

O.A.267/2017

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

Dated : 05.05.2017.

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

2. The applicant has challenged the impugned order of his transfer dated 3/5/2017 (A-1,P-15), whereby he has been transferred from the post of Tahsildar, Chandrapur to Tahsildar, Gadchiroli in place of the vacant post due to transfer of Shri Santosh V. Khandre, i.e., respondent no.4. From the record it seems that earlier the applicant was posted at Chandrapur in place of same Santosh V. Khandre vide order dated 19/7/2016. The learned counsel for the applicant submits that the impugned order has been passed only with intention to accommodate respondent no.4 at Chandrapur. Admittedly, the applicant has not completed his normal tenure at Chandraapur. Though it is stated that the transfer is in the interest of administration, prima-facie it seems the possibility that

this might have been passed to accommodate respondent no.4 cannot be ruled out.

3. The applicant in para no.7.16 has stated from affidavit that he is even today discharging duties as Tahsildar, Chandrapur and has not been relieved from his post. In view thereof, the impugned order of transfer of the applicant dated 3/5/2017 is stayed till filing of the reply.

4. Issue notice to R-2 to 4, returnable **After Summer Vacation**. Learned C.P.O. waives notice for R-1.

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. After Summer Vacation.**

10. Steno copy be supplied to the Id. counsel for parties.

Vice Chairman (J)

dnk.

O.A.216/2017

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

Dated : 05.05.2017.

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

At the request of Id. P.O., **S.O.**
After Summer Vacation for filing reply.

Vice Chairman (J)

dnk.

O.A.198/2017

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

Dated : 05.05.2017.

None for the applicant. Shri S.A. Deo, Id. CPO for R-1 to 3. None for R-4&5.

At the request of Id. CPO, **S.O.**
After Summer Vacation for filing reply.

Vice Chairman (J)

dnk.

O.A.125/2017

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

Dated : 05.05.2017.

Shri S.M. Khan, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

S.O. After Summer Vacation for filing reply.

Vice Chairman (J)

dnk.

O.A.744/2016

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

Dated : 05.05.2017.

None for the applicant. Shri P.N. Warjurkar, Id. P.O. for R-1. None for remaining respondents.

At the request of Id. P.O., **S.O.**
After Summer Vacation for filing reply.

Vice Chairman (J)

dnk.

O.A.250/2017

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

Dated : 05.05.2017.

Shri P.P. Kotwal, Id. counsel
alongwith Shri P.S. Verma, Id. counsel for
the applicants and Shri A.M. Ghogre, Id.
P.O .for the respondents.

2. The learned counsel for the
applicant files service affidavit in respect
of the respondents and pursis along with
other documents. The same are placed
on record and marked "Exh-X" for the
purposes of identification. Copies of the
same are supplied to the Id. P.O.

3. With the consent of Id. counsel for
both the sides, **S.O. 8/5/2017.**

Vice Chairman (J)

dnk.

O.A.121/2017

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

Dated : 05.05.2017.

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.

The learned counsel for the applicant submits that he will file service affidavit on behalf of R-2&3 and for that purpose he seeks time. The learned P.O. also seeks time to file reply. Time is granted.

S.O. After Summer Vacation.

Vice Chairman (J)

dnk.

O.A.830/2016

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

Dated : 05.05.2017.

None for the applicant. Shri S.A.
Deo, Id. CPO for the State.

Office objections not removed.

S.O. After Summer Vacation for
passing necessary orders.

Vice Chairman (J)

dnk.

O.A.811/2016

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

Dated : 05.05.2017.

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

The learned counsel for the applicant submits that he will file service affidavit on behalf of the respondents.

The Id. P.O. files reply on behalf of R-2&4. It is taken on record. Copy is served to the Id. counsel for the applicant.

S.O. After Summer Vacation.

Vice Chairman (J)

dnk.

O.A.760/2016

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

Dated : 05.05.2017.

None for the applicant. Shri
V.A.Kulkarni, Id. P.O. for R-1.

Steps not taken to serve R-2&3.

S.O. After Summer Vacation.

Vice Chairman (J)

dnk.

O.A.729/2015

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

Dated : 05.05.2017.

Shri G.G. Bade, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1 to 5. Await service of R-5.

The learned counsel for the applicant submits that he will file service affidavit of respondent no.5.

S.O. After Summer Vacation.

Vice Chairman (J)

dnk.

O.A.St. 2296/2016

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

Dated : 05.05.2017.

C.A.556/2016

Shri S.D. Malke, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the Respts.

At the request of Id. P.O., **S.O. After Summer Vacation** for filing reply on C.A.

Vice Chairman (J)

dnk.

O.A.St. 2084/2016

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

Dated : 05.05.2017.

C.A.511/2016

None for the applicants. Shri S.A.
Deo, Id. CPO for the respondent nos.1&3.
Await service of R-2.

S.O. After Summer Vacation.

Vice Chairman (J)

dnk.

O.A.739/2016

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

Dated : 05.05.2017.

Heard Shri S.P. Palshikar, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

2. Vide order dated 18/11/2016 this Tribunal directed that on adding party, notices be issued to the newly added respondent. It seems that the applicant has properly addressed the respondent on the very first page of the O.A., i.e., the State of Maharashtra through its Additional Chief Secretary, Public Health Department. In view thereof there is no need to add any respondent in the O.A. The applicant served the notice to the respondent, i.e., State of Maharashtra. It is stated that the copy is already served on the Id. P.O. However, the applicant is

directed to serve notice on respondent no.1.

S.O. 22/6/2017.

Vice Chairman (J)

dnk.
O.A.85/2017

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

Dated : 05.05.2017.

Shri D.N. Mathur, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. Vide order dated 13/4/2017 the respondents were directed to file short affidavit as to why the amount has not been paid and to make a statement as to within how many days the said amount will be paid. This amount relates to compassionate family pension which has been granted to the applicant as per order dated 14/1/2004 @330/- p.m. The learned P.O. submits that the respondents are disputing the order dated 14/1/2004 and it has been instructed that the applicant is not entitled to any pension and therefore the respondents wants to file detailed affidavit instead of

short affidavit. In view thereof, the respondents are allowed to file reply-affidavit in details to the O.A.

S.O. After Summer Vacation.

Vice Chairman (J)

O.A.836/2016

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

Dated : 05.05.2017.

Shri D.P. Shouche, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondent nos. 1 to 3.

Shri J.S. Mokadam, Id. counsel appears and requested that he will file power and reply on behalf of respondent no.4.

S.O. After Summer Vacation.

Vice Chairman (J)

Pdg.

O.A.763/2013

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

Dated : 05.05.2017.

Shri R.V. Shiralkar, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 and none for R-2&3.

The applicant has filed Pursis. It is taken on record alongwith the document (A-19,P-148) and he submits that in view of the pursis and documents filed today, the matter may be re-heard on the next date. The copy of the pursis and documents has been supplied to the learned P.O.

As the request made by the Id. counsel for the applicant, the matter be kept on **13/6/2017**.

Vice Chairman (J)

dnk.

O.A. No. 759/2013.

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

Dated : 5th May 2017.

R.A.No.12/2016

None for the applicant (original R.4). Mrs. M.A. Barabde, the learned P.O. for the respondents 1 and 2. Shri R.V. Shiralkar, Advocate for original applicant. None for R.3.

S.O. after summer vacation.

Vice-
Chairman(J)

pdg.

O.A. No. 759/2013.

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

Dated : 5th May 2017.

R.A.No.13/2016

Mrs. M.A. Barabde, the learned P.O. for the applicants (original respondents 1 and 2). Shri R.V. Shiralkar, Advocate for R.3 (original applicant). None for respondent No.4.

S.O. after summer vacation.

Vice-
Chairman(J)

O.A. No. 535/2016.

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

Dated : 5th May 2017.

Shri N.S. Warulkar, learned counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents 1 to 3. Shri A.D. Girdekar, Adv. for R.4.

At the request of Ld. counsel for the applicant, S.O. **after summer vacation.**

Vice-
Chairman(J)

pdg.

O.A. No. 257/2017.

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

Dated : 5th May 2017.

Heard Shri G.G. Bade, the learned counsel for the applicant and Smt. M.A. Barabde, the learned P.O. for the respondent No.1.

2. The applicant was appointed as Tribal Development Inspector vide order dated 30.9.2000 and was promoted as Office Superintendent vide order dated 25.5.2006. Thereafter vide order dated 17.4.2017, she was again reverted without giving any opportunity. This order was challenged in O.A. No. 146/2009. This Tribunal vide order dated

13.2.2017 was pleased to quash and set aside the order of reversion of the applicant and it was directed that the applicant shall be allowed to continue to work in the promotional post of Office Superintendent alongwith seniority benefit and arrears. Instead of complying with the said order, respondent No.2 i.e. Additional Commissioner, Tribal Development Department, Nagpur passed the impugned order dated 7.4.2017. In the earlier part of the said order passed by the respondent No.2, the applicant has been reverted again and

thereafter she has been shown to be promoted. She has been again reverted and then posted at Bhandara and thereafter on promotion, she has been transferred to Bhamragarh, Distt. Gadchiroli by the same order. There is no reason as to why the applicant was reverted when there was a specific order of this Tribunal to allow the applicant to continue to work on the promotional post at Bhandara. It is stated that the applicant has not yet been relieved. In view thereof, respondent No.2 is directed not to relieve the applicant till further orders from Bhandara. The respondent

No.2 shall file an affidavit as to in what circumstances the applicant was reverted and was again promoted in-spite of specific order passed by this Tribunal in O.A. No. 146/2009.

3. In the meantime, issue notice to respondent Nos. 2 to 6 returnable **after vacation.**

4. Smt. M.A. Barabde, learned P.O. waives notice for respondent No.1. Hamdast granted.

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

7. 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.

8. The service may be done by hand delivery, speed post or courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within three weeks. Applicant is directed to file Affidavit of compliance and notice.

Vice-
Chairman(J)

pdg.

O.A. No. 142/2012.

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

Dated : 5th May 2017.

There is a leave note from Shri Bharat Kulkarni, the learned counsel for the applicant. Shri A.M. Ghogre, the learned P.O. for the respondents.

Ld. P.O. has filed reply of R 1 and 2. The same is taken on record.

S.O. **after summer vacation.**

Vice-
Chairman(J)

pdg.

O.A. No.673 /2013.

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

Dated : 5th May 2017.

C.A.159/2016 in C.P.(St.) No.634/2016.

Heard Shri Kunal Nalamwar, the learned counsel for the applicant and Smt. M.A. Barabde, the learned P.O. for the respondents.

The Ld. P.O. has placed on record a communication dated 3.5.2015 in which it is stated that the compliance has been done. Same is marked "X" for identification.

The learned counsel for the applicant submits that some dues are not yet received. He may make comprehensive statement as to what dues are not paid to the applicant and shall file a short affidavit to that effect on the next date.

S.O. after summer vacation.

Vice-
Chairman(J)

O.A. No.98 /2016.

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

Dated : 5th May 2017.

C.A.238/2017.

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

From the facts on record, it seems that the applicants are seasonal spray workers in Health Department. An advertisement was issued for filling up of the posts of Multipurpose Health Workers. The applicants could not apply, since the age limit shown was below 45 years. The applicants, vide interim order dated 10.2.2010 were allowed to apply against the said recruitment. They accordingly applied. Though their applications were accepted, they were not considered for written examination and, therefore, they moved the contempt petition which is pending.

In the meantime, the respondents have conducted examination. It is stated that the result is also declared. But the appointment orders are not issued. In view of this development which are subsequent to filing of the application, applicants want to amend the O.A. For the reasons stated in the application, C.A. is allowed. The applicants shall

incorporate the amendment forthwith. Amended copy be served to the respondents.

The learned counsel for the applicants submits that the result of written examination has already been declared and the applicants were not allowed to participate in the examination and, therefore, he prays for stay to the further proceedings of recruitment. It is hereby made clear that the result of recruitment process shall be subject to the final outcome of this O.A.

The Ld. P.O. seeks time to file reply affidavit to the amended O.A.

Steno copies be supplied to the parties.

S.O. **after summer vacation.**

Vice-
Chairman(J)

pdg.

O.A. No.530 /2016.

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

Dated : 5th May 2017.

C.A.45/2017.

Heard Shri Sandip Tatke, the learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

The learned counsel for the applicant seeks permission to correct the

address of respondent No.2. Permission is granted to correct the address forthwith. The applicant may serve respondent No. 3 by sending notice through respondent No.2. In view thereof, C.A. is allowed.

O.A. No.530 /2016.

The respondent No.2 has filed reply affidavit, same is taken on record and a copy thereof is supplied to the other side.

S.O. **after summer vacation.**

Vice-
Chairman(J)

pdg.

O.A. (St.) No.1048 /2016.

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

Dated : 5th May 2017.

C.A.307/2016.

None for the applicant. Smt. M.A. Barabde, the learned P.O. for the respondents.

The applicant has not taken steps to serve respondent Nos. 2 and 3.

Hence, it be kept **after summer vacation** for passing necessary orders.

Vice-
Chairman(J)

pdg.

O.A. No.499/2014.

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

Dated : 5th May 2017.

C.A.393/2015 in C.P.(St.) No.1598/2015.

Oral

order

Heard Shri M.V. Mohokar, the learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondent No.1.

The order to be complied with was passed on 3.3.2015 in O.A. No. 499/2014 whereby the respondents were directed to decide the period of suspension according to law and to release outstanding terminal benefits within three months to the applicant. In spite of repeated persuasions, the said amount has not been paid till today and order is not complied with. On 20.4.2017, the Ld. P.O. stated that the Hon'ble Minister was out of India and that matter was kept before him for his sanction and it will take two weeks' time. Accordingly time was granted. Ld. P.O. submits that the Minister has granted sanction. However, the matter has been sent to the

M.P.S.C. for further sanction. It is not known as to why the matter has been referred to the M.P.S.C. It clearly shows that the respondents are avoiding deliberately to comply with the order. Hence the C.A. for initiation of contempt proceedings is allowed.

Registrar of this Tribunal to register the regular contempt proceedings against the respondents.

Notices be issued to the respondent Nos. 2 to 4 returnable after summer vacation.

Shri M.I. Khan, the learned P.O. waives notice for the respondent No.1. 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. 15th June 2017.

Vice-
Chairman(J)

pdg

O.A. No. 442/2016.

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

Dated : 5th May 2017.

C.A.46/2017 and C.A. 232/2017.

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

S.O. after summer vacation.

Vice-
Chairman(J)

pdg.

O.A. (St.) No. 1919/2016.

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

Dated : 5th May 2017.

C.A.475/2016.

Shri S.P. Palshikar, Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents.

At the request of the Ld. counsel for the applicant, S.O. **after summer vacation** for removing objections and to file service affidavit.

Vice-
Chairman(J)

pdg.

O.A. (St.) No. 915/2012.

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

Dated : 5th May 2017.

C.A.85/2017 in C.P.(St.)446/2017.

Shri S.N. Gaikwad, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondent No.1. None for R. 2 & 3.

The Ld. counsel for the applicant undertakes to collect hamdast during the course of the day.

S.O. after summer vacation.

Vice-
Chairman(J)

pdg.

O.A. No. 618/2016.

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

Dated : 5th May 2017.

Shri S.M. Khan, the learned counsel for the applicant and Shri

A.M.Ghogre, the learned P.O. for
the respondents.

S.O. **after summer vacation.**

Vice-
Chairman(J)

pdg.