

**O.A. No. 530/2014.**

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

**Dated : 27<sup>th</sup> April 2017.**

**C.A.22/2015 in C.P.(St.)87/2015.**

None for the applicant. Shri A.M. Ghogre, the learned P.O. for Respondents No. 1. None for R. 2 and 3.

Notice to respondent No.4 is not served.

Hence, Await service to R-4.

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

Vice-Chairman(J)

pdg

**O.A. No. 112/2015.**

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

**Dated : 27<sup>th</sup> April 2017.**

**C.A.281/2016 in C.P.(St.)1092/2016.**

Heard Shri N.D.Thombre, the learned counsel for the applicant and Shri S.A. Sainis, the Ld. P.O. for the respondents.

2. On 6.4.2017, the respondents were directed to comply the order passed by this Tribunal within two weeks, failing which the concerned officer of the respondents was to appear before this Tribunal. The Ld. P.O. submits that the compliance has not been done and he requested two weeks' time for compliance. The second part of the order has, however not been complied with, as none of the officer concerned (except Shri Nadim Khan, Chief Medical officer i.e. R.5) is present today. The Ld. P.O. submits that respondent No.2 Mrs. Sujata Saunik was the then Principal Secretary, Public Health Department and now she is not holding that post. He is directed to supply the name of the officer who is holding the post of Principal Secretary, Public Health Department, Govt. of Maharashtra. The applicant is directed to serve a copy of the order dated 6.4.2017 and

the order passed today to respondent Nos. 2 and 3. The respondent Nos. 2 and 3 are directed to remain present on 4<sup>th</sup> May 2017.

3. The Ld. P.O. submitted that the GPF has already been paid to the applicant. He has submitted one statement which is kept on record and it is marked "X" for the purpose of identification.

4. The applicant is directed to add Dr. Vijay Satbir Singh, the new Principal Secretary, Department of Public Health, Govt. of Maharashtra, Mantralaya, Mumbai-400 032 as instructed by the learned P.O.

**S.O. 4<sup>th</sup> May 2017.**

Steno copies be supplied to both the sides.

Vice-Chairman(J)

pdg

**O.A. No. 259/2003.**

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

**Dated : 27<sup>th</sup> April 2017.**

**C.A.78/2017 in C.P.(St.)417/2017.**

None appeared for the applicant.

2. Heard Shri A.M. Ghogre, the Ld. P.O. for the respondent No.1.
3. Issue notice to R. 2 returnable **after vacation.**
4. Shri A.M. Ghogre, the 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. 115/2017.**

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

**Dated : 27<sup>th</sup> April 2017.**

**C.A.78/2017 in C.P.(St.)417/2017.**

Heard Shri B.D. Pandit, the learned counsel for the applicant and Shri P.N. Warjekar , the Ld. P.O. for the respondents.

Closed for orders.

Vice-Chairman(J)

pdg

**O.A. No. 849/2014.**

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

**Dated : 27<sup>th</sup> April 2017.**

**C.P. 02/2017.**

Shri S.M. Khan, Adv. holding for Shri P.C. Marpakwar, the learned counsel for the applicant and Shri H.K. Pande , the Ld. P.O. for the respondents.

At the request of Ld. P.O., S.O. **after summer vacation.**

Vice-Chairman(J)

pdg

**O.A. No. 48/2017.**

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

**Dated : 27<sup>th</sup> April 2017.**

Shri S.R. Deshpande, the learned counsel for the applicant and Shri H.K. Pande , the Ld. P.O. for the respondents.

The Ld. P.O. has filed reply affidavit on behalf of R.4. It is taken on record and a copy thereof is supplied to the learned counsel for the applicant. The Ld. P.O. seeks time to file reply on behalf of other respondents.

**S.O. 12<sup>th</sup> June 2017.**

Vice-Chairman(J)

pdg

**O.A. No. 29/2016.**

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

**Dated : 27<sup>th</sup> April 2017.**

**C.A.137/2016 in C.P.(St.) 548/2016.**

Heard Shri D.M. Kakani, the learned counsel for the applicant and Shri M.I. Khan, the Ld. P.O. for the respondents.

The respondent No.2 did not appear. In view of the order passed in O.A. Nos.29/2016 and 30/2016 On 18.2.2016, the respondents were directed to relieve the applicant within three weeks from the date of order. It is stated that inspite of this specific orders from the competent authority, the respondent No.2 deliberately did not relieve the applicant, because of which, the applicant has lost his chance of further promotion and seniority etc. The learned counsel for the applicant submits that the contempt proceedings, therefore, shall be initiated against respondent No.2. It is true that from the record, it seems that respondent No.2 has not relieved the applicant, may be

deliberately with whatever intention. But now, it is a fact that after the order passed on 28.4.2016, the applicant has been relieved and had joined his post. The learned P.O. submits that the applicant was already relieved in April 2016. For whatever reasons, it may, it is a fact that the order was not initially complied with in letter and spirit. However, since the same has now been complied with, there is no point in initiating contempt proceedings against the respondent No.2. So far as the grievance of the applicant that he has lost his chance of promotion and seniority is concerned, the applicant will be at liberty to take appropriate action against the respondent No.2. C.A. and C.P.(St.) stand disposed of accordingly with no order as to costs.

Vice-Chairman(J)

pdg

**O.A. No. 08/2015.**

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

**Dated : 27<sup>th</sup> April 2017.**

**C.A.271/2016 in C.P.(St.) 1055/2016.**

None for the applicant. Shri P.N.  
Warjekar, the Ld. P.O. for the respondent No.1.  
Shri M.L. Shekhani, Adv. for R.2.

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

Vice-Chairman(J)

pdg

**O.A. No. 504/2014.**

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

**Dated : 27<sup>th</sup> April 2017.**

**C.A.498/2016 in C.P.(St.) 2017/2016.**

Shri M.R. Khan, the learned counsel for the applicant and Shri S.A. Sainis, the Ld. P.O. for the respondent No.1. Shri P.V. Thakre, Adv. for R.2 to 5.

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

Vice-Chairman(J)

pdg

**O.A. No. 358/2016.**

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

**Dated : 27<sup>th</sup> April 2017.**

**C.A.68/2017 in C.P.(St.) 42/2017.**

Shri P.V. Thakre, the learned counsel for the applicant and Shri M.I. Khan, the Ld. P.O. for the respondents.

At the request of the learned P.O., S.O.  
**four weeks.**

Vice-Chairman(J)

pdg

**C.A.No. 64/2017 in C.P.(St.) 246/2017 in O.A. No. 42/2016 and C.A. No. 63/2017 in C.P.(St.) 248/2017 in O.A. No. 75/2016 and (Common order)**

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

**Dated : 27<sup>th</sup> April 2017.**

Heard Smt. N.R. Saboo, the learned counsel for the applicant and Shri A.M. Khadatkar, the Ld. P.O. for the respondent Nos. 1 to 3. Shri Khadse, Adv. for R.4.

As per order in O.A. Nos. 42/2016 and 75/2016 dated 27.10.2016, it was declared that the applicant belongs to Group-A Medical Officer as required in G.R. dated 30.5.2015 and 30.9.2015 issued by respondent No.1 and he is entitled to continue in service till completion of age of 60 years. The respondent were directed to take steps to grant all consequential benefits including other claims as per the said G.Rs. It is stated that till today no steps have been taken. The Ld. P.O. has placed on record a copy of communication dated 26.4.2017, from which it seems that the Govt. is thinking of filing writ petition against the order of this Tribunal. But it is a fact that till today even the opinion of Law and Judiciary Department has not been obtained. In order to

give an opportunity to the applicant, further period of two weeks si granted for compliance.

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

Vice-Chairman(J)

pdg

**O.A. No. 727/2016**

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

**Dated : 27<sup>th</sup> April 2017.**

**C.A.No. 221/2017 in C.P.(St.) 636/2017**

Heard Shri T.G. Bansod, the learned counsel for the applicant and Shri M.I. Khan, the Ld. P.O. for the respondent No.1.

2. As per directions given by this Tribunal in the O.A. No.727/2016 on 8.2.2017, this Tribunal has directed the respondents to issue an order, re-posting the applicant at Police Station, Saoner within four weeks from the date of order of this Tribunal. Till today, no orders have been passed. In view thereof, it seems that there is *prima facie* case made out by the applicant by issuing an impugned notice to the applicant.

3. Hence, issue notice to R. 2 to 4 returnable **after summer vacation.**

4. Shri M.I. Khan, the 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)

**O.A. No. 233/2016**

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

**Dated : 27<sup>th</sup> April 2017.**

**C.A.No. 227/2017.**

Heard Shri G.G. Bade, the learned counsel for the applicant and Shri A.M. Ghogre, the Ld. P.O. for the respondents.

**S.O. 2<sup>nd</sup> May 2017.**

Vice-Chairman(J)

pdg

**O.A. No. 301/2016**

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

**Dated : 27<sup>th</sup> April 2017.**

**C.A.No. 228/2017.**

Heard Shri G.G. Bade, the learned counsel for the applicant and Shri A.M. Ghogre, the Ld. P.O. for the respondents.

**S.O. 2<sup>nd</sup> May 2017.**

Vice-Chairman(J)

pdg

**O.A. No. 713/2016**

**Coram: Shri J.D. Kulkarni,**

**Vice-Chairman (J).**

**Dated : 27<sup>th</sup> April 2017.**

Shri Rohan Chandurkar, the learned counsel for the applicant and Shri M.I. Khan, the Ld. P.O. for the respondents.

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

Vice-Chairman(J)

pdg

**O.A. No. 203/2016**

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

**Dated : 27<sup>th</sup> April 2017.**

Shri S.N. Gaikwad, the learned counsel  
for the applicants and Smt. M.A. Barabde, the  
Ld. P.O. for the respondents.

**S.O. 19<sup>th</sup> June 2017.**

Vice-Chairman(J)

pdg

**O.A. No. 800/2016**

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

**Dated : 27<sup>th</sup> April 2017.**

**C.A.224/2017 in C.P.(St.)644/2014.**

Shri V.B. Bhise, the learned counsel for the applicants and Shri P.N. Warjekar, the Ld. P.O. for the respondents.

The Ld. P.O. to take instructions from respondent No.2 as to why the representation filed by the applicant is not decided and make a statement on 2.5.2017.

**S.O. 2<sup>nd</sup> May 2017.**

Vice-Chairman(J)

**O.A. No. 288/2016**

**Coram: Shri J.D. Kulkarni,**

**Vice-Chairman (J).**

**Dated : 27<sup>th</sup> April 2017.**

Shri Vishal Anand, the learned counsel for the applicant and Shri V.A. Kulkarni, the Ld. P.O. for the respondents.

Copy of reply filed on behalf of R. 2 and 3 is served on the applicant. He submits that he does not want to file reply on behalf of R.1. The learned counsel for the applicant seeks time to file rejoinder.

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

Vice-Chairman(J)

pdg

**O.A. No. 245/2017.**

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

**Dated : 27<sup>th</sup> April 2017.**

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

2. Issue notice to R. 2 and 3 returnable on **12<sup>th</sup> June 2017.**

3. Shri S.A. Deo, the learned C.P.O. waives notice for respondent No.1. Hamdast granted.

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

5. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.

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

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

S.O. 12<sup>th</sup> June 2017.

Vice-Chairman(J)

pdg

**O.A. No. 501/2016.**

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

**Dated : 27<sup>th</sup> April 2017.**

**C.A. No.17/2016:-**

Shri P.S.Kadam, Id. counsel for the applicant. Shri A.M.Ghoghre, the learned P.O. for Respondents.

The Id. counsel for the applicant submits that he has been instructed to file amendment application for which he seeks time to file amendment. The Id. P.O. file reply affidavit for condonation of delay on behalf of R-2 & 3. The same is taken on record. The copy is served to the other side.

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

Vice-Chairman(J)

aps

**O.A. No. 244/2017.**

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

**Dated : 27<sup>th</sup> April 2017.**

Shri G.R.Sadar holding for Shri V.A.Kothale, Id. counsel for the applicant. Smt. Kolhe, the learned P.O. for State.

The applicant is serving as an Asst. Professor in Govt. Engineering College, Chandrapur, which is a Naxal affected area. He is seeking transfer at Amravati. He has filed the representation on 20/01/2017 on personal ground as well as on the ground that he is serving in the Naxal affected area from 2011. Therefore, his representation be considered. However no cognizance has been taken against the said representation. The only prayer made by the applicant is that his representation be considered, but the competent authority at the time of Annual General Transfer for the year of 2017. The Id. P.O. submits that the Annual General Transfer for the year 2017 may take place in the month of April/ May, 2017 and direction as per rule may be given. In view thereof the application may be disposed of by following direction:-

*The respondents to consider the representation dated 20/01/2017 at (Annexure-A-1, Pg. 14) as per rules and regulations on its own merits at the time of Annual General Transfer.*

Vice-Chairman(J)

aps

**O.A. No. 173/2016.**

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

**Dated : 27<sup>th</sup> April 2017.**

Heard Shri H.D.Futane, Id. counsel for the applicant. Shri A.M.Ghoghre, the learned P.O. for Respondents.

After hearing the matter for a considerable period the Id. counsel for the applicant submits that he wants to file application for amendment, since the applicant's deputation has been cancelled without any sufficient reasons. He seeks one week time for amendment.

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

Vice-Chairman(J)

aps

**O.A. No. 94/2016.**

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

**Dated : 27<sup>th</sup> April 2017.**

Shri A.S.Chakotkar, Id. counsel for the applicant. Smt. Kolhe, the learned P.O. for Respondents.

The Id. counsel for the applicant submits that the applicant does not want to file Rejoinder. Since the pleadings are completed. The matter is admitted and kept for final hearing.

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

Vice-Chairman(J)

aps

**O.A. No. 637/2016.**

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

**Dated : 27<sup>th</sup> April 2017.**

None for the applicant. Shri S.A.Sainis,  
the learned P.O. for Respondents.

The Id. P.O. seeks time to file reply  
affidavit. At his request, S.O. **after summer  
vacation.**

Vice-Chairman(J)

aps

**O.A. No. 771/2016.**

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

**Dated : 27<sup>th</sup> April 2017.**

Shri J.S.Deshmukh, Id. counsel for the applicant. Shri Khadatkar, the learned P.O. for Respondents no. 1 to 3. None for R-4 & 5.

The Id. P.O. seeks time to file reply affidavit. At his request, S.O. **06/06/2017**.

Vice-Chairman(J)

aps

**O.A. No. 836/2016.**

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

**Dated : 27<sup>th</sup> April 2017.**

Shri D.P.Shouche, Id. counsel for the applicant. Shri A.M.Ghogre, the learned P.O. for Respondents no. 1 to 3. None for R-4.

The Id. P.O. seeks time to file reply affidavit. **S.O. next week.**

Vice-Chairman(J)

aps

**O.A. No. 22/2017.**

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

**Dated : 27<sup>th</sup> April 2017.**

Shri S.N.Gaikwad, Id. counsel for the applicant. Smt. Barabde, the learned P.O. for Respondents.

The Id. P.O. seeks time to file reply affidavit. **S.O. after summer vacation.**

Vice-Chairman(J)

aps

**O.A. No. 52/2017.**

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

**Dated : 27<sup>th</sup> April 2017.**

Shri S.N.Gaikwad, Id. counsel for the applicant. Shri Pandey, the learned P.O. for Respondents.

The Id. P.O. seeks time to file reply affidavit. **S.O. after summer vacation.**

Vice-Chairman(J)

aps

**O.A. No. 66/2017.**

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

**Dated : 27<sup>th</sup> April 2017.**

Shri S.M.Khan, Id. counsel for the applicant. Smt. Kolhe, the learned P.O. for Respondents.

The Id. P.O. seeks time to file reply affidavit. **S.O. after summer vacation.**

Vice-Chairman(J)

aps

**O.A. No. 85/2017.**

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

**Dated : 27<sup>th</sup> April 2017.**

Shri D.N.Mathur, Id. counsel for the applicant. Shri A.M.Ghogre, the learned P.O. for Respondents.

The Id. P.O. seeks time to file reply affidavit. **S.O. next week.**

Vice-Chairman(J)

aps

**O.A. No. 98/2017.**

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

**Dated : 27<sup>th</sup> April 2017.**

None for the applicant. Shri P.N.Warjurkar, the learned P.O. for Respondents.

At the request of Id. P.O. **S.O. after summer vacation.**

Vice-Chairman(J)

aps

**O.A. No. 75/2017.**

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

**Dated : 27<sup>th</sup> April 2017.**

None for the applicant. Shri S.A.Sainis,  
the learned P.O. for Respondents no. 1 to 3.  
Shri R.V.Kamble, holding for Shri D.M.Kale, Id.  
counsel for R-4

At the request of Id. P.O., **S.O. after  
summer vacation.**

Vice-Chairman(J)

aps

**O.A. No. 42/2017.**

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

**Dated : 27<sup>th</sup> April 2017.**

None for the applicant. Shri S.A.Sainis,  
the learned P.O. for Respondents.

The Id. P.O. files the reply on behalf of  
all the respondents. The same is taken on  
record. Copy will be served to the other side.

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

Vice-Chairman(J)

aps

**O.A. No. 289/2016.**

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

**Dated : 27<sup>th</sup> April 2017.**

Mrs.K.N.Saboo, Id. counsel for the applicant. Shri Kulkarni, the learned P.O. for Respondents no. 1 to 3. Adv.R.V.Kamble, holding for Shri D.M.Kale, Id. counsel for R-4.

The Id. P.O. files reply affidavit on behalf of R-3. The same is taken on record. Copy is served to the other side. The R-4 also files submission on behalf of R-4. The same is taken on record. Copy is served to the other side. The Id. counsel for the applicant wants to go through the reply and file Rejoinder if necessary. **S.O. after summer vacation.**

Vice-Chairman(J)

aps

**O.A. No. 573/2016.**

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

**Dated : 27<sup>th</sup> April 2017.**

None for the applicant. Shri Khadatkar,  
Id. P.O. for the respondents.

The Id. P.O. files reply on behalf of R-1  
to 3. The same is taken on record. Copy is  
served to the other side. **S.O. after summer  
vacation.**

Vice-Chairman(J)

aps

**O.A. No. 246/2017.**

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

**Dated : 27<sup>th</sup> April 2017.**

1. Heard Shri R.R.Joharapurkar, Id. counsel for the applicant and Shri S.Dev, Id. C.P.O. for the State.

2. The applicant's have been appointed as a Lecturers on contract basis and the tenure of the post is for Eleven months. It is admitted that the tenure of the posting is being completed on 30/04/2017 and accordingly the applicant termination orders have already been issued. The Id. counsel for the applicant invited my attention to the order passed in O.A.309/2017 by this Tribunal of Mumbai Bench in the case of **Pankaj B. Wankhede Vs State of Maharashtra and Ors. on 26/04/2017.** In Para number 9 of the said order the Tribunal observed:-

*“In so far as continuation of services of the applicant are concerned, the letter referred to in foregoing para contains assurance that depending upon the review of applicant's services and as to whether list is received from MPSC, the*

*matter of continuation of applicant's services will be considered and in the event appointment is considered necessary, it would be made on clock-hour basis”*

3. This O.A. 309/2017 is filed by these applicants in similarly situated conditions.

4. Almost similar order has been passed in O.A.334/2017 by the Mumbai Bench of this Tribunal and the said order is at under.

5. The Id. counsel for the applicant submits that the applicant has no problem if similar order is passed in O.A. also and the O.A. be heard on merits after reply is filed. In view thereof the respondents are directed to act as per Para no. 9 as above i.e. order in O.A. No. 309/2017 in respect of present applicants also.

6. Issue notice to R-2 & 3, returnable on four weeks. Learned C.P.O. waives notice for R-1.

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. after summer vacation.**

12. *Steno copy granted.*

Vice-Chairman(J)

aps

**O.A. No. 248/2017.**

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

**Dated : 27<sup>th</sup> April 2017.**

**C.A. No. 226/2017:-**

1. Heard Shri R.R.Joharapurkar, Id. counsel for the applicant and Shri S.Dev, Id. C.P.O. for the State.

2. The C.A. for sue jointly is allowed for the reasons stated in the application. Therefore, the C.A. stands disposed of accordingly.

**O.A. No. 248/2017:-**

3. The applicant's have been appointed as a Lecturers on contract basis and the tenure of the post is for Eleven months. It is admitted that the tenure of the posting is being completed on 30/04/2017 and accordingly the applicant termination orders have already been issued. The Id. counsel for the applicant invited my attention to the order passed in O.A.309/2017 by this Tribunal of Mumbai Bench in the case of **Pankaj B. Wankhede Vs State of Maharashtra and Ors. on 26/04/2017.** In Para number 9 of the said order the Tribunal observed:-

*"In so far as continuation of services of the applicant are concerned, the letter referred to in foregoing para contains assurance that depending upon the review of applicant's services and as to whether list is received from MPSC, the matter of continuation of applicant's services will be*

*considered and in the event appointment is considered necessary, it would be made on clock-hour basis”*

4. This O.A. 309/2017 is filed by these applicants in similarly situated conditions.

5. Almost similar order has been passed in O.A.334/2017 by the Mumbai Bench of this Tribunal and the said order is at under.

6. The Id. counsel for the applicant submits that the applicant has no problem if similar order is passed in O.A. also and the O.A. be heard on merits after reply is filed. In view thereof the respondents are directed to act as per Para no. 9 as above i.e. order in O.A. No. 309/2017 in respect of present applicants also.

7. Issue notice to R-2 & 3, returnable on four weeks. Learned C.P.O. waives notice for R-1.

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

9. 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.

10. 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.

11. 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.

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

13. *Steno copy granted.*

Vice-Chairman(J)

aps

**O.A. No. 247/2017.**

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

**Dated : 27<sup>th</sup> April 2017.**

**C.A. No. 225/2017:-**

1. Heard Shri R.R.Joharapurkar, Id.  
counsel for the applicant and Shri S.Dev, Id.  
C.P.O. for the State.

2. The C.A. for sue jointly is allowed for the reasons stated in the application. Therefore, the C.A. stands disposed of accordingly.

**O.A. No. 247/2017:-**

3. The applicant's have been appointed as a Lecturers on contract basis and the tenure of the post is for Eleven months. It is admitted that the tenure of the posting is being completed on 30/04/2017 and accordingly the applicant termination orders have already been issued. The Id. counsel for the applicant invited my attention to the order passed in O.A.309/2017 by this Tribunal of Mumbai Bench in the case of **Pankaj B. Wankhede Vs State of Maharashtra and Ors. on 26/04/2017.** In Para number 9 of the said order the Tribunal observed:-

*“In so far as continuation of services of the applicant are concerned, the letter referred to in foregoing para contains assurance that depending upon the review of applicant's services and as to whether list is received from MPSC, the matter of continuation of applicant's services will be considered and in the event appointment is considered necessary, it would be made on clock-hour basis”*

4. This O.A. 309/2017 is filed by these applicants in similarly situated conditions.

5. Almost similar order has been passed in O.A.334/2017 by the Mumbai Bench of this Tribunal and the said order is at under.

6. The Id. counsel for the applicant submits that the applicant has no problem if similar order is passed in O.A. also and the O.A. be heard on merits after reply is filed. In view thereof the respondents are directed to act as per Para no. 9 as above i.e. order in O.A. No. 309/2017 in respect of present applicants also.

7. Issue notice to R-2 & 3, returnable on four weeks. Learned C.P.O. waives notice for R-1.

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

9. 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.

10. 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.

11. 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.

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

13. *Steno copy granted.*

Vice-Chairman(J)

aps

**O.A. No. 162 & 163 of 2016.**

**Coram: Shri J.D. Kulkarni,**

**Vice-Chairman (J).**

**Dated : 27<sup>th</sup> April 2017.**

Shri J.S.Deshmukh, Id. counsel for the applicant. Shri A.M.Ghogre, Id. P.O. for the respondents no. 1 to 3 & 6. Adv.R.V.Kamble holding for Shri D.M.Kale, Id. counsel for the R-4 & 5.

**S.O. 06.06.2017.**

Vice-Chairman(J)

aps

**O.A. No. 185 of 2016.**

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

**Dated : 27<sup>th</sup> April 2017.**

Shri S.N.Gaikwad, Id. counsel for the applicant. Shri A.M.Ghogre, Id. P.O. for the respondents no. 1 to 3. Adv.J.Y.Ghurde, Id. counsel for the R-4.

**S.O. 06.06.2017.**

Vice-Chairman(J)

aps

**O.A. No. 250 of 2017.**

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

**Dated : 27<sup>th</sup> April 2017.**

**C.A. No. 235/2017:-**

1. Shri P.S.Verma, Id. counsel for the applicant. Shri A.M.Ghogre, Id. P.O. for the State.

2. The applicants are aggrieved by the common order dated 08/04/2017 in respect of their transfer. They have challenged the said order. The relief claimed by them as well as the cause of action is same and therefore for the reasons stated in the application, the application to sue jointly is allowed.

**O.A.No. 250/2017:-**

3. Vide impugned order dated 08/04/2017 as many as 122 Police Constables and Naiks have been transferred at various places. It is stated that these 122 various officers shall first attend the training program for 10 days at JTSC training centre Gondia and immediately after completion of training, they shall join at the post of their transfer. The training of these applicants is

to start on 30/04/2017. The Id. counsel for the applicant submits that the impugned order of the transfer is illegal on various counts such as-

- It is not passed by competent authority.

- Some of the applicants have not completed their tenure.
- It is against the Government policy whereby the employees are given choice of posting if they work in the Naxalite affected area for a particular period and therefore the applicants are claiming that the impugned order is bad.

4. The Id. P.O. submits that the applicant have to undergo training for 10 days and thereafter the order may take effect. It is stated that if the order is stayed, the entire administration may come to stand still. In my opinion the applicants may attend the training. The question as to whether transfer is legal or not will be considered after submission of the reply filed by the respondents. Considering the urgency of the matter the applicant are directed to serve

the respondents by Hamdast notice. The respondents shall file reply in the matter on the next date of hearing.

5. Issue notice to R-2 to 5, returnable on 04-05-2017. Learned C.P.O. waives notice for R-1.

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

7. 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.

8. 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.

9. 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.

10. **S.O. 04-05-2017.**

Vice-Chairman(J)

aps

