

**O.A. No. 348/2016 (S.B.).**

**Coram- S.S. Hingne, Member (J).**

**Dated : 12<sup>th</sup> August 2016.**

Shri A.P. Tathod, learned counsel for the applicant and Smt. M.A. Barabde, learned P.O. for the respondents 1 to 3. Shri S.S. Dhengale, learned counsel for R.4 / caveator.

The learned P.O. has filed reply on behalf of R. 2 & 3, it is taken on record and a copy thereof is supplied to the learned counsel for the applicant.

At the request of learned counsel for the applicant, S.O.  
**22.8.2016.**

Member (J)

pdg

**O.A. No. 432/2015**

**Coram- S.S. Hingne, Member (J).**

**Dated : 12<sup>th</sup> August 2016.**

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

At the request of learned counsel for the applicant, S.O. **three weeks.**

Member (J)

Pdg

**O.A. No.133/2013**

**Coram- S.S. Hingne, Member (J).**

**Dated : 12<sup>th</sup> August 2016.**

Shri M.R. Khan, learned counsel for the applicant and Smt. S.V. Kolhe, learned P.O. for the respondents.

At the request of learned counsel for the applicant, **Stand over.**

Member (J)

pdg

**O.A. No.477/2000.**

**Coram- S.S. Hingne, Member (J).**

**Dated : 12<sup>th</sup> August 2016.**

**C.A. No.360/2016 in MCA 14/2014 in MCA 15/2014 in O.A.No.477/2000,**

Shri Suryavanshi, Advocate holding for Shri S.W. Sambre, the learned counsel for the applicant submits that the latter has some personal difficulty and hence adjournment is sought.

Shri P.N. Warjekar, learned P.O. for the respondents.

At the request of learned counsel for the applicant, **S.O. two weeks.**

Member (J)

Pdg

**O.A. No.201/2013.**

**Coram- S.S. Hingne, Member (J).**

**Dated : 12<sup>th</sup> August 2016.**

**C.A. No.53/2015.**

None for the applicant. Shri P.N. Warjekar, learned P.O. for the respondents 1 to 4. Shri G.N. Khanzode, Adv. holding for Shri A.A. Madiwale, learned counsel for R. 5 to 9.

The C.A. is filed for seeking permission to place the documents on record which are in the nature of the orders and the communication. Hence, it is allowed.

The learned counsel for R. 5 to 9 submits that the copies are not issued him. The learned counsel for the applicant to serve copies of the documents. The C.A. is disposed of.

The learned P.O. submits that the O.A. has become infructuous and can be disposed of. However, the learned counsel for applicant is absent.

Hence, S.O. **two weeks for disposal.**

Member (J)

**O.A. No.231/2013.**

**Coram- S.S. Hingne, Member (J).**

**Dated : 12<sup>th</sup> August 2016.**

**C.A. No.54/2015.**

None for the applicant. Shri P.N. Warjekar, learned P.O. for the respondents 1 to 3. Shri G.N. Khanzode, Adv. holding for Shri A.A. Madiwale, learned counsel for R. 4 to 8.

The C.A. is filed for seeking permission to place the documents on record which are in the nature of the orders and the communication. Hence, it is allowed.

The learned counsel for R. 5 to 9 submits that the copies are not issued him. The learned counsel for the applicant to serve copies of the documents. The C.A. is disposed of.

The learned P.O. submits that the O.A. has become infructuous and can be disposed of. However, the learned counsel for applicant is absent.

Hence, S.O. **two weeks for disposal.**

Member (J)

**O.A. No.232/2013.**

**Coram- S.S. Hingne, Member (J).**

**Dated : 12<sup>th</sup> August 2016.**

None for the applicant. Shri P.N. Warjekar, learned P.O. for the respondents 1 to 4. Shri G.N. Khanzode, Adv. holding for Shri A.A. Madiwale, learned counsel for R. 5 to 8.

The learned counsel for R. 5 to 8 submits that the copies are not issued him. The learned counsel for the applicant to serve copies of the documents. The C.A. is disposed of.

The learned P.O. submits that the O.A. has become infructuous and can be disposed of. However, the learned counsel for applicant is absent.

Hence, S.O. **two weeks for disposal.**

Member (J)

Pdg

**O.A. No.18/2016.**

**Coram- S.S. Hingne, Member (J).**

**Dated : 12<sup>th</sup> August 2016.**

Mrs. P.T. Joshi, learned counsel for the applicant and Shri A.M. Khadatkar, learned P.O. for the respondents.

The learned P.O. has filed reply on behalf of R.2/ MPSC, it is taken on record and a copy thereof is supplied to the learned counsel for the applicant.

Put up before the regular D.B.

Member (J)

Pdg



**O.A. No.264/2012.**

**Coram- S.S. Hingne, Member (J).**

**Dated : 12<sup>th</sup> August 2016.**

Shri Prashant Kale, Adv. holding for Shri R.D. Dharmadhikari, learned counsel for the applicant and Shri A.M. Ghogre, learned P.O. for the respondents 1 to 3. None for R.4 to 18.

At the request of learned counsel for the applicant, **Stand over.**

Member (J)

Pdg

**O.A. No.43/2014.**

**Coram- S.S. Hingne, Member (J).**

**Dated : 12<sup>th</sup> August 2016.**

Shri S.A. Sahu, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents.

At the request of learned counsel for the applicant, **Stand over.**

Member (J)

Pdg

**O.A. No.141/2015.**

**Coram- S.S. Hingne, Member (J).**

**Dated : 12<sup>th</sup> August 2016.**

Miss S. Dashputre , learned counsel for the applicant and Shri A.M. Ghogre, learned P.O. for the respondents 1 to 3. Shri P.R. Agrawal, Adv. for R. 4 to 6 i.e. Caveator.

At the request of learned counsel for the applicant, **Stand over.**

Member (J)

Pdg

**O.A. No.351 /2015.**

**Coram- S.S. Hingne, Member (J).**

**Dated : 12<sup>th</sup> August 2016.**

Shrim B.M. Kasare, Adv. holding for Shri N.S. Khandewale, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents 1 to 5. None for R.6.

**ADMIT.**

Shri M.I. Khan, learned P.O. waives service for respondents 1 to 5.

Member (J)

Pdg

**O.A. No. 351/2016.**

**Coram- S.S. Hingne, Member (J).**

**Dated : 12<sup>th</sup> August 2016.**

None for the applicant. Shri P.N. Warjekar, learned P.O. for the respondents 1 to 5. None for R.6.

At the request of learned P.O.,  
**S.O. three weeks for reply.**

Member (J)

Pdg

**O.A. No. 477/2015.**

**Coram- S.S. Hingne, Member (J).**

**Dated : 12<sup>th</sup> August 2016.**

Shri S.C. Deshmukh, learned counsel for the applicant and Smt. S.V. Kolhe, learned P.O. for the respondents 1 to 3. None for R. 4 to 8.

Put up before the regular Division Bench when available.

Member (J)

Pdg

**O.A. No. 33, 34,35,37 ,38,56 of 2015.**

**Coram- S.S. Hingne, Member (J).**

**Dated : 12<sup>th</sup> August 2016.**

Shri G.G. Bade, learned counsel for the applicants and Smt. M.A. Barabde, learned P.O. for the respondents 1 to 3. Shri M.L. Vairagade, Adv. for R. 4.

The learned counsel for the applicants submits that he has received an acknowledgement and wants to file it on record.

Stand over.

Member (J)

Pdg

**O.A. No. 56/2015.**

**Coram- S.S. Hingne, Member (J).**

**Dated : 12<sup>th</sup> August 2016.**

Shri G.G. Bade, learned counsel for the applicants and Shri H.K. Pande, learned P.O. for the respondents 1 to 4. Shri P.A. Kadu, Adv. for R. 4.

The learned counsel for the applicants submits that he has already filed reply. But it is also not on record. He wants to verify.

Stand over.

Member (J)

Pdg



**O.A. No. 193/2015.**

**Coram- S.S. Hingne, Member (J).**

**Dated : 12<sup>th</sup> August 2016.**

Shri G.G. Bade, learned counsel for the applicants and Shri H.K. Pande, learned P.O. for the respondents 1 and 2. Shri P.V. Thakre, Adv. for R. 3.

The learned counsel for the applicants submits that he has already filed reply. But it is also not on record. He wants to verify.

Stand over.

Member (J)

Pdg

**O.A. No. 658/2015.**

**Coram- S.S. Hingne, Member (J).**

**Dated : 12<sup>th</sup> August 2016.**

None for the applicant. Smt. S.V. Kolhe, learned P.O. for the respondents.

Put up before the regular Division Bench alongwith O.A. No.237/2015.

Member (J)

Pdg

**O.A. No. 294/2015.**

**Coram- S.S. Hingne, Member (J).**

**Dated : 12<sup>th</sup> August 2016.**

Shri S.K. Verma, learned counsel for the applicant and Smt. M.A. Barabde, learned P.O. for the respondents.

The learned counsel for the applicant has filed rejoinder. It is taken on record and a copy thereof is supplied to the learned P.O.

Put up before the regular Division Bench when available.

Member (J)

Pdg

**O.A. No. 389/2015.**

**Coram- S.S. Hingne, Member (J).**

**Dated : 12<sup>th</sup> August 2016.**

Shri S.K. Verma, learned counsel for the applicant and Smt. M.A. Barabde, learned P.O. for the respondents.

Put up before the regular Division Bench when available with O.A. No.294/2015.

Member (J)

Pdg

**O.A. No. 695/2015.**

**Coram- S.S. Hingne, Member (J).**

**Dated : 12<sup>th</sup> August 2016.**

1. Heard Shri S.N. Gaikwad, learned counsel for the applicant and Shri S. Sainis, learned P.O. for the respondent Nos. 1 and 2.

2. The learned P.O. has filed reply of R.2 / MPSC. It is taken on record and a copy thereof is supplied to the learned counsel for the applicant.

3. Issue notice to R. 3 **returnable after service.**

4. Shri S. Sainis, learned P.O. waives notice for respondent No.1 and 2. 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.

Member (J)

Pdg

**O.A. No. 837/2015.**

**Coram- S.S. Hingne, Member (J).**

**Dated : 12<sup>th</sup> August 2016.**

1. Heard Shri S.N. Gaikwad, learned counsel for the applicant and Shri S. Sainis, learned P.O. for the respondent Nos. 1 and 2.

**O.A. No.489/2016**

**CORAM :S.S. Hingne : Member ( J )**  
**DATE :12<sup>th</sup> August, 2016.**

\*\*\*

Heard Shri G.G. Bade, Id. Advocate for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

The applicant was appointed on 11/1/2010 ( Annexure-A-2, Page-17 ) in the office of Primary Education, Directorate. On his request he was transferred to somewhere in Chandrapur He made request to transfer his parent department. Consequently by the impugned order dtd.7/7/2016, he is transferred to the Divisional Dy. Director, Pune. Column 3 says that the applicant is transferred to his original establishment as per his request. The applicant disputes this. In the year 2013 the post of Commissioner, Education was



created. As such the Id. P.O. was directed to take instructions to throw

light whether these two offices are different and the office of the Divisional Dy. Director cannot be the original establishment of the applicant. However, he expressed inability for want of instructions from the department. Under such circumstances, Status-quo as on today in respect of transfer of the applicant till filing of the reply be maintained. The Id. P.O. is directed to explain this in the reply so that everything will be clear.

At the request of Id. P.O. **S.O. 2 weeks** to file reply of the respondents.

Steno copy be supplied to the parties.

**Member ( J )**

**Skt.**

**O.A. No. 526/2016**

**CORAM :S.S. Hingne : Member ( J )**  
**DATE :4<sup>th</sup> August, 2016.**

\*\*\*

Heard Shri A.P. Tathod, Id. Advocate for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

The matter is taken up on mention. The Id. Counsel for the applicant submits that the charge-sheet was served on 17/6/2005 ( Annexure-A-2, Page-41). Thereafter the matter was in cold storage and the applicant had become due for promotion for the post of Director. At

the instance of rival claimant, the enquiry is taken up. The applicant was granted permission to engage the defense representative on 12/1/2015. However that is withdrawn vide order dtd. 16/3/2016 (Annexure-A-5, page-59) on the ground that the Govt. has issued a Circular dtd. 7/10/2015( Annexure-A-6,

Page-60 ).

The Id. Counsel for the applicant urged that thus this is a subsequent Circular and permission as already granted cannot be revoked. He proceeded to argue that the enquiry is scheduled on 19/8/2016 and the Department is in hurry to proceed with the enquiry at the instance of Dr. Kohali, who is also aspiring the post. Thus, the matter needs to be considered as to how the defense representative can be withdrawn etc. In the above state of affairs, the enquiry scheduled on 19/8/2016 shall not be

proceeded with till filing of the reply by the respondents.

Ld. P.O. waives notices for the respondents.

Ld. P.O. to file reply at an earliest.

**S.O. 3 weeks to file reply .**

**Member(J)**

Skt.

**O.A. No. 545/2016**

**CORAM :S.S. Hingne : Member ( J )**  
**DATE :4<sup>nd</sup> August, 2016.**

\*\*\*

Shri N.B. Bargat, Id. Advocate for the applicant.

Issue Notice before admission to the respondents returnable on 23/8/2016. Shri M.I. Khan, Id. P.O. waives notice for R/1.

Hamdast granted for R/2 and 3.

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

Applicant is authorized and directed to serve on the Respondent 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 Tribunal (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, 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.

**Member ( J )**

Skt.

**O.A. No.352/2016**

**CORAM :S.S. Hingne : Member ( J )**

**DATE :12<sup>th</sup> August, 2016.**

\*\*\*

Shri S.P. Palshikar, Id. Advocate for the applicant and Shri A.M. Ghogare, Id. P.O. for the respondents.

Ld. Counsel for the applicant has filed a Pursis stating that the order dtd. 8/7/2016 issued by the Sp. I.G. and order dtd. 22/7/2016 by S.P. Buldhana the transfer of the applicant from Buldhana to Bhandara is cancelled. Hence the O.A. can be disposed of. Consequently, the O.A. stands disposed of as the grievance of the applicant is redressed.

**Member ( J )**

Skt.

**O.A. No.454/2016**

**CORAM :S.S. Hingne : Member ( J )**  
**DATE :12<sup>th</sup> August, 2016.**

\*\*\*

Heard Shri K.S. Malokar, Id. Advocate for the applicant, Shri S.A. Sanis, Id. P.O. for the respondents 1 and 2 and Adv. S.P. Giratkar, Id. Counsel for R/3 and 4.

The applicant was transferred vide order dtd. 30/5/2015 ( Page-15 ). However he was not relieved and therefore could not join to the transferred place. The Commissioner, Education i.e. R/2 therefore has issued the order of suspension of the applicant on 25/5/2016 (Annexure-A-6, page 37).

The applicant submits that the applicant was ready to obey the order. However, the Education Officer, Z.P. Chandrapur i.e. R/3 did not relieve him. The submission gets support from the reply filed by R/3 and R/4. The Education Officer has written letter to the Dy. Director, Education on



14/7/2015 that the applicant cannot be relieved for some work exigency. Consequently the applicant was not relieved. Thereafter the Joint Director, Education had issued one letter dtd. 8/12/2015 ( Annexure-A-4, Page, 33 ) to the applicant that he is relieved from 8/12/2015. Thereafter the Dy. Director of Education ( Secondary ), Z.P. Chandrapur issued a letter dtd. 4/5/2016 ( Page-36) to the C.E.O, Z.P. Chandrapur to relieve him .

However, from the above fact it reveals that the applicant was desirous to be relieved but the Education Officer did not relieve him and that was admitted and as such suspension of the applicant on the ground of non-joining deserves to be stayed. Consequently the order dtd. 25/5/2016 is stayed.

The Education Officer and the C.E.O, Z.P. i.e. R/3 and R/4 to take necessary steps at an earliest.

At the request of Id. P.O. **S.O. 4**  
**weeks** to file reply of the respondent  
No. 1.

Steno copy be supplied to the  
parties.

**Member ( J )**

**Skt.**

**O.A. No. 695/2015.**

**Coram- S.S. Hingne, Member (J).**

**Dated : 12<sup>th</sup> August 2016.**

1. Heard Shri S.N. Gaikwad, learned counsel for the applicant and Shri S. Sainis, learned P.O. for the respondent Nos. 1 and 2.

2. The learned P.O. has filed reply of R.2 / MPSC. It is taken on record and a copy thereof is supplied to the learned counsel for the applicant.

3. Issue notice to R. 3 **returnable after service.**

4. Shri S. Sainis, learned P.O. waives notice for respondent No.1 and 2. 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.

Member (J)

Pdg

**O.A. No. 837/2015.**

**Coram- S.S. Hingne, Member (J).**

**Dated : 12<sup>th</sup> August 2016.**

1. None for the applicant. Shri M.I. Khan, learned P.O. for the respondent No. 1 and 2.

2. Respondents Nos. 3 to 7 are not served. No steps are taken to serve the respondents, though O.A. was filed in December 2016. However, with a view to afford one more opportunity, case is adjourned to take necessary steps.

3. Issue fresh notice to the respondents **returnable after six weeks.**

4. Shri M.I. Khan, learned P.O. waives notice for respondent No.1 and 2. 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.

Member (J)

Pdg

**O.A. No. 149/2016.**

**Coram- S.S. Hingne, Member (J).**

**Dated : 12<sup>th</sup> August 2016.**

Shri A.P. Tathod, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondent No. 1.

2. At the request of learned counsel for the applicant, issue notice to the respondent Nos. 2 & 3 **returnable after service.**

3. Shri M.I. Khan, learned 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.

Member (J)

Pdg



**O.A. No. 561/2015.**

**Coram- S.S. Hingne, Member (J).**

**Dated : 12<sup>th</sup> August 2016.**

**C.A. 166/2016.**

None for the applicant. Smt. S.V. Kolhe, learned P.O. for the respondents.

In view of the proposed nature of C.A., the applicant was not made party an, therefore, that amendment is to be carried out. Hence, it is allowed. Necessary amendment be carried out forthwith.

Put up before regular D.B.

Member (J)

Pdg

**O.A. No. 686/2015.**

**Coram- S.S. Hingne, Member (J).**

**Dated : 12<sup>th</sup> August 2016.**

Shri S.S. Katkar, Advocate holding for Shri J.B. Gandhi, learned counsel for the applicant and Shri M.I. Khan, learned P.O. for the respondents 1 to 3. Shri N.D. Thombre, Adv. for R.4.

Put up before regular D.B.

Member (J)

Pdg

**O.A. No. 803/2015.**

**Coram- S.S. Hingne, Member (J).**

**Dated : 12<sup>th</sup> August 2016.**

Shri S.S. Katkar, Advocate holding for Shri N.R. Saboo, learned counsel for the applicants and Smt. S.V. Kolhe, learned P.O. for the respondents.

Stand over.

Member (J)

Pdg

**O.A. No. 843/2015.**

**Coram- S.S. Hingne, Member (J).**

**Dated : 12<sup>th</sup> August 2016.**

Shri Ambatkar, Advocate holding for Shri P.S. Wathore, learned counsel for the applicant and Shri Khadatkar, learned P.O. for the respondents.

At the request of learned counsel for the applicant, to comply the order dated 20.6.2016 and at the request of learned P.O., **S.O. four weeks to file reply.**

Member (J)

Pdg

**O.A. No. 90/2016.**

**Coram- S.S. Hingne, Member (J).**

**Dated : 12<sup>th</sup> August 2016.**

None for the applicant. Smt. M.A. Barabde, learned P.O. for the respondents 1 & 2. None for R.3 to 6. Shri S.S. Chavan, Adv. for R.7.

Put up before regular D.B.

Member (J)

Pdg

**O.A. No. 106/2016.**

**Coram- S.S. Hingne, Member (J).**

**Dated : 12<sup>th</sup> August 2016.**

Shri N.D. Thombre, learned counsel for the applicant and Shri V.A. Kulkarni, learned P.O. for the respondents.

At the request of learned P.O.  
**S.O. three weeks to file reply by way of last chance.**

Member (J)

Pdg

**O.A. No. 306/2016.**

**Coram- S.S. Hingne, Member (J).**

**Dated : 12<sup>th</sup> August 2016.**

Shri S.N. Gaikwad, learned counsel for the applicant and Shri V.A. Kulkarni, learned P.O. for the respondents 1 to 4. None for R.5.

The learned counsel for the applicant submits that last chance was granted.

**S.O. four weeks by way of peremptory chance.**

Member (J)

Pdg





