

O.A. 256/2017 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,  
Vice-Chairman (J).**

**Dated : 22.02.2018**

**C.A. 237/2017**

Shri V.B. Dhage, Id. counsel for the applicants, and Shri S.A. Deo, Id. CPO for the respondents.

2. The learned counsel for the applicant seeks permission to file amendment application in the office. Permission is granted. After filing the application in the office, the matter be placed for hearing.

**S.O. to 15/03/2018.**

**Vice Chairman (J)**

dnk.

O.A. 418/2017 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,  
Vice-Chairman (J).**

**Dated : 22.02.2018**

**C.A. 281/2017**

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

2. Upon hearing both the sides, it appears that the respondent no.3, i.e., the Deputy Director is not even a necessary party because the promotion orders are passed by respondent no.3 on behalf of respondent no.2, the Commissioner. In the circumstances, as other respondents are served and affidavit reply is also filed by respondent nos. 1&2, the present application for condonation of delay is heard.

3. For the reasons stated in the application, the delay of 10 months in filing the application is hereby condoned. The application is accordingly allowed and disposed of.

**O.A. 418/2017 -**

Heard Shri S.N. Gaikwad, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1.

2. Issue notice to R-2 to 4, returnable on **02/04/2018**. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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. **Before filing any detailed reply-affidavit the concerned respondents are directed to go through the fact as stated by the applicant** that in fact the recitals in the promotion order at Annex-A-2, page no.17 relevant page no.21 that the promotion

granted to the present applicant from Scheduled Caste category is subject to cancellation upon submission of caste validity certificate by another candidate is wrong. The name of said candidate namely Mr. M.R. Dhone is disclosed in Annex-A-6, page no.27 by the concerned respondent. The said Mr. Dhone however as per the seniority list at page no.14 is not from S.C. but from SBC category and therefore the applicant is not liable to be displaced in the above situation.

8. In the circumstances, the concerned respondent is directed to take all the above facts in consideration and take corrective steps according to law. In case the concerned respondent comes to the conclusion that for any reasons corrective steps cannot be taken, then a short affidavit explaining the reasons be filed on the due date.

9. **S.O. 02/04/2018.**

**Vice Chairman (J)**

dnk.

O.A. 505/2017 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,  
Vice-Chairman (J).**

**Dated : 22.02.2018**

**C.A. 331/2017**

Shri N.R. Saboo, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. for the respondents.

At the request of learned counsel for the applicants, **S.O. to 22/03/2018** for filing rejoinder.

**Vice Chairman (J)**

dnk.

O.A. 327/2017 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,  
Vice-Chairman (J).**

**Dated : 22.02.2018**

**C.A. 343/2017**

Shri N.S. Warulkar, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 to 3 and Shri S.N. Gaikwad, Id. counsel for R-4.

2. The learned P.O. on instructions submits that the deputation order itself is cancelled which is the bone of contention of the application for amendment. The learned counsel for the applicant seeks time to take instructions in this regard.

**S.O. to 07/03/2018.**

**Vice Chairman (J)**

dnk.

O.A. 706/2017 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,  
Vice-Chairman (J).**

**Dated : 22.02.2018**

Shri Sagar Thakkar, Id. counsel holding Shri A.J. Thakkar, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1. Await service of R-2.

The learned counsel seeks further time to comply with the Tribunal's order dated 3/1/2018. At his request, **S.O. to 13/03/2018** for compliance.

In the meantime, if the order is not complied within time, the application shall proceed without any amendment subject to the issue of joining of necessary party as directed vide order dated 3/1/2018.

**Vice Chairman (J)**

dnk.

O.A. 803/2017 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,  
Vice-Chairman (J).**

**Dated : 22.02.2018**

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

The learned P.O. submits that there are instructions from R-2&3 to appear and to seek time for filing reply-affidavit. In the circumstances, there is no need to await service of R-2&3.

**S.O. to 21/03/2018** for filing reply-affidavit on behalf of all the respondents.

**Vice Chairman (J)**

dnk.



O.A. 571/2017 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,  
Vice-Chairman (J).**

**Dated : 22.02.2018**

**C.A. 03/2018**

Shri N.R. Saboo, Id. counsel for the applicant, Shri S.A. Deo, Id. C.P.O. for R-1&2 and Mrs. A.A. Joshi, Id. counsel for R-3.

The learned CPO submits that instead of hearing the present application for grant of interim stay, he would take instructions regarding the authority competent to suspend the present applicant and to find if any corrective steps are required. At his request, **S.O. to 07/03/2018** for taking steps, if any.

In the meantime, the learned counsel for R-3 is at liberty to file reply-affidavit in the office.

**Vice Chairman (J)**

dnk.

O.A. 781/2016 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,  
Vice-Chairman (J).**

**Dated : 22.02.2018**

**C.A. 40/2018**

Heard Shri M.R. Khan, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the respondents.

For the reasons stated in the application, the application for amendment is hereby allowed. Necessary amendment be carried out within a week in the office.

It appears that no reply to the amendment application is required. In the circumstances, after amendment the matter be placed for final hearing.

**S.O. to 06/03/2018.**

**Vice Chairman (J)**

dnk.

O.A. 794/2016 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,  
Vice-Chairman (J).**

**Dated : 22.02.2018**

Ms. Aditi Pardhi, Id. counsel holding for Shri P.V. Thakre, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

At the request of learned counsel for the applicant, **S.O. to 05/03/2018** for filing rejoinder.

**Vice Chairman (J)**

dnk.

O.A. 116/2017 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,  
Vice-Chairman (J).**

**Dated : 22.02.2018**

Shri U.J. Deshpande, Id. counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1 and Shri S.G. Karmarkar, Id. counsel for R-2.

It appears that reply of R-2 is already filed.

**S.O. to 13/03/2018.**

**Vice Chairman (J)**

dnk.

O.A. 258/2017 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,  
Vice-Chairman (J).**

**Dated : 22.02.2018**

Shri M.R. Rajgure, 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-2. It is taken on record. Copy is given to the learned counsel for the applicant. The learned P.O. submits that the reply-affidavit of R-2 is sufficient.

In such circumstances, the matter be placed for hearing **on 22/03/2018**.

**Vice Chairman (J)**

dnk.

O.A. 660/2017 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,  
Vice-Chairman (J).**

**Dated : 22.02.2018**

Shri Bharat Kulkarni, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

The learned P.O. files reply-affidavit on behalf of R-1 to 4. It is taken on record. Copy is given to the learned counsel for the applicant. The learned counsel for the applicant wants to go through the same.

**S.O. to 27/03/2018** for hearing.

**Vice Chairman (J)**

dnk.

O.A. 674/2017 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,  
Vice-Chairman (J).**

**Dated : 22.02.2018**

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

At the request of learned counsel  
for the applicant, **S.O. to 20/03/2018** for  
filing rejoinder.

**Vice Chairman (J)**

dnk.

O.A. 678/2017 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,  
Vice-Chairman (J).**

**Dated : 22.02.2018**

Shri K.D. Badode, Id. counsel for  
the applicant and Shri V.A. Kulkarni, Id.  
P.O. for the respondents.

At the request of learned P.O., **S.O.**  
**to 02/04/2018** for filing reply.

**Vice Chairman (J)**

dnk.



O.A. 786/2017 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,  
Vice-Chairman (J).**

**Dated : 22.02.2018**

Heard Shri P.S. Halde, Id. counsel holding for Shri A.S. Deshpande, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for the respondent nos.1&2 and Shri Rohan Lilhare, Id. counsel holding for Shri S.S. Dhengale, Id. counsel for R-3.

**Heard Admit.**

The learned P.O. as well as Id. counsel for R-3 waives respective notices.

The matter be placed for final hearing **on 26/03/2018**.

**Vice Chairman (J)**

dnk.

O.A. 802/2017 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,  
Vice-Chairman (J).**

**Dated : 22.02.2018**

Heard Shri R.S. Shambharkar, Id. counsel holding for Shri A.K. Waghmare, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

**Heard Admit.**

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

The matter be placed for final hearing **on 22/03/2018**.

**Vice Chairman (J)**

dnk.

O.A. 960/2017 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,  
Vice-Chairman (J).**

**Dated : 22.02.2018**

Heard Smt. K.N. Saboo, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

2. The learned P.O. files on record the copy of the communication dated 20/2/2018 along with the order which would show that the grievance of the present applicant is redressed regarding his transfer. The same is accepted. Copy of the same is taken on record and marked Exh-X for the purpose of identification.

3. In such circumstances, the present application is disposed of with no order as to costs.

**Vice Chairman (J)**

dnk.

O.A. 984/2017 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,  
Vice-Chairman (J).**

**Dated : 22.02.2018**

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

At the request of Id. P.O., **S.O. to  
27/03/2018** for filing reply.

**Vice Chairman (J)**

dnk.

O.A. 414/2016 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,  
Vice-Chairman (J).**

**Dated : 22.02.2018**

Heard Smt. B.M. Kasare, Id. counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1 to 3 and Shri S.M. Nafde, Id. counsel for R-4.

2. The learned counsel for the applicant seeks time to file application for amendment. At her request, **S.O. to 20/03/2018.**

The matter not to be treated as part heard hereinafter.

**Vice Chairman (J)**

dnk.

O.A. Nos. 129, 130 & 131 of 2017. **(SB)**

**Coram : Hon. Shri Justice M.T.Joshi,  
Vice-Chairman (J).**

**Dated : 22.02.2018**

Heard Shri M. Ateeque, Id. counsel for the applicants and Shri S.A. Sainis, Id. P.O. for the respondents.

2. Upon hearing both the sides, it is apparent that the issue in hands is already crystallized and decided by the Hon'ble High Court in number of decisions concerning the same cadre, in view of the copies of the orders passed by the Hon'ble High Court in Writ Petition no.1491/2001 and Writ Petition no.7235/2009. The Hon'ble High Court in para no.13 of the Judgment in Writ Petition no.1491/2001 has declared as under.

*"13. "Equality" has been guaranteed under Article 14 of the Constitution of India. Equals have to be treated equally and un-equals ought not to be treated equally. However, reasonable classification is permissible under Article 14 of the Constitution. The classification must be founded on the basis of an intelligible differentia, which distinguishes those that are grouped together from others and differentia must have a rational relation to the object sought to be achieved. We have also considered*

Article 39(d) of the Constitution with reference to the facts and circumstances of the present case, which are not seriously disputed, even on behalf of the State. The classification which has been reflected from the Government Resolution dt.3.4.2007, in our view, does not have any rational basis. The group of the persons holding the position as Hostel Superintendents, with qualification S.S.C./D.Ed. and appointed prior to 5.2.2000, have been grouped together and pay scale of Rs. 4500-7000 has been sanctioned to them. Other persons holding the same position i.e. Hostel Superintendents working in aided Ashram Schools and Post Basic Ashram Schools have been sanctioned pay scale of Rs.4,000-6,000. In the second group, details of which have not been furnished, but then from this Government Resolution it appears that the Hostel Superintendents who are not coming within the sweep of first group of Hostel Superintendents holding S.S.C., D.Ed. qualification and appointed prior to 5.2.2000 have been grouped together. All other Hostel Superintendents even appointed prior to 5.2.2000, confirmed in the service, in view of the policy of the State Government holding the field at the relevant time, have been left out for no rational and such an un-equal treatment has been tried to be supported. The nature of the duties, conferred upon the Hostel Superintendents in the first group and the nature of the duties to be performed by the left outs are similar, virtually, can be said to be same. There is no difference or distinction in the responsibilities saddled on the first group and the Hostel Superintendents left out. There is no statute and/or subordinate legislation in relation to the pay scales of two groups However, action of the State needs to be within the parameters of Article 14 and Article 39(d) of the Constitution of India.”

3. In next of the decision i.e. Writ Petition no.6830/2010 the Division Bench of the Hon'ble High Court has given similar directions. In the circumstances, similar directions are issued which runs as under:-

*“ In the result, the petitions are allowed.*

*The respondents are directed to consider the claim of the petitioners, in the light of the law laid down by the Division Bench of this court in the judgment dated 4th November 2009, in the case of **Sahebrao Karbhari Gunjal & others Vs. The State of Maharashtra & others**, in Writ Petition No. 1491 of 2001, and decide the same as expeditiously as possible and, in any case, within a period of three months from today. It is further made clear, that if the petitioners are found to be entitled to the payment of higher scale, such payment shall be made applicable within a period of four weeks from the date of decision of the respondents and the arrears, if any, shall be paid within a period of eight weeks from the date of decision.”*

4. The O.As. are accordingly disposed of with no order as to costs.

**Vice Chairman (J)**

dnk.



O.A. Nos. 432 & 498 of 2017 **(SB)**

**Coram : Hon. Shri Justice M.T.Joshi,  
Vice-Chairman (J).**

**Dated : 22.02.2018**

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

2. The present applicants are challenging the recovery of the excess payment of the salary earlier mistakenly taken by the concerned respondents. It is an admitted fact that in both the applications the present applicants are Group-C employees. In the similar issue the learned counsel for the applicant has placed reliance on the Judgment in the case of **State of Punjab and Ors. Vs. Rafiq Masih (White Washer)**.

3. In the circumstances the following order :-

**ORDER**

All the impugned orders directing recovery of excess amount paid to the respective applicants due to wrong fixation are quashed and set aside to the extent of recovery of excess amount.

The respondents are restrained from recovering excess amount as alleged against the applicant, though they are entitled to re-fix proper pay of the applicants. If the amount is recovered in view of the impugned orders of recovery, the same be refunded to the respective applicants within a period of six months from the date of this order. In such circumstances, the O.As. are disposed of with no order as to costs.

**Vice Chairman (J)**

dnk.

O.A. 533/2017 with C.A. 454/2017 **(SB)**

**Coram : Hon. Shri Justice M.T.Joshi,  
Vice-Chairman (J).**

**Dated : 22.02.2018**

Heard Shri Mrs. T.D. Khade, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1&2. None for R-3.

2. The present applicant by this present application is seeking the quashment of his transfer order dated 10/3/2017 transferring him from Sawana, Tq. Chikhali, District Buldhana to Andura, Tq. Balapur, District Akola. He is also challenging the suspension order. The same order however admittedly came to be revoked during the pendency of the present application and there is no need to go through the said issue.

3. The submission from both the sides as well as the record would show that that the present applicant was suspended contemplating the departmental inquiry against him. He was also transferred as detailed above. The learned P.O. points out at Annex-

R-1, page no.32 the G.R. dated 20/04/2013. It gives certain directions in case a decision from revocation of suspension of an enquiry pending the departmental enquiry is taken. Clause-C of para-2 of the said G.R. would show that in case the suspension is revoked of the employee who is from district cadre, he may not be reinstated at the original post or in the same taluka, but at a different taluka.

4. The learned counsel for the applicant submits that in fact this G.R. is not applied by the concerned respondents in some other cases as illustrated in applicant's additional affidavit. However, the same cannot be a consideration in every case.

5. It should be noted that the object of suspending an employee pending the departmental inquiry is to see that he would be away from the official record as well as should not be able to influence the witnesses, if any. The other alternative available to the employer is to post him at a different place for the same purpose.

6. In the circumstance, the present transfer order though is a mid-term transfer order, the same would come in the purview of an exception to the general

provision of Section-4 of The Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (In short "Transfers Act") and therefore the challenge to the transfer order cannot be accepted. In the result, the following order:-

**ORDER**

The O.A. as well as C.A. are hereby dismissed with no order as to costs.

**Vice Chairman (J)**

dnk.

O.A. 534/2017 with C.A. 455/2017 **(SB)**

**Coram : Hon. Shri Justice M.T.Joshi,  
Vice-Chairman (J).**

**Dated : 22.02.2018**

Shri Mrs. T.D. Khade, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1&2. None for R-3.

2. The present applicant by this present application is seeking the quashment of his transfer order dated 10/3/2017 transferring him from Chikhali-2, Tq. Chikhali, District Buldhana to Seed Farm, Wadalim Satwai, District Akola. He is also challenging the suspension order. The same order however admittedly came to be revoked during the pendency of the present application and there is no need to go through the said issue.

3. The submission from both the sides as well as the record would show that that the present applicant was suspended contemplating the departmental inquiry against him. He was also transferred as detailed above. The learned P.O. points out at Annex-R-1, page no.32 the G.R. dated

20/04/2013. It gives certain directions in case a decision from revocation of suspension of an enquiry pending the departmental enquiry is taken. Clause-C of para-2 of the said G.R. would show that in case the suspension is revoked of the employee who is from district cadre, he may not be reinstated at the original post or in the same taluka, but at a different taluka.

4. The learned counsel for the applicant submits that in fact this G.R. is not applied by the concerned respondents in some other cases as illustrated in applicant's additional affidavit. However, the same cannot be a consideration in every case.

5. It should be noted that the object of suspending an employee pending the departmental inquiry is to see that he would be away from the official record as well as should not be able to influence the witnesses, if any. The other alternative available to the employer is to post him at a different place for the same purpose.

6. In the circumstance, the present transfer order though is a mid-term transfer order, the same would come in the purview of exception to the general provision of Section-4 of The

Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (In short "Transfers Act") and therefore the challenge to the transfer order cannot be accepted. In the result, the following order:-

**ORDER**

The O.A. as well as C.A. are hereby dismissed with no order as to costs.

**Vice Chairman (J)**

dnk.



O.A. 876/2017 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,  
Vice-Chairman (J).**

**Dated : 22.02.2018**

Shri M.M. Sudame, Id. counsel holding for Shri K.S. Malokar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

The learned P.O. files affidavit-in-reply to the rejoinder on behalf of the respondents. It is taken on record. Copy is given to Id. counsel for the applicant.

**S.O. to 21/03/2018** for hearing.

**Vice Chairman (J)**

dnk.

O.A. 143/2018 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,  
Vice-Chairman (J).**

**Dated : 22.02.2018**

Heard Shri A.M. Sudame, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The learned CPO submits that he would take instructions in the matter and therefore no interim relief order be passed today. At his request, **S.O. to 1/3/2018.**

3. It is understood that in view of the awaited instructions the present applicant shall not be relieved from the post, if not already relieved.

4. In the meantime, issue notice to R-2 to 4, returnable on 01/03/2018. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

6. 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.

7. 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.

8. 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.

9. **S.O. 01/03/2018.**

**Vice Chairman (J)**

dnk.

**C.A.264/2016 in C.P.(St.) No.973/2016**  
**in O.A. No. 482/2005.**

**Coram** : Justice A.H. Joshi,  
Chairman  
**Dated** : 22<sup>nd</sup> February 2018.

**C.A.264/2016 in C.P.(St.) No.973/2016.**

Heard Shri S.M. Khan, the learned Advocate for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

Accepting the reasons stated, C.A. for leave to file C.P is allowed.

**C.P.(St.) No.973/2016.**

At the request of P.O., S.O. 3.5.2018.

(Justice A.H.  
Joshi)  
Chairman

pdg.

**C.A.31/2017 in C.P.(St.) No.193/2017**  
**in O.A. No. 98/2016.**

**Coram : Justice A.H. Joshi,  
Chairman**  
**Dated : 22<sup>nd</sup> February 2018.**

**C.A.31/2017 in C.P.(St.) No.193/2017.**

Heard Shri Amit Neware, Advocate holding for Shri S.R. Charpe, the learned Advocate for the applicant and Shri H.K. Pande , the learned P.O. for the respondents.

C.A. is allowed.

**C.P.(St.) No.193/2017**

At the request of P.O., S.O. 23.2.2018,  
1<sup>st</sup> on board.

(Justice A.H.  
Joshi)  
Chairman

pdg.

**C.P. No. 18/2017 in O.A. No. 574/2016.**

**Coram : Justice A.H. Joshi,  
Chairman**

**Dated : 22<sup>nd</sup> February 2018.**

Heard Shri Mohammad Ateeqqe,  
Advocate holding for Shri S.P. Palshikar, the  
learned Advocate for the applicant and Shri  
H.K. Pande, the learned P.O. for the  
respondents.

S.O. 23.2.2018.

(Justice A.H.  
Joshi)  
Chairman

pdg.

**C.P. No. 31/2017 in O.A. No. 366/2015.**

**Coram : Justice A.H. Joshi,  
Chairman**

**Dated : 22<sup>nd</sup> February 2018.**

Heard Shri Amit Neware, Advocate holding for Shri S.R. Charpe, the learned Advocate for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

S.O. 23.2.2018.

(Justice A.H.  
Joshi)  
Chairman

pdg.

**C.P. No. 32/2017 in O.A. No. 75/2016.**

**Coram : Justice A.H. Joshi,  
Chairman**

**Dated : 22<sup>nd</sup> February 2018.**

Heard Shri N.R. Saboo, the learned Advocate for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondent Nos. 1 to 3. Shri C.V.Khadse, Advocate for R.4.

By consent, S.O. 26.3.2018.



Put up with C.P. No. 33/2017 in O.A.

No. 42/2016.

(Justice A.H.  
Joshi)  
Chairman

pdg.

**C.P. No. 34/2017 in O.A. No. 69/2005.**

**Coram : Justice A.H. Joshi,  
Chairman**

**Dated : 22<sup>nd</sup> February 2018.**

**C.P. No. 34/2017 in O.A. No. 69/2005.**

Heard Shri P.P. Khaparde, Advocate holding for Shri G.G. Bade, the learned Advocate for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

Applicant's representation is decided and hence there does not survive cause to continue with the C.P. Hence C.P. is disposed of.

(Justice A.H.  
Joshi)  
Chairman

pdg.

**C.P. No. 20/2017 in O.A. No. 376/2007.**

**Coram : Justice A.H. Joshi,  
Chairman**

**Dated : 22<sup>nd</sup> February 2018.**

**C.P. No. 20/2017 in O.A. No. 376/2007.**

Heard Shri Sagar Katkar, Adv.  
Holding for Shri N.R. Saboo, the learned  
Advocate for the applicant and Shri H.K.  
Pande, the learned P.O. for the respondents.

At the request of Ld. P.O., adjourned  
on 26.3.2018.

(Justice A.H.  
Joshi)  
Chairman

pdg.

**C.P. No. 24/2017 in O.A. No. 530/2014.**

**Coram : Justice A.H. Joshi,  
Chairman**

**Dated : 22<sup>nd</sup> February 2018.**

**C.P. No. 24/2017 in O.A. No. 530/2014.**

**ORDER**

1. Heard Shri A.Z. Jibhkate, the learned Advocate for the applicant and Shri M.G. Bhangde, special counsel with Shri A.M. Ghogre, the learned P.O. for respondent Nos. 1 to 4.

2. This Tribunal had allowed the O.A.No.530/2014, by order dated 31.10.2014 and passed following order:-

“As a sequel to these reasons, the O.A. is allowed. The impugned order dated 31.5.2014 is quashed.”

3. It is shown by the respondents that the order dated 31.5.2014 which was impugned in the O.A. 530/2014 is withdrawn by the Government by order dated 8.12.2014, i.e.,

within 38 days and alternate posting is given to the applicant.

4. According to the applicant, by order dated 8.12.2014, he has been posted as Accounts Officer (Planning) in the office of Collector, Bhandara, however, *status-quo ante*, ought to have been restored by posting the applicant as Accounts Officer in Education Department and due to said deficiency contempt is committed and is continued.

5. The applicant has made a prayer by filing with the plea narrated in foregoing para, present contempt application that the respondents be punished for failure to comply with the order passed in O.A. No.530/2014 in its true letter and spirit.

6. It would have been ideal to restore the applicant to the same position from where he was transferred.

7. It cannot be ignored that as a matter of fact, one of the prayers of the applicant made

in the O.A. was to give him alternate posting. However, it is a matter of record that the applicant has not given personal notice of applicant's intention to initiate action by way of contempt against the officer who was personally responsible for failure to restore the *status-quo ante*. Hence it is difficult to isolate any particular officer as contemnor.

8. Therefore, it is not necessary to proceed with present contempt case.

9. All issues and grievance against charge-sheets served on the applicant towards failure to obey the transfer which is eventually set aside are kept open for challenge and scrutiny in suitable proceedings.

10. With foregoing observations, present Contempt Petition is disposed of.

(Justice A.H. Joshi)

Chairman

pdg.

O.A. 383/2017 (DB)

**Coram : Hon. Shri Justice M.T.Joshi,  
Vice-Chairman (J).**

**Dated : 22.02.2018**

None for the applicant. Shri S.A.Deo, Id. CPO for the State. Await service of R-1.

2. The Id. C.P.O. submits that he did not have any instruction to find whether the notice have served or not.

3. Issue notice to R-1, returnable on 21-03-2018. Learned C.P.O. waives notice for R-2. 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. 21-03-2018.**

**Vice Chairman (J)**

aps.

O.A. 703/2017 (DB)

**Coram : Hon. Shri Justice M.T.Joshi,  
Vice-Chairman (J).**

**Dated : 22.02.2018**

Heard Shri N.R.Saboo, Id. counsel  
for the applicant and Shri S.A.Deo, Id.  
C.P.O. for Respondents.

Time granted for compliance, **S.O.**  
**to 12/03/2018.**

**Vice Chairman (J)**

aps.

O.A. 772/2017 (DB)

**Coram : Hon. Shri Justice M.T.Joshi,  
Vice-Chairman (J).**

**Dated : 22.02.2018**

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

The Id. P.O. submits that the notices are served. The Id. P.O., however seeks time to file reply and the same is granted.

At the request of Id. P.O., **S.O. to 26/03/2018.**

**Vice Chairman (J)**

aps.

O.A. 97/2018 (DB)

**Coram : Hon. Shri Justice M.T.Joshi,  
Vice-Chairman (J).**

**Dated : 22.02.2018**

Shri D.T.Shinde, Id. counsel for the applicant and Shri A.P.Potnis, Id. P.O. for State. Await service of R-2 to 7.

For filing service affidavit, **S.O. to 06/03/2018.**

**Vice Chairman (J)**

aps.

O.A. 04/2018 (DB)

**Coram : Hon. Shri Justice M.T.Joshi,  
Vice-Chairman (J).**

**Dated : 22.02.2018**

**C.A. 01/2018 in O.A.No.04/18:-**

Shri S.M.Nafde, Id. counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the respondents no. 1 to 3. Shri S.S.Ghate, Id. Counsel for R-4.

The Id. Counsel for the applicant seeks permission to withdraw the C.A. in O.A. with liberty to avail remedy as per the law. The C.A. and O.A. both are disposed off without any orders as to costs with liberty as prayed for.

**Vice Chairman (J)**

aps.

O.A. 111/2018 (DB)

**Coram : Hon. Shri Justice M.T.Joshi,  
Vice-Chairman (J).**

**Dated : 22.02.2018**

Shri A.P.Tathod, Id. counsel for the applicant and Shri S.A.Deo, Id. P.O. for Respondent nos. 1 to 3. Shri P.S.Wathore, Id. Counsel for respondent no. 4.

The Id. Counsel for the applicant seeks time to remove objections and so also served copy of the same to the respondent no. 4 i.e. caveator.

**S.O. to 07/03/2018.**

**Vice Chairman (J)**

aps.

O.A. 404/2017 (DB)

**Coram : Hon. Shri Justice M.T.Joshi,  
Vice-Chairman (J).**

**Dated : 22.02.2018**

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

At the request of Id. P.O., **S.O. to  
19/03/2018.**

**Vice Chairman (J)**

aps.

O.A. 404/2017 (DB)

**Coram : Hon. Shri Justice M.T.Joshi,  
Vice-Chairman (J).**

**Dated : 22.02.2018**

Heard Shri A.J.Gilda, Id. counsel  
for the applicant and Shri A.M.Ghogre, Id.  
P.O. for Respondents.

**S.O. to**

**Vice Chairman (J)**

aps.



O.A. 461/2017 (DB)

**Coram : Hon. Shri Justice M.T.Joshi,  
Vice-Chairman (J).**

**Dated : 22.02.2018**

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

**S.O. to 28/03/2018.**

**Vice Chairman (J)**

aps.

O.A. 46 & 47/2018 (DB)

**Coram : Hon. Shri Justice M.T.Joshi,  
Vice-Chairman (J).**

**Dated : 22.02.2018**

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

At the request of learned counsel  
for the applicant, **S.O. to 03/04/2018.**

**Vice Chairman (J)**

aps.

O.A. 739/2017 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,  
Vice-Chairman (J).**

**Dated : 22.02.2018**

Shri N.R.Saboo, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the respondents.

The Id. Counsel for the applicant submits that some orders during the pendency of the present application are passed by the State Government.

**S.O. to 12/03/2018** for taking instructions.

**Vice Chairman (J)**

aps.

O.A. 455/2017 (SB)

**Coram : Hon. Shri Justice M.T.Joshi,  
Vice-Chairman (J).**

**Dated : 22.02.2018**

None for the applicant. Shri M.I.Khan, Id. P.O. for the respondent no. 1. Shri Palshikar, Id. Counsel for the respondent no. 2 to 5.

The Id. Counsel for the respondents seeks certain time. At his request **S.O. to 07/03/2018.**

**Vice Chairman (J)**

aps.

O.A. (St.) 2706/2017 **(SB)**

**Coram : Hon. Shri Justice M.T.Joshi,  
Vice-Chairman (J).**

**Dated : 22.02.2018**

Shri D.B.Walthare, Id. Counsel for the applicant and Shri Khadatkar, Id. P.O. for the respondents.

The Id. P.O. seeks time. At his request, **S.O. to 20/03/2018.**

**Vice Chairman (J)**

aps.

