

ORIGINAL APPLICATION NO. 629/2016

(Shankar Sitaram Waghmare Vs. State of Mah. & Ors.)

**CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).
(This matter is placed before Single Bench due
to non-availability of Division Bench)**

DATE : 29.08.2016.

ORAL ORDER

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Shri D.R. Patil, learned Chief Presenting Officer for the Respondents.

2. The learned Presenting Officer has filed affidavit in reply on behalf of respondent nos. 1 and 2. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. The learned Advocate for the applicant submits that he will go through the affidavit in reply and will make submission tomorrow.

4. S.O. to 30.08.2016.

MEMBER (J)

29.08.2016-KPB(DB)

**M.A. 340/2016 in C.P. St. 1574/2016 in O.A. No. 216/2003
(Dr. Vijaykumar Baliram Sarwade Vs. State of Mah. & Ors.)**

**CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).
(This matter is placed before Single Bench due
to non-availability of Division Bench)**

DATE : 29.08.2016.

ORAL ORDER

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The applicant has filed this M.A. for permission to initiate contempt proceedings. In O.A. No. 516/2003, the respondents were directed to reinstate the applicant with full back wages along with interest as per Rules. The applicant has been reinstated but he has not been paid back wages and interest. The order of this Tribunal has been confirmed in W.P. No. 8590/2010 on 13.10.2015 as per Annexure A-3.

3. In view thereof, issued notices to the respondents in M.A., returnable within four weeks.

MEMBER (J)

29.08.2016-KPB(DB)

C.P. 122/2003 in T.A. 2285/1991(W.P. No. 1231/1990)
(Shri Narayan K. Vyas Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).
(This matter is placed before Single Bench due to non-availability of Division Bench)

DATE : 29.08.2016.

ORAL ORDER

Shri Ajay Deshpande, learned Advocate for the applicant (**Absent**). Shri N.U. Yadav, learned Presenting Officer for the respondents, present.

2. The learned Presenting Officer has filed affidavit in reply on behalf of respondent no. 3. It is taken on record.

3. The learned Presenting Officer submits that the order has been complied. However, since nobody appeared on behalf of the applicant today, hence, the matter be kept on Friday.

4. S.O. 02.09.2016.

MEMBER (J)

29.08.2016-KPB(DB)

**M.A. 402/2015 in C.P. St. 1406/2015 in O.A. No. 236/2014
(Adhikrao Shamrao Mane Vs. State of Mah. & Ors.)**

**CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).
(This matter is placed before Single Bench due
to non-availability of Division Bench)**

DATE : 29.08.2016.

ORAL ORDER

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. At the request of both the counsels, S.O. to 21.09.2016.

MEMBER (J)

29.08.2016-KPB(DB)

**M.A. 171/2016 in C.P. St. 626/2016 in O.A. No. 417/2014
(Popat Murlidhar Barde Vs. State of Mah. & Ors.)**

**CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).
(This matter is placed before Single Bench due
to non-availability of Division Bench)**

DATE : 29.08.2016.

ORAL ORDER

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The learned Chief Presenting Officer seeks time to file affidavit in reply on behalf of respondents in M.A. Time granted.

3. S.O. to 29.09.2016.

MEMBER (J)

29.08.2016-KPB(DB)

ORIGINAL APPLICATION NO. 212/2016
(Prashant Sakharam Patole Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).
(This matter is placed before Single Bench due to non-availability of Division Bench)

DATE : 29.08.2016.

ORAL ORDER

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Officer for the respondents.

2. Since, pleadings are complete and the matter is admitted and it be kept for final hearing whenever Division Bench is available.

MEMBER (J)

29.08.2016-KPB(DB)

**M.A. 104/2015 in C.P. St. 335/2015 in O.A. No. 197/2012
(Narayan Vyankatrao Mundhe & Ors. Vs. State of Mah. & Ors.)**

**CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).
(This matter is placed before Single Bench due
to non-availability of Division Bench)**

DATE : 29.08.2016.

ORAL ORDER

Shri S.G. Chapalgaonkar, learned Advocate for the applicant (**Absent**). Shri S.K. Shirse, learned Presenting Officer for the respondents, present.

2. The learned Presenting Officer submits that in the W.P. filed against the order of this Tribunal the Hon'ble High Court has granted status-quo and the said order of status-quo is placed on record at paper book page no. 10. The said order however, is passed on 7.5.2015 and status-quo was maintained till next date. It is not know as to what happened on the next date.

3. The learned Presenting Officer is therefore, directed to make statement as regards status of the said petition. Four weeks time granted.

4. S.O. after four weeks.

MEMBER (J)

29.08.2016-KPB(DB)

ORIGINAL APPLICATION NO. 472/2016

(Syed Fahimoddin Moiuddin Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).
(This matter is placed before Single Bench due to non-availability of Division Bench)

DATE : 29.08.2016.

ORAL ORDER

Heard Shri S.R. Barlinge, learned Advocate for the applicant, Shri M.P. Gude, learned Officer for the respondent nos. 1 to 3 and Shri D.J. Patil, learned Advocate holding for Shri V.V. Deshmukh, learned Advocate for respondent no. 4.

2. Vide impugned order dated 10.05.2016, the applicant's promotion to the post of Superintendent has been cancelled and therefore, it has been stated that his order of promotion and transfer on the post of Superintendent at Aurangabad from Mumbai dated 7.5.2016, has been cancelled. Admittedly, no show cause notice issued to the applicant before cancellation of the promotion. On the contrary, it seems that the applicant was immediately relieved from Mumbai and has approached the Aurangabad office for joining on 10.05.2016. However, on that date instead of allowing him to join, the respondents have issued impugned order of his demotion. Prima-facie it

seems that no principles of natural justice have not been followed.

//2//

O.A. No. 472/2016

3. The learned Advocate for the applicant submits that vide impugned order it seems that the applicant has been demoted, because some departmental enquiry was initiated against him. The learned Advocate for the applicant however, submits that in the said Departmental Enquiry the applicant has already been exonerated. In any case, the said departmental enquiry must not have been initiated and completed between the date of promotion and the date of demotion i.e. from 7.5.2016 till the date of demotion on 10.05.2016.

4. The learned Presenting Officer submits that the post at Aurangabad whereon the applicant has been transferred/promoted is the post of Superintendent of Ladies Hostel and therefore, the applicant cannot be accommodated.

5. In view thereof, the learned Presenting Officer is directed to take instructions as to whether the applicant can be accommodated on any other post at Aurangabad. Time granted for said compliance.

6. S.O to 31.08.2016.

29.08.2016-KPB(DB)

MEMBER (J)

ORIGINAL APPLICATION NO. 693/2016
(Dattatraya Maruti Borude Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 29.08.2016.

ORAL ORDER

Heard Shri V.B. Wagh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents.

2. Vide impugned order dated 20.08.2016, the applicant has been transferred from the post of Deputy Collector (Administration), Ahmednagar to District Supply Officer, Dhule, Dist. Dhule. It is the case of the applicant that he is on the said post since 7.6.2014 and has not completed three years. He is also appointed as Nodal Officer vide order dated 17.06.2016 and the Collector, Ahmednagar has also recommended for cancellation of his transfer vide letter dated 29.07.2016.

3. The learned Advocate for the applicant pointed out that the applicant has been transferred in view of the directions issued by the Election Commission vide letter dated 1.2.2016. The case of the applicant however, does not fall either in Clause A or B of the said direction. It however,

seems that the applicant's case may fall within Clause-C of the said direction.

4. The learned Advocate for the applicant pointed out to so many judgments delivered by the Hon'ble High Court as well as by this Tribunal. All these judgments are from page nos. 22 to 40 (both inclusive) of the paper book. In all these matters, the officers whosoever approached the Hon'ble High Court because of their transfers on account of Election Commission's circular, have been given interim relief and their orders or transfer have been stayed.

5. It seems that in all the W.Ps. the directions issued by the Election Commission to transfer the local officer where the election is going to be held, are under challenge before the Hon'ble High Court. In view thereof, the respondents are directed not to relieve the applicant till reply affidavit is filed by the respondents. It is stated that the similar matters are kept on 27.09.2016 and hence, this matter shall be kept on 27.09.2016.

6. In the mean time, issue notices to the respondents, returnable on 27.09.2016.

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. Respondents are 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 acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

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O.A. No. 693/2016

11. Steno copy and Hamdast is allowed to both parties.

12. S.O. to 27.09.2016.

MEMBER (J)

29.08.2016-KPB(SB)

**ORIGINAL APPLICATION NO. 811/2015
(Shahadeo Sahebrao Bangar Vs. State of Mah. & Ors.)**

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 29.08.2016.

ORAL ORDER

Heard Shri J.S. Deshmukh, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the Respondents.

2. The learned Presenting Officer has filed affidavit in reply on behalf of respondent no. 1 i.e. Medha Gadgil, Additional Chief Secretary, Medical Education and Drugs Department, Mantralaya, Mumbai. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant.

3. The learned Presenting Officer submits that the designation of the applicant is to be included in the list as per MCSR list and the action will be taken within one month. She also submits that the entire grievance can be satisfied within three months and therefore, she seeks three months time. However, it seems that the proposal has been recently sent and no action was taken from 2015.

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O.A. No. 811/2015

4. In view thereof, the respondents are directed to comply all the grievances within two months from the date of this order.

5. S.O. to 3.11.2016.

6. Steno copy allowed to the learned Presenting Officer at her request.

MEMBER (J)

26.08.2016-KPB(SB)

ORIGINAL APPLICATION NO. 453/2016
(Ashok Suryabhan Dahiphale Vs. State of Mah. & Ors.)

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 29.08.2016.

ORAL ORDER

Heard Shri A.S. Deshmukh, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the Respondents.

2. Vide impugned order dated 31.05.2016 the applicant has been transferred from the post of Deputy Superintendent of Land Records, Pathoda Dist. Beed to Hadgaon, Dist. Nanded in the same post. There is no dispute that his tenure has been completed.

3. Before transfer of the Deputy Superintendent of Land Records, the respondents have called upon officers due for transfer to give options for their choice posting in the order of preference as per letter dated 29.02.2016. The applicant has given options as per options pro-forma at paper book page no. 18 at Gangapur Dist. Aurangabad, Newasa, Dist. Ahmednagar and Shirur Kasar, Dist. Beed. It is stated that the applicant was also holding additional

charge of the post at Shirur Kasar and the said post is till today vacant. It is further stated that the post at Gangapur is also vacant and the post at Newase is to be vacant tomorrow due to retirement of some officer on superannuation.

4. The Respondent no. 2 is therefore, directed to make short affidavit in this regard to counter the submission made by the learned Advocate for the applicant and to make specific statement as to whether this is a factual position. In affidavit in reply, it seems, that the respondents have denied that the post at Shirur Kasar is vacant if so is the fact then the respondent no. 2 shall state as to who is holding that post. Two weeks time granted for filing said affidavit.

5. S.O. to 14.09.2016.

6. Steno copy allowed to the learned Presenting Officer at his request.

MEMBER (J)

ORIGINAL APPLICATION NO.625/2016.
(BD Rathod Vs. State of Maharashtra & Ors.)

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CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 29.08.2016.

ORAL ORDER

Heard Shri SB Solanke, learned Advocate for the applicant and Shri VR Bhumkar, learned Presenting Officer for the Respondents.

2. The learned Advocate for the applicant submits that he will supply copy of the amended OA to the Respondents.

3. Issue notices to the respondents returnable on 3.10.2016.

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 question such as limitation and alternate remedy are kept open.

7. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

8. The respondents are free to file reply affidavit before due date, if they wish to do so.

9. S.O. 3.10.2016.

10. Steno Copy and Hamdust allowed to both parties.

MEMBER (J)

ORIGINAL APPLICATION NO.816/2015.

(Smt. AK Jawale (Kamble) Vs. State of Maharashtra & Ors.)

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CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 29.08.2016.

ORAL ORDER

Heard Shri VB Wagh, learned Advocate for the applicant and Smt RS Deshmukh, learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time for filing reply affidavit. All the formalities are to be done by the Civil Surgeon, Jalna i.e. Respondent no.5. Already number of chances are given. Respondent no.5 is therefore, directed to appear personally and to state the reasons why the amount is not being released and reply is not being filed instead of repeated chances. Hence, the matter is kept day after tomorrow i.e. on 31.8.2016.

3. S.O. 31.8.2016.

4. Steno copy allowed to the learned P.O.

MEMBER (J)

29.08.2016-ATP

ORIGINAL APPLICATION NO.52/2016.

(Dr. WC Rathod Vs. State of Maharashtra & Ors.)

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CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 29.08.2016.

ORAL ORDER

Heard Shri JS Deshmukh, learned Advocate for the applicant and Shri MP Gude, learned Presenting Officer for the Respondents no.1 to 3. None present for Respondent no.4.

2. Learned P.O. seeks time to file reply affidavit. Time granted.

3. S.O. to 3.10.2016.

MEMBER (J)

29.08.2016-ATP

ORIGINAL APPLICATION NO.49/2016.
(VK Dhale Vs. State of Maharashtra & Ors.)

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CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 29.08.2016.

ORAL ORDER

Heard Shri JS Deshmukh, learned Advocate for the applicant and Smt PR Bharaswadkar, learned Presenting Officer for the Respondents.

2. Learned P.O. files reply affidavit on behalf of Respondent no.2. Same is taken on record. Its copy is served on the applicant. Learned P.O. submits that, the suspension of the applicant is revoked. Learned P.O. has also produced copy of the said order.

3. Learned Advocate for the applicant submits that he will go through it and will make a statement on Friday i.e. on 2.9.216.

4. S.O. to 2.9.2016.

MEMBER (J)

29.08.2016-ATP

ORIGINAL APPLICATION NO.118/2016.
(RA Deshmane Vs. State of Maharashtra & Ors.)

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CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 29.08.2016.

ORAL ORDER

Heard Shri JS Deshmukh, learned Advocate for the applicant and Smt PR Bharaswadkar, learned Presenting Officer for the Respondents.

2. Learned P.O. files reply affidavit on behalf of Respondent no.2. Same is taken on record. Its copy is served on the applicant. Learned P.O. submits that, the suspension of the applicant is revoked. Learned P.O. has also produced copy of the said order.

3. Learned Advocate for the applicant submits that he will go through it and will make a statement on Friday i.e. on 2.9.216.

4. S.O. to 2.9.2016.

MEMBER (J)

29.08.2016-ATP

ORIGINAL APPLICATION NO.119/2016.

(Smt. S.C. Bhagure Vs. State of Maharashtra & Ors.)

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CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 29.08.2016.

ORAL ORDER

Heard Shri JS Deshmukh, learned Advocate for the applicant and Shri MP Gude, learned Presenting Officer for the Respondents.

2. Learned P.O. files reply affidavit on behalf of Respondent no.2. Same is taken on record. Its copy is served on the applicant. Learned P.O. submits that, the suspension of the applicant is revoked. Learned P.O. has also produced copy of the said order.

3. Learned Advocate for the applicant submits that he will go through it and will make a statement on Friday i.e. on 2.9.216.

4. S.O. to 2.9.2016.

MEMBER (J)

29.08.2016-ATP

ORIGINAL APPLICATION NO.120/2016.
(Syed Ahmed Vs. State of Maharashtra & Ors.)

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CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 29.08.2016.

ORAL ORDER

Heard Shri JS Deshmukh, learned Advocate for the applicant and Smt SK Ghate Deshmukh, learned Presenting Officer for the Respondents.

2. Learned P.O. files reply affidavit on behalf of Respondent no.2. Same is taken on record. Its copy is served on the applicant. Learned P.O. submits that, the suspension of the applicant is revoked. Learned P.O. has also produced copy of the said order.

3. Learned Advocate for the applicant submits that he will go through it and will make a statement on Friday i.e. on 2.9.216.

4. S.O. to 2.9.2016.

MEMBER (J)

29.08.2016-ATP

ORIGINAL APPLICATION NO.121/2016.
(RC Shendiwale Vs. State of Maharashtra & Ors.)

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CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 29.08.2016.

ORAL ORDER

Heard Shri JS Deshmukh, learned Advocate for the applicant and Shri DR Patil, learned Presenting Officer for the Respondents.

2. Learned P.O. files reply affidavit on behalf of Respondent no.2. Same is taken on record. Its copy is served on the applicant. Learned P.O. submits that, the suspension of the applicant is revoked. Learned P.O. has also produced copy of the said order.

3. Learned Advocate for the applicant submits that he will go through it and will make a statement on Friday i.e. on 2.9.216.

4. S.O. to 2.9.2016.

MEMBER (J)

29.08.2016-ATP

ORIGINAL APPLICATION NO.123/2016.
(AG Pawar Vs. State of Maharashtra & Ors.)

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CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 29.08.2016.

ORAL ORDER

Heard Shri JS Deshmukh, learned Advocate for the applicant and Shri DR Patil, learned Presenting Officer for the Respondents.

2. Learned P.O. files reply affidavit on behalf of Respondent no.2. Same is taken on record. Its copy is served on the applicant. Learned P.O. submits that, the suspension of the applicant is revoked. Learned P.O. has also produced copy of the said order.

3. Learned Advocate for the applicant submits that he will go through it and will make a statement on Friday i.e. on 2.9.216.

4. S.O. to 2.9.2016.

MEMBER (J)

29.08.2016-ATP

ORIGINAL APPLICATION NO.123/2016.
(VK Dhale Vs. State of Maharashtra & Ors.)

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CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 29.08.2016.

ORAL ORDER

Heard Shri JS Deshmukh, learned Advocate for the applicant and Smt PR Bharaswadkar, learned Presenting Officer for the Respondents.

2. Learned P.O. files reply affidavit on behalf of Respondent no.2. Same is taken on record. Its copy is served on the applicant. Learned P.O. submits that, the suspension of the applicant is revoked. Learned P.O. has also produced copy of the said order.

3. Learned Advocate for the applicant submits that he will go through it and will make a statement on Friday i.e. on 2.9.216.

4. S.O. to 2.9.2016.

MEMBER (J)

29.08.2016-ATP

ORIGINAL APPLICATION NO.53/2016.

(Dr.BR Dhakne Vs. State of Maharashtra & Ors.)

.....

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 29.08.2016.

ORAL ORDER

Heard Shri JS Deshmukh, learned Advocate for the applicant and Shri MP Gude, learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicant seeks time to file rejoinder. Time granted.

3. S.O. to 3.10.2016.

MEMBER (J)

29.08.2016-ATP

ORIGINAL APPLICATION NO.304/2016.
(CR Shirsat Vs. State of Maharashtra & Ors.)

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CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 29.08.2016.

ORAL ORDER

Heard Shri JM Murkute, learned Advocate for the applicant and Shri MS Mahajan, learned Chief Presenting Officer for the Respondents.

2. Learned C.P.O. seeks time to file reply affidavit. Time granted.

3. S.O. to 7.9.2016.

MEMBER (J)

29.08.2016-ATP

ORIGINAL APPLICATION NO.348/2016.

(Smt.S.G. Gungane Vs. State of Maharashtra & Ors.)

.....

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 29.08.2016.

ORAL ORDER

Heard Shri RD Khadap, learned Advocate for the applicant and Smt PR Bharaswadkar, learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicant submits that he has received copy of the reply affidavit today and he seeks time to go through it. Time granted.

3. S.O. to 4.10.2016.

MEMBER (J)

29.08.2016-ATP

ORIGINAL APPLICATION NO.373/2016.
(AK Rankhambe Vs. State of Maharashtra & Ors.)

.....

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 29.08.2016.

ORAL ORDER

Heard Shri GG Suryawanshi, learned Advocate for the applicant and Shri NU Yadav, learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time to file reply affidavit. Time granted.

3. S.O. to 4.10.2016.

MEMBER (J)

29.08.2016-ATP

ORIGINAL APPLICATION NO.424/2016.
(RV Sonune Vs. State of Maharashtra & Ors.)

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CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 29.08.2016.

ORAL ORDER

Heard Shri VB Wagh, learned Advocate for the applicant, Shri SK Shirse, learned Presenting Officer for the Respondents no.1 & 2 and Miss Preeti Wankhade learned Advocate holding for Shri AS Deshmukh, learned Advocate for the Respondent no.3.

2. Learned P.O. seeks time to file reply affidavit. Time granted.

3. S.O. to 7.9.2016. Interim relief to continue till further order.

MEMBER (J)

29.08.2016-ATP

ORIGINAL APPLICATION NO.428/2016.
(YK Shevgan Vs. State of Maharashtra & Ors.)

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CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 29.08.2016.

ORAL ORDER

Heard Miss Preeti Wankhade, learned Advocate holding for Shri AS Deshmukh, learned Advocate for the applicant, Shri NU Yadav, learned Presenting Officer for the Respondents no.1 to 3 and Shri SB Mene, learned Advocate holding for Shri Ajay Deshpande, learned Advocate for the Respondent no.4.

2. Learned P.O. seeks time to file reply affidavit. Time granted.

3. S.O. to 7.9.2016. Interim Relief to continue till further order.

MEMBER (J)

29.08.2016-ATP

ORIGINAL APPLICATION NO.593/2016.

(NT Chavan & Ors. Vs. State of Maharashtra & Ors.)

.....

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 29.08.2016.

ORAL ORDER

None present for the applicant. Smt DS Deshpande,
learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time to file reply affidavit. Time
granted.

3. S.O. to 4.10.2016.

MEMBER (J)

29.08.2016-ATP

MANO.379/2015 IN OA ST.NO.1254/2015.

(VR Jetty Vs. State of Maharashtra & Ors.)

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CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 29.08.2016.

ORAL ORDER

Heard Shri AB Kathar, learned Advocate holding for Shri AC Deshpande, learned Advocate for the applicant and Smt SK Ghate - Deshmukh, learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time to file reply affidavit. Time granted.

3. S.O. to 4.10.2016.

MEMBER (J)

29.08.2016-ATP

MANO.18/2016 IN OA ST.NO.1364/2015.
(BG Jadhav Vs. State of Maharashtra & Ors.)

.....

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 29.08.2016.

ORAL ORDER

Heard Shri RP Bhumkar, learned Advocate for the applicant, Shri IS Thiorat, learned Presenting Officer for the Respondents no.1 to 3 and Shri GN Patil, learned Advocate for the Respondents no.4 & 5.

2. Shri GN Patil, learned Advocate for the Respondents no.4 & 5 files reply affidavit. Same is taken on record. Its copy is served on the others side.

3. Learned P.O. seeks time to file reply affidavit. Time granted.

4. S.O. to 22.9.2016.

MEMBER (J)

29.08.2016-ATP

ORIGINAL APPLICATION NO.210/2013.
(YK Shevgan Vs. State of Maharashtra & Ors.)

.....

CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 29.08.2016.

ORAL ORDER

Heard Miss Preeti Wankhade, learned Advocate holding for Shri AS Deshmukh, learned Advocate for the applicant and Shri DR Patil, learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time to file reply affidavit to the amended O.A. Time granted.

3. S.O. to 22.9.2016.

MEMBER (J)

29.08.2016-ATP

ORIGINAL APPLICATION NO.173/2016.

(Sow. Arti S. Patil Vs. State of Maharashtra & Ors.)

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CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 29.08.2016.

ORAL ORDER

Heard Shri D.B. Thoke, learned Advocate for the applicant and Smt PR Bharaswadkar, learned Presenting Officer for the Respondents.

2. Learned Advocate for the applicant seeks time. Time granted.

3. S.O. to 28.9.2016.

MEMBER (J)

29.08.2016-ATP

ORIGINAL APPLICATION NO.801/2015.

(Smt. Yasmin Hashmi Vs. State of Maharashtra & Ors.)

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CORAM : HON'BLE SHRI J.D. KULKARNI, MEMBER (J).

DATE : 29.08.2016.

ORAL ORDER

Heard Shri Vivek Pingle, learned Advocate for the applicant and Smt DS Deshpande, learned Presenting Officer for the Respondents no.1 to 3. None present for the Respondent no.4.

2. The applicant is claiming direction to the Respondents that they shall sanction regular pension.

3. In spite of sufficient chances the reply affidavit is not filed by the Respondents except Respondent no.4. The prayer in the O.A. was for direction to the Respondents to release provisional pension of the applicant w.e.f. 1.6.2014 onwards. It is admitted that the applicant is getting provisional pension.

4. Learned Advocate for the applicant also invited my attention to prayer "C" regarding regularization of his

absence period from 22.10.2005 to 17.07.2008 and period from 18.07.2008 to 1.4.2014 as extraordinary leave / medical leave and to pay him salary.

5. It seems from the reply affidavit on behalf of Respondent no.4 that the proposal has already been sent to Respondent no.2 by the Respondent no.4 on 29.7.2015 which is at paper book page nos.70 & 71, which is Exh.R-1. The Respondents can be directed to take decision on the said proposal. In view thereof nothing survives in this O.A. Hence the order.

ORDER.

- i) The O.A. stands disposed of with direction to the Respondent no.2 to take decision on the proposal Exh.R-1 as per rules and regulations within two months from the date of this order.
- ii) No order as to costs.

MEMBER (J)

O.A. NOS. 211 TO 217 OF 2015

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)
(This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE :- 29.8.2016

Oral Order :-

1. Heard Shri G.G. Suryawanshi, learned Advocate for the applicants in all these matters and S/shri M.P. Gude, V.R. Bhumkar, Smt. Sanjivani Deshmukh – Ghate, Smt. Deepali S. Deshpande and Smt. Resha Deshmukh, learned Presenting Officers for the respondents in respective matters.

2. S.O. 6.10.2016.

MEMBER (J)

ARJ 29.8.2016

ORIGINAL APPLICATION NO. 38 OF 2016

{Shri L.N. Sormare Vs. The State of Mah. & Ors.} WITH

ORIGINAL APPLICATION NO. 39 OF 2016

{Shri N.L. Gaikwad Vs. The State of Mah. & Ors.} WITH

ORIGINAL APPLICATION NO. 40 OF 2016

{Shri A.G. Borade Vs. The State of Mah. & Ors.} WITH

ORIGINAL APPLICATION NO. 378 OF 2016

{Shri S.N. Wagh Vs. The State of Mah. & Ors.}

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)
(This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE :- 29.8.2016

Oral Order :-

1. Heard Shri P.A. Kulkarni, learned Advocate for the applicants in all these matters and S/shri S.K. Shirse & I.S. Thorat, learned Presenting Officers for the respondents in respective matters.

2. The learned P.Os. filed reply on behalf of res. No. 4 in O.A. nos. 38 & 39 of 2016. The same are taken on record and copies thereof have been supplied to the learned Advocate for the applicants.

3. Shri Thorat, learned P.O. seeks time to file reply on behalf of respondents in O.A. No. 378/2016. Time granted.

4. S.O. to 30.9.2016.

MEMBER (J)

O.A. NOS. 21/2016, 618/2016, 619/2016, 1/2015, 635/2015, 488/2013, 626/2015, 627/2015 WITH M.A. NO. 433/2015 IN OA ST. 318/2015

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)
(This matter is placed before the Single Bench due to non-availability of Division Bench.)

DATE :- 29.8.2016

Oral Order :-

1. Heard S/shri M.R. Kulkarni, J.S. Deshmukh, R.P. Bhumkar, Jayant Deshmukh holding for Milind Patil and Amol Gandhi, learned Advocates for the applicants in all these matters and S/shri M.S. Mahajan, V.R. Bhumkar, I.S. Thorat, Smt. P.R. Bharaswadkar, Smt. Deepali S. Deshpande and Smt. Resha Deshmukh, learned Chief Presenting Officer & Presenting Officers for the respondents in respective matters.

2. Smt. Bharaswadkar, learned P.O. has filed reply on behalf of res. No. 3 in O.A. No. 21/2016. It is taken on record and copy thereof has been served upon the learned Advocate for the applicant in the respective matter.

3. S.O. to 17.10.2016.

MEMBER (J)

ARJ 29.8.2016

O.A. NO. 127 OF 2016

(Suryakant N. Markad & Ors. Vs. the State of Mah. & Ors.)

CORAM :- Shri J. D. Kulkarni, Hon'ble Member (J)

DATE :- 29.8.2016

Oral Order :-

1. Heard Shri N.B. Narwade, learned Advocate for the applicants and Smt. Priya R. Bharaswadkar, learned Presenting Officers for the respondents.

2. After hearing the matter for considerable time it has been noticed that vide order dated 28.7.2016 this Tribunal directed the learned P.O. to take instructions on the following points :-

(i) Whether the impugned order of transfer has been passed by the competent Board as required under Section 22-J(1), and

(ii) whether the sanction of highest competent authority was obtained for issuing impugned transfer order.

3. By the said order it was also directed that the Superintendent of Police, Ahmednagar shall file his affidavit in that regard.

4. The instructions taken by the learned P.O. are not sufficient to clear as to whether the impugned transfer order is passed by the competent Board as required under Sec.

22-

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O.A. NO. 127/2016

J (1) of the Maharashtra Police Act. The Superintendent of Police, Ahmednagar was directed to file affidavit, but he has not filed affidavit till today.

5. The learned P.O. seeks time to file affidavit of the Superintendent of Police, Ahmednagar. Time granted.

6. S.O. to 22.9.2016.

7. The matter be treated as part heard.

MEMBER (J)

ARJ 29.8.2016