017.

Shri A.P. Tathod, Id. Counsel for the applicant and Smt. M.A. Barabde, Id. P.O. for R-1. Await service of R-2.

At the request of Id. Counsel for the applicant ,**S.O. one week** to file service affidavit.

Vice Chairman (J)

dnk.

O.A.843/2016 (D.B.)

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

Dated : 12.06.2017.

Mrs. K.P. Wathore, Id. Counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1. Await service of R-2.

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

Vice Chairman (J)

dnk.

O.A.41/2017 (D.B.)

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

Dated : 12.06.2017.

Shri G.G. Bade, Id. Counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1. Await service of R-2&3.

At the request of Id. Counsel for the applicant, **S.O. one week** to serve R-2&3 and remove objections.

Vice Chairman (J)

dnk.

O.A.245/2017 (D.B.)

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

Dated : 12.06.2017.

None for the applicant. Shri A.P. Potnis, Id. P.O. for R-1. Await service of R-2&3.

Steps are not taken to serve R-2&3. Hence, put up after **two weeks** for dismissal.

Vice Chairman (J)

dnk.

O.A.201/2016 (D.B.)

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

Dated : 12.06.2017.

Shri G.K. Bhusari, Id. Counsel for the applicants and Shri A.M. Khadatkar, Id. P.O. for R-1&2. None for R-3 to 5.

The learned P.O. files reply on behalf of R-2. It is taken on record. Copy is given to the Id. Counsel for the applicant. The learned P.O. submits that there is no need to file reply of R-1. The learned counsel for the applicant wants to go through the same.

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A.32/2017 (D.B.)

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

Dated : 12.06.2017.

Heard Shri S.P. Palshikar, Id.
Counsel for the applicant and Shri P.N.
Warjurkar, Id. P.O. for R-1 to 3. None for
R-5&6.

Closed for orders.

Vice Chairman (J)

dnk.

O.A.48/2017 (D.B.)

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

Dated : 12.06.2017.

Shri V.Y Kaole, Id. Counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

Since the reply is filed, the matter is admitted and kept for hearing before Division Bench in due course.

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

Vice Chairman (J)

dnk.

O.A.334/2017 (D.B.)

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

Dated : 12.06.2017.

Heard Shri S.N. Gaikwad, Id. Counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1.

2. Issue notice to R-2 &3, returnable in **four weeks**. Learned P.O. waives notice for R-1.
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.449/2007 (D.B.)

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

Dated : 12.06.2017.

Shri G. M. Shitut, Id. Counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the Respts.

The learned counsel for the applicant has filed affidavit. Same is taken on record. Copy is given to the Id. P.O. The learned P.O. seeks time to file copies of all the minutes of meeting.

S.O. one week.

Vice Chairman (J)

dnk.

O.A.429/2015 (D.B.)

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

Dated : 12.06.2017.

Shri R.V. Shiralkar, Id. Counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1&2 and Shri A.P. Sadavarte, Id. Counsel for R-3,5,8 & 9. None for R-4 & 7.

The learned P.O. has placed on record the copy of the communication dated 8/6/2017 which is marked Exh.-X for the purpose of identification. He submits that the claim of Shri P.G. Deshmukh is under consideration before the competent authority. Since the matter is already heard on merits, it is **closed for orders.**

Vice Chairman (J)

dnk.

O.A.447/2000 (D.B.)

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

Dated : 12.06.2017.

MCA Nos. 14 & 15 of 2014-

Shri MV. Raut, Id. Counsel holding
for Shri S.W. Sambre, Id. Counsel for the
applicant and Shri P.N. Warjurkar, Id.
P.O. for the Respts.

The learned counsel for the
applicant submits that Shri Sambre, Id.
Counsel for the applicant is not feeling
well and hence he sought for
adjournment. At his request, **S.O. one
week.**

Vice Chairman (J)

dnk.

O.A.335/2017 (D.B.)

Coram : Hon. Shri J.D.Kulkarni,

Vice-Chairman (J).

Dated : 12.06.2017.

Heard Shri N.A. Jachak, Id. Counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1 and Shri R.V. Shiralkar, Id. Counsel for R-4 (Caveator).

2. The applicant is claiming a declaration that the decision taken by respondent no.1 & 2 in considering the name of respondent nos. 3 to 9 for grant of temporary promotion to the post of Deputy Controller (Group-A) in the department of Legal Metrology is illegal and arbitrary since the same has been taken ignoring the rights of the applicant and without following directions issued by this Tribunal at its Principal Bench at Mumbai in O.A. Nos. 198/2008 and 88/2008.

3. From the recommendations vide letter dated 18/5/2017 and it seems that the Government has recommended the names of some persons for promotion in which the applicant's name has not

appeared. The learned counsel for the applicant submits that the said decision is against the Judgment in the O.A. Nos. 198/2008 and 88/2008.

4. The learned counsel for R-4 (Caveator) submits that in the aforesaid two Judgments the promotion of the applicant vide order dated 1/9/2005 was quashed and set aside and this fact is specifically stated in para no.315 of the order. In my opinion whether the applicant is entitled to promotion or not is a question to be decided on merits and unless and until the respondents are given opportunity to file reply-affidavit the said question cannot be considered. All the proposed promotions are temporary only and in the Ad-hoc nature and if on merits it is found that the juniors are promoted, the applicant can claim deemed date of promotions.

5. In view thereof, there is no prima facie case to grant any interim relief at this juncture.

6. Hence, issue notices to R-2,3 & 5 to 9 returnable in four weeks. Learned P.O. as well as Id. Counsel for R-4 (caveator) waives respective notices.

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

8. 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.

9. 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.

10. 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.

11. **S.O. four weeks.**

Vice Chairman (J)