

O.A. No. 119/2015

CORAM :S.S. Hingne : Member (J)
DATE :4nd August, 2016.

Heard Shri S.V. Ingole, Id. Advocate for the applicant and Smt. S.V. Kolhe, Id. C.P.O. for the respondents.

Admit.

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

Hearing expedited.

Member (J)

Skt.

O.A. No. 263/2016

CORAM :S.S. Hingne : Member (J)
DATE :4nd August, 2016.

None for the applicant. and Shri S.A. Deo, Id. C.P.O. for the respondents.

Ld. C.P.O. files the communication dtd. 11/7/2015 in compliance of the Tribunal's order dtd. 15/6/2016. At his reply, **S.O. 4 weeks for filing reply.**

Member (J)

Skt.

O.A. No. 373/2016`

CORAM :S.S. Hingne : Member (J)
DATE :4nd August, 2016.

Shri Bharat Kulkarni, Id.
Advocate for the applicant, Shri H.A.
Pande, Id. P.O. for R/1 and 2 and Shri
Shiralkar, Id. Counsel for 3.

Ld. P.O. files reply of R/2, i.e.
MPSC. The same is taken on record
and a copy thereof is given to the
other side.

At the request of Id. Counsel for
R/3, **S.O. 3 weeks to file reply.**

Member (J)

Skt.

O.A. No. 400/2016

CORAM :S.S. Hingne : Member (J)
DATE :4nd August, 2016.

Shri J.R. Kidilay, Id. Advocate
for the applicant and Smt.
S.V. Kolhe, Id. P.O. for the
respondents. At her request, **S.O. 3**
weeks to file reply of the
respondents.

Member (J)

Skt.

**Cont. Petn. St. 1190/2016 in O.A.
No.**

358/2015

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

C.A.295/2016

Shri D. Patil, Id. Advocate for the applicant, Smt. S.V. Kolhe, Id. P.O. for the respondents, Shri S.N. Gaikwad, Id. Counsel for intervener and Shri P. Raulkar, Id. Counsel for R/4. He undertakes to file vakalatnama on behalf of Mrs. I.L. Bodade during the course of the day.

At the request of Id. P.O., **S.O. 2 weeks by way of last chance.**

Member (J)

Skt.

Cont. Petn. St. 576/2016 in O.A. No.
466/2002

CORAM :S.S. Hingne : Member (J)
DATE :4th August, 2016.

C.A.142/2016

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

Put up before D.B.

Member (J)

Skt.

O.A. No. 773/2014

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

DATE :4th August, 2016.

C.A.167/2015

Shri P.S. Patil, Id. Advocate
for the applicant and Smt. M.A.
Barabde, Id. P.O. for the
respondents.

At the request of Id. Counsel for
the applicant, **S.O. 8/8/2016.**

Member (J)

Skt.

O.A. St. No. 773/2014

CORAM :S.S. Hingne : Member (J)
DATE :4th August, 2016.

C.A.167/2015

Shri P.S. Patil, Id. Advocate
for the applicant and Smt. M.A.
Barabde, Id. P.O. for the
respondents.

At the request of Id. Counsel for
the applicant, **S.O. 8/8/2016.**

Member (J)

Skt.

Cont. St. No.1578/2015 in O.A.
No.499/2014

CORAM :S.S. Hingne : Member (J)
DATE :4th August, 2016.

C.A.393/2015

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

Ld. P.O. submits that the W.P.
bearing No.1147/2016 is pending
before the High Court under which
the impugned order is challenged.

S.O. 6 weeks.

Member (J)

Skt.

Cont. St. No.215/2016 in O.A.
No.889/2012

CORAM :S.S. Hingne : Member (J)
DATE :4th August, 2016.

C.A.50/2016

Shri R.V. Shiralkar, Id. Counsel
for the applicant. Smt. M.A. Barabde,
Id. P.O. for the respondents.

Ld. P.O. submits that the W.P.
is filed before the High Court. The Id.
Counsel for the applicant submits that
the proposal is sent to the Govt.

S.O. 8 weeks.

Member (J)

Skt.

Cont. St. No.1055/2016 in O.A.
No.08/2015

CORAM :S.S. Hingne : Member (J)
DATE :4th August, 2016.

C.A.271/2016

There is a leave note of the Id. Counsel for the applicant. Shri S.A. Deo, Id. C.P.O. for the respondent No. 1 . Shri M.Z. Shekhani Id. Counsel for the applicant.

Ld. C.P.O. files reply of R/1 stating that the order is complied with. However, there is a leave note of the Id. Counsel for the applicant. Hence, **S.O. 1 week for disposal.**

Member (J)

Skt.

Cont. St. No.951/2016 in O.A.
No.139/2016

CORAM :S.S. Hingne : Member (J)
DATE :4th August, 2016.

C.A. 244/2016

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

The applicant has filed a Purnis that in view of the order passed by the Hon'ble High Court in W.P. No.721 and 741/2016, nothing survives in the present Cont. St. Petn. In view of this Purnis, the C.A. stands disposed of.

Member (J)

Skt.

Cont. St. No.1257/2016 in O.A.
No.562/2013

CORAM :S.S. Hingne : Member (J)
DATE :4th August, 2016.

C.A.326/2016

Shri S.V. Ingole, Id. Counsel for the applicant. Shri P.N. Warjurkar, Id. P.O. for the respondents.

Ld. P.O. wants to challenge the impugned order on the ground that the applicant is not eligible for the post and therefore the directions given by this Tribunal cannot be complied with.

S.O. 8 weeks.

Member (J)

Skt.

Cont. St. No.1278/2016 in O.A.
No.645/2012

CORAM :S.S. Hingne : Member (J)
DATE :4th August, 2016.

C.A.313/2016

Shri P.V. Thakre, Id. Counsel
for the applicant. Shri S.A. Sainis, Id.
P.O. for the respondents.

At the request of Id. P.O. **S.O.4**
weeks.

Member (J)

Skt.

Cont. St. No.1200/2016 in O.A.
No.88/2006

CORAM :S.S. Hingne : Member (J)
DATE :4th August, 2016.

C.A.296/2016

Shri S.C. Deshmukh, Id. Counsel for the applicant. Shri P.V. Thakre, Id. Sp. Counsel for R/1 and Shri A.M. Ghogare, Id. P.O. for the respondents 2 to 5.

Ld. Sp. Counsel submits that the order is mostly complied with. However the compliance on the part of R/2 to 5 is to be done.

S.O. 3 weeks so as on the next date the C.A. can be disposed of .

S.O. 3 weeks for disposal.

Member (J)

Skt.

Cont. St. No.73/2016 in O.A.
No.315/2014

CORAM :S.S. Hingne : Member (J)
DATE :4th August, 2016.

C.A. Nos.364/16 and 10/2016

C.A. No.364/2016.

Shri P.J. Mehta, Id. Counsel for the applicant. Smt. M.A. Barabde, Id. P.O. for the respondents.

Heard.

The applicant is expired on 22/3/2016. He has legal heirs. Hence the C.A. is allowed. The Id. Counsel for the applicant to bring on record the legal heirs. At the request

of Id. P.O. **S.O. 2 weeks for compliance of the order.**

Member (J)

Skt.

Cont. St. No.1259/2016 in O.A.
No.387/2014

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

DATE :4th August, 2016.

C.A.324/2016

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

Ld. P.O. submits that the order is partly complied with. The C.Rs. of the applicant are communicated to him and he has also made a representation on 8/5/2015 (Page16, Annexure-A2). However no prayer for up gradation.

**S.O. 4 weeks so as the C.A.
can be disposed of on the next
date.**

Member (J)

Skt.

**Cont. St. No.1322/2016 in O.A.
No.757/2013**

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

C.A.333/2016

Shri Bharat Kulkarni, Id.
Counsel for the applicant. Shri
Khadatkar, Id. P.O. for the
respondents.

Ld. P.O. submits that the
enquiry is completed and thus, the
order is complied with and hence no
final order is passed.

S.O. 4 weeks.

Member (J)

Skt.

Cont. St. No.408/2016 in O.A.
No.122/2010

CORAM :S.S. Hingne : Member (J)
DATE :4th August, 2016.

C.A.101/2016

Shri Bharat Kulkarni, Id.
Counsel for the applicant. Smt. M.A.
Barabde, Id. P.O. for the
respondents.

Ld. P.O. files the
communication dtd. 28/7/2016 stating

that the order of this Tribunal is partially complied with.

At the request of Id. Counsel for the applicant for seeking instructions, **S.O. 3 weeks.**

Member (J)

Skt.

Cont. St. No.898/2016 in O.A.
No.534/2008

CORAM :S.S. Hingne : Member (J)
DATE :4th August, 2016.

C.A.235/2016

Shri D.T. Shinde, Id. Counsel for the applicant. Shri Khadatkar, Id. P.O. for the respondents.

Ld. P.O. has filed the communication dtd. 3/6/2016 addressed to the A.G. for compliance of the order. The Id. Counsel for the applicant submits that yet the applicant has not got the benefits of the claims. At the request of Id. P.O. **S.O.3 weeks for compliance of the order dtd. 3/6/2016.**

Member (J)

Skt.

Cont. St. No.394/2016 in O.A.
No.534/2008

CORAM :S.S. Hingne : Member (J)
DATE :4th August, 2016.
C.A.100/2016

Shri D.T. Shinde, Id. Counsel for the applicant. Shri Khadatkar, Id. P.O. for the respondents.

Ld. P.O. files the communication dtd.29/7/2016 showing release of the payments of arrears of pension and difference as per the 6th Pay Commission. The applicant submits that the applicant is not getting regular pension since February, 2014. Ld. P.O. also files the communication dtd.8/6/2016 which mentions that the proposal for the regular pension is already forwarded and the objections are also removed. The same is taken on record.

S.O. 3 weeks for compliance so as the C.A. can be disposed of .

Member (J)

Cont. St. No.973/2016 in O.A.
No.482/2005

CORAM :S.S. Hingne : Member (J)
DATE :4th August, 2016.

C.A.264/2016

Shri S.M. Khan, Id. Counsel for the applicant. Shri S.A. Deo, Id. C. P.O. for the respondents.

Ld. C.P.O. states that a W.P. is filed before the High Court against the impugned order.

S.O. 4 weeks.

Member (J)

Skt.

Cont. St. No.840/2016 in O.A.
No.333/2014

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

DATE :4th August, 2016.

C.A.239/2016

Shri S.N. Gaikwad, Id. Counsel for the applicant. Shri S.A. Sainis, Id. P.O. for the respondents.

Ld. P.O. files affidavit-in-reply on behalf of R/2 contending that the enquiry is completed and the final report is submitted to the Settlement Commissioner on 14/7/2016 and the copy thereof is served on the applicant on 19/7/2016. Yet the final order is not passed.

Ld. P.O. wants some time to comply with the order.

S.O. 4 weeks for compliance.

Member (J)

Skt.

Cont. St. No.513/2016 in O.A.
No.808/2014

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

DATE :4th August, 2016.

C.A.131/2016

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

Ld. P.O. files reply on behalf of
R/3, i.e. Police Commissioner,
Nagpur City, Nagpur. Ld. P.O. to
serve the copy of the same to the
applicant.

S.O. 3 weeks.

Member (J)

Skt.

Cont. St. No.615/2016 in O.A.
No.687/2014

CORAM :S.S. Hingne : Member (J)
DATE :4th August, 2016.

C.A.151/2016

Shri R.V. Shiralkar, Adv. holding for Shri A.C. Dharmadhikari, Id. Counsel for the applicant, Shri Shekhani, Id. Counsel for R/6, Adv. V. Khadekar, Id. Counsel for R/4 and 5 and Smt. M.A. Barabde, Id. P.O. for the respondents 1 to 3.

Ld. P.O. files the communication dtd. 27/4/2016 giving the details of compliance of the order. Ld. Counsel for R/4 and 5 wants to verify so as the C.A. can be disposed of. The same is taken on record and a copy thereof is given to the other side.

S.O. 1 week.

Member (J)

Skt.

Cont. St. No.1266/2016 in O.A.
No.621/2014

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

DATE :4th August, 2016.

C.A.325/2016

Shri S.M. Pande, Adv. holding
for Shri Thombre, Id. Counsel for the
applicant. Shri H.A. Pande, Id.
P.O. for the respondents.

At the request of Id. Counsel for
the applicant, **S.O. 3 weeks.**

Member (J)

Skt.

Skt.

O.A. No. 119/2015

CORAM :S.S. Hingne : Member (J)
DATE :4th August, 2016.

Heard Shri S.V. Ingole, Id.
Advocate for the applicant and
Smt. S.V. Kolhe, Id. C.P.O. for the
respondents.

Member (J)

Skt.

O.A. No. 457/2016

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

DATE :4th August, 2016.

Heard Shri Bharat Kulkarni, Id. Advocate for the applicant and Shri S.A. Deo, Id. C.P.O. for the respondents 1 and 2. None for R/3.

The applicant/Agriculture Superintendent is transferred from Chandrapur to Latur vide order dtd. 31/5/2016 (Annexure-A-1, page 15). According to the applicant, she worked in Tribal area and also was sent on deputation out of State. But despite of this, she is not given the posting of her choice. The support is sought of the various provisions in the G.Rs. dtd.11/7/2000(page-38), 31/1/2014 (page-52), 6/8/2002(page-43) and circular dtd. 8/5/2015 (page-50). Needless to mention that the provisions in the G.Rs. do not confer any right to the employee which can be enforced in court of law. The

provisions in the G.Rs are made to streamline the work of the transfer and laying down the guidelines.

It is also contended that the applicant is sent on deputation vide the impugned transfer order without the consent which is necessary as per Rule 36 of the Maharashtra Civil Services (Joining Time, Foreign Service and Payments during Suspension, Dismissal and Removal) Rules, 1981. The applicant's submission is that she is the employee of the Agriculture Department but now sent on deputation with the Agriculture Technical Management Agency. However, it is worthwhile to note that the applicant is already working on deputation. Therefore, it is not a fresh deputation but she is transferred during the period of deputation. Therefore fresh consent of the employee is not necessary.

It is also contended that the applicant has given the options for postings as per page 26, but she has not been given the place of her choice even after she worked in Tribunal/Naxilte affected area. As stated above, the provisions in the G.Rs do not confer any right to the employee, the implementation therefore cannot be sought. It is also contended that the applicant has taken the admission of her son at Chandrapur where the CBSC pattern is available. However, these difficulties are to be considered by the Department.

However, the matter does not end there. The Id. Counsel for the applicant relied on the note-sheet of the approval by which the transfer of the applicant is not approved by the Civil Services Board. Despite this the concerned Agriculture Minister

transferred the applicant that too from Chandrapur to Latur. The provisions in G.R. dtd. 31/1/2014 are not followed. The applicant is a female employee. But she alone is transferred out of division whereas all other persons are accommodated within the division only which is obvious from the impugned order dtd. 31/5/2016. One Shri Lokhande,R/3 is transferred from Osmanabad to Chandrapur. But it is contended that he has not joined and made a representation. The Id. Counsel for the applicant further submits that no reasons are given in the note-sheet as to why the transfer of the applicant is made from one division to other division during the period of deputation. He submits that the satisfactory genuine reasons are necessary. In support of his submission he relied on the observations made in O.A. No.200/2016 by the Principle Bench

at Mumbai vide order dtd. 20/4/2016. Reliance is also placed on the observations made by the Apex Court of the land in **TSR Subramaniam- vs- Union of India (2014)3 SCC (L&S)296** wherein Their Lordships have observed that the political authority can overrule the decisions of the Civil Services Board but that had to be done by recording the reasons. In the case in hand, no reasons at all are recorded. Thus, the impugned order is issued at the instance of the concerned Minister without any reasons. In the above state of affairs, the impugned order dtd. 31/5/2016 is stayed so far as the posting of the applicant is concerned till filing of the reply.

Member (J)

Skt.