

O.A. No. 960/2017 (SB)

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

Dated : 18.12.2017

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The applicant is working as Divisional Forest Officer (DFO). Vide order dated 16/10/2015 (A-1,P-11) the applicant was transferred from Amravati to Pandharkawda. He accordingly joined and is still working at that place. But vide impugned order dated 07/12/2017 (A-2, P-14) the applicant has been shown to be transferred from Pandharkawada to Nagpur under the garb that it is a modification in the order by way of transfer. Prima facie it seems that the applicant is being transferred from Pandharkawada to Nagpur without completing his tenure at Pandharkawada and it is a mid-term transfer. The applicant is due for retirement in June, 2019. It is stated that the applicant has not yet been relieved from Pandharkawada. In view thereof, the

respondents are directed not to relive the applicant from Pandharkawada till filing of the reply.

3. Issue notice to R-2 to 4, returnable in **three weeks**. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

5. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

6. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

7. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one

week. Applicant is directed to file Affidavit of compliance and notice.

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

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

Vice Chairman (J)

dnk.

O.A. No. 617/2017 (SB)

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

Dated : 18.12.2017

Shri N.S. Warulkar, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1. Await service of R-2.

The learned counsel for the applicant seeks time to file service affidavit of R-2. At his request, **S.O. two weeks.**

Vice Chairman (J)

dnk.

O.A. No. 709/2017 (SB)

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

Dated : 18.12.2017

Shri S.N. Nayase, Id. counsel holding for Shri G.G. Bade, Id. counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for R-1. Await service of R-2 & 3.

The learned counsel for the applicant seeks time to file service affidavit of R-2 &3. At his request, **S.O. one week.**

Vice Chairman (J)

dnk.

O.A. No. 739/2017 (SB)

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

Dated : 18.12.2017

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

The learned P.O. files reply affidavit on behalf of R-1 to 3. It is taken on record. Copy is served on the applicant.

S.O. After Vacation for filing rejoinder, if any.

Vice Chairman (J)

dnk.

O.A. No. 786/2017 (SB)

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

Dated : 18.12.2017

Shri A.S. Deshpande, Id. counsel
for the applicant and Shri M.I. Khan, Id.
P.O. for R-1&2. None for R-3.

S.O. two weeks.

Vice Chairman (J)

dnk.

O.A. No. 871/2017 (SB)

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

Dated : 18.12.2017

Shri S.N. Gaikwad, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

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

Vice Chairman (J)

dnk.

O.A. No. 872/2017 (SB)

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

Dated : 18.12.2017

Heard Shri A. P. Tathod, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1&3. Shri M.R. Khan, Id. counsel appears and files Vakalatnama on behalf of R-2. He also files reply on behalf of R-2. It is taken on record.

2. The learned counsel for the applicant files on record the copy of the order dated 21/11/2017 which is marked Exh-X for the purposes of identification from which it seems that the impugned order has been cancelled by the Government. The applicant therefore seeks permission to withdraw the O.A. Since the applicant wants to withdraw the O.A., he is permitted to withdraw the O.A. and hence the following order.

3. The O.A. stands disposed of as withdrawn with no order as to costs.

Vice Chairman (J)

dnk.

O.A. No. 881/2017 (SB)

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

Dated : 18.12.2017

Shri A.P. Sadavarte, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1. Await service of R-2 to 4.

The learned counsel for the applicant seeks time to file service affidavit of R-2 to 4. At his request, **S.O. two weeks.**

Vice Chairman (J)

dnk.

O.A. No. 898/2017 (SB)

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

Dated : 18.12.2017

Shri R.A. Haque, 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 P.O. seeks two weeks time for filing short reply. At his request, **S.O. two weeks.**

Vice Chairman (J)

dnk.

O.A. No. 567/2017 **(SB)**

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

Dated : 18.12.2017

None for the applicant. Shri P.N. Warjurkar, Id. P.O. for R-1&2. Shri A. Parihar, Id. counsel for R-3&4 and Shri G.K. Bhusari, Id. counsel holding for Shri D.M. Kakani, Id. counsel for R-5.

Shri A. Parihar, Id. counsel files reply on behalf of R-3&4. It is taken on record. Copies are served on the other sides.

The learned P.O. seeks time to file reply on behalf of R-1&2. At his request, **S.O. two weeks.**

Vice Chairman (J)

dnk.

O.A. No. 586/2017 (SB)

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

Dated : 18.12.2017

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

The learned P.O. files affidavit-in-reply on behalf of R-1 to 3. It is taken on record. Copy is served on the applicant.

S.O. After Vacation for filing rejoinder, if any.

Vice Chairman (J)

dnk.

O.A. No. 641/2017 (SB)

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

Dated : 18.12.2017

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

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

The learned P.O. waives notice for the respondent nos. 1 to 4.

S.O. After Vacation.

Vice Chairman (J)

dnk.

O.A. No. 657/2017 (SB)

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

Dated : 18.12.2017

None for the applicant.

Shri S.A. Deo, Id. CPO for the respondents.

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

Vice Chairman (J)

dnk.

O.A. No. 775/2017 (SB)

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

Dated : 18.12.2017

None for the applicant.

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

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

S.O. After Vacation.

Vice Chairman (J)

dnk.

O.A. No. 792/2017 (SB)

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

Dated : 18.12.2017

Shri N.D. Thombre, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1&2 and Shri A.P. Tathod, Id. counsel for R-3.

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

Vice Chairman (J)

dnk.

O.A. No. 795/2017 (SB)

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

Dated : 18.12.2017

Shri P.S. Patil, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of Id. PO, **S.O.**
three weeks for filing reply.

Vice Chairman (J)

dnk.

O.A. No. 647/2017 (SB)

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

Dated : 18.12.2017

Heard Shri M.M. Sudame, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondent nos. 1 to 5. None for R-6.

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

The learned P.O. waives notice for the respondent nos. 1 to 5.

S.O. After Vacation.

Vice Chairman (J)

dnk.

O.A. No. 878/2017 (SB)

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

Dated : 18.12.2017

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. 565/2017 (SB)

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

Dated : 18.12.2017

Herd Shri P.V. Thakre, Id. counsel
for the applicant and Shri A.M. Khadatkar,
Id. P.O. for the respondents.

Closed for orders.

Vice Chairman (J)

dnk.

O.A. No.358/2009.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 18th December 2017.

None for the applicant. Shri A.M. Ghogre, the Ld. P.O. for respondent Nos. 1 to 3. Shri S.S.Pandit, Ld. Adv. for R.4 and Shri N.R.Saboo, Adv.for R.5.

The Ld. P.O. was directed to file documents as per order dated 16.10.2017. The Ld. P.O. submits that he will file documents during the course of the day.

S.O. 22.12.2017.

Vice-
Chairman(J)

pdg

O.A.(St.) No.1550/2016.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 18th December 2017.

MCA Nos. 57 & 58 of 2017 in C.A. 465/2016.

Shri S.K. Thengre, the Ld. Counsel for the applicant and Shri M.I. Khan, the Ld. P.O. for respondent Nos. 1 and 3. Shri V.G. Palshikar, Ld. Adv. for R.2 and 4.

The respondent No.5 is not yet served. The Ld. Counsel for the applicant submits that the office of respondent No.5 is closed. However, he wants to continue the proceedings against respondent No.5. He shall, therefore, file service affidavit.

S.O. **two weeks.**

Chairman(J) Vice-

pdg

O.A.No.480/2016.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 18th December 2017.

MCA No. 70/2017.

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

S.O. two weeks.

Vice-
Chairman(J)

pdg

O.A.No.498/2010.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 18th December 2017.

C.A. No. 523/2017.

None for the applicant. Shri H.K. Pande, the Ld. P.O. for the respondents.

Vide order dated 15.7.2010, the departmental enquiry was stayed, since the criminal case was pending in respect of similar allegations. The Ld. P.O. submits that vide order dated 3.10.2013 criminal case is decided and the applicant has been

acquitted of the allegations in the criminal case. In view thereof, State wants to take decision as regards continuation of the enquiry. However, because of the stay to the proceedings in the departmental enquiry, no decision is being taken. The Ld. P.O. is, therefore, requested that the stay granted to the departmental enquiry be vacated. Since the very reason for which the departmental enquiry was stayed is no more in existence, stay to the departmental enquiry is vacated. C.A. stands disposed of.

O.A.No.498/2010.

Respondents to file reply affidavit in the O.A.

S.O. **two weeks.**

Chairman(J)

Vice-

pdg

O.A.No.879/2017.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 18th December 2017.

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

Await service to R.2.

S.O. **two weeks.**

Chairman(J) Vice-

O.A.No.864/2017.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 18th December 2017.

Shri W.N. Nagre, Adv. holding for Shri G.G. Bade, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the Ld. P.O. for the respondent No.1. None for R.2.

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

Vice-
Chairman(J)

O.A.No.683/2017.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 18th December 2017.

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

The Ld. counsel for the applicant seeks time to amend the O.A. in view of subsequent development of rejection of departmental appeal. In view thereof, S.O. **two weeks.**

Chairman(J) Vice-

O.A.No.288/2017.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 18th December 2017.

C.A. 535/2017.

None for the applicant. Shri V.A. Kulkarni, the Ld. P.O. for the respondents.

Though the applicant has filed an application for early hearing, nobody has appeared for the applicant today. Hence, the matter be kept as and when regular D.B. is available. C.A. stands disposed of.

Chairman(J) Vice-

pdg

O.A.No.755/2017.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 18th December 2017.

Heard Shri S.M. Puranik, the Ld. counsel for the applicants and Shri A.M. Ghogre, the Ld. P.O. for the respondents.

The Ld. counsel for the applicants has filed rejoinder to the reply filed by the respondents, it is taken on record and a copy thereof is supplied to the Ld. P.O. The Ld. counsel for the applicants submits that during the pendency of this O.A., three posts of 20% quota for the present applicants may be kept vacant and rest of the process for recruitment may be continued. The Ld. P.O. wants to go through the rejoinder.

S.O. **22.12.2017.**

Vice-
Chairman(J)

pdg

O.A.No.97/2011.

Coram: J.D.Kulkarni, Vice-Chairman

Dated : 18th December 2017.

Heard Shri D.M. Upadhye, the Ld. counsel for the applicant and Shri H.K. Pande, the Ld. P.O. for the respondents.

The Ld. counsel for the applicant alongwith a pursis filed documents i.e. copy of the judgment in Criminal Trial No.3270/2010, the same is taken on record. Pursis and documents are marked "X" for identification.

The Ld. counsel for the applicant, however, submits that in view of acquittal of the applicant and other accused persons in the criminal trial and discharge of the present applicant from criminal proceedings, there is absolutely no hurdle in appointing the applicant to the post of Constable.

The Ld. P.O. submits that he will take instructions as to what steps department is taking in view of discharge of the applicant from the criminal trial. He seeks two weeks' time.

S.O. **two weeks.**

To be treated as part heard.

Chairman(J)

Vice-

Pdg