

O.A. No.981/2018.

(D.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman

Dated : 13th June 2019.

Heard Shri P.P. Pendke, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondent Nos.1 and 2. None for R.3.

Ld. P.O. seeks time to file reply.

S.O. **28th June 2019** to file reply by Ld. P.O. as a last chance.

Vice-Chairman

Dt. 13.6.2019.

pdg.

O.A. No.427/2019.

(D.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman

Dated : 13th June 2019.

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

2. The Ld. counsel for the applicant has pointed out that the applicant is a physically handicapped person and he has been terminated from service vide order bearing जावक क्र. ९७/प्रली/श्री. जोल्हे,शिपाई/ वैप्र/ धारिका/२०१९ dated 17.5.2019 (A-1, P.12). Since the case pertains to a physically handicapped person, learned P.O. is directed to file reply within two weeks.

3. S.O. **27th June 2019.**

4. Issue notices to respondent Nos. 3 and 4 returnable on **27th June 2019.**

5. Shri S.A. Sainis, the learned P.O. waives notice for the respondent Nos.1 and 2. Hamdast granted.

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. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

11. S.O. **27th June 2019.**

Vice-Chairman

Dt. 13.6.2019.

pdg.

O.A. No.98/2019.

(D.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman

Dated : 13th June 2019.

None for the applicant. Shri P.N. Warjekar, the learned P.O. for the respondent No.1.

Await service to R.2 to 4.

S.O. **three weeks.**

Vice-Chairman

Dt. 13.6.2019.

pdg.

O.A. No.218/2018.

(D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman**

Dated : 13th June 2019.

None for the applicant. Shri S.A. Sainis, the learned P.O. for the respondent No.1.

Await service to R.2 and 3.

S.O. **three weeks.**

Vice-Chairman

Dt. 13.6.2019.

pdg.

**O.A. Nos.277,285,286 and 287 of 2019.
(D.B.)**

**Coram:Shri Shree Bhagwan,
Vice-Chairman
Dated : 13th June 2019.**

Heard Mrs. K.N. Saboo, Adv. holding for Shri N.R. Saboo, Ld. counsel for the applicants and Shri V.A. Kulkarni, the learned P.O. for the respondents.

As per order dated 23.4.2019 in para 2, applicants were asked to file copy of appointment order. But till now, notice has not been collected. Ld. counsel for the applicants submits that she will collect notice within two days and serve the respondents.

S.O. **two weeks.**

Vice-Chairman

Dt. 13.6.2019.

pdg.

O.A. No.91/2019.

(D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman**

Dated : 13th June 2019.

None for the applicant. Shri A.M. Khadatkar, the learned P.O. for the respondent No.1.

Await service to R.2 and 3.

S.O. **three weeks.**

Vice-Chairman

Dt. 13.6.2019.

pdg.

O.A. No.15/2019.

(D.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman
Dated : 13th June 2019.

Shri R.M. Ahirrao, Ld. counsel for the applicant and Shri A.M. Khadatkhar, the learned P.O. for the respondents.

S.O. **three weeks** for filing reply by Ld. P.O.

Vice-Chairman

Dt. 13.6.2019.

pdg.

O.A. No.508/2018.

(D.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman

Dated : 13th June 2019.

C.A. 213/2019

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

Matter will be heard on **28th June 2019** before regular D.B.

Vice-Chairman

Dt. 13.6.2019.

pdg.

O.A. No.706/2015.

(D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman**

Dated : 13th June 2019.

C.A. 130/2019

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

C.A. for early hearing is allowed and disposed of.

O.A. No.706/2015.

S.O. 3rd July 2019.

Vice-Chairman

Dt. 13.6.2019.

pdg.

O.A. (St.) No.314/2019.

(D.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman

Dated : 13th June 2019.

C.A. 52/2019

None for the applicant. Heard Shri A.M. Khadatkar, the learned P.O. for the respondent No.1.

C.A. for condonation of delay is allowed and disposed of.

O.A. (St.) No.314/2019.

1. Issue notice on O.A. to respondent Nos. 2 to 5 returnable after four weeks.
2. Shri A.M. Khadatkar, the learned P.O. waives notice for the respondent No.1. Hamdast granted.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. 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.

5. 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.

6. 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.

7. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. S.O. **four weeks.**

Vice-Chairman

Dt. 13.6.2019.

pdg.

O.A. No.89/2018.

(D.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman

Dated : 13th June 2019.

M.C.A. 43/2019

Heard Shri R.V. Shiralkar, Ld. counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents.

MCA NO. 43/2019 for restoration of O.A. is allowed and disposed of. O.A. is restored to file.

S.O. **10th July 2019.**

Vice-Chairman

Dt. 13.6.2019.

pdg.

O.A. No.90/2019.

(D.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman

Dated : 13th June 2019.

None for the applicant. Shri A.M. Khadatkar, the learned P.O. for the respondent Nos.1 and 2.

Await service to R. 3 and 4.

Reply of R.2 is filed, it is taken on record.

It is seen that the respondent No.2 is Superintendent of Police Sindhudurg and the respondent No.4 is also from Sindhudurg. Matter pertains to selection process at Sindhudurg. Prima facie, it appears that the O.A. should be filed before the Principal Bench of this Tribunal at Mumbai.

Ld. P.O. to take instructions and consult the respondent authorities.

S.O. **one week.**

Vice-Chairman

Dt. 13.6.2019.

pdg.

O.A.No.132/2019 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 13th June 2019.

Heard Shri R.Raulkar, the Id. Counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant has filed pursis dated 12/06/2019 and also annexed the order dated 20/05/2019 by Superintendent of Police, Gondia. As pointed out by the Id. counsel for the applicant, the applicant grievances has been redressed vide order dated 20.05.2019. Hence he desires to withdraw the O.A..

3. **O.A. stands disposed of as withdrawn with no order as to costs.**

Vice Chairman

Date:-13/06/2019.

aps.

O.A.No.259/2019 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 13th June 2019.

Heard Shri N.R.Saboo, the Id. Counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondents.

2. The Id. P.O. has filed affidavit in reply on behalf of the respondent nos. 1 & 2. It is taken on record. Copy is served to the other side.

3. Matter is **admitted** and kept for final hearing.

4. The Id. P.O. waives notice for the respondents.

5. However, Id. counsel for the applicant is at liberty to file Rejoinder, if necessary. **S.O. three weeks.**

Vice Chairman

Date:-13/06/2019.

aps.

O.A.No.94/2019 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 13th June 2019.

Heard Shri S.G.Jagtap, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondent nos. 1 & 7. None for the respondent nos. 2 to 6.

2. The Id. P.O. is directed to take instructions from VIDC and its Officers that who will appear on behalf of the respondent nos. 2 to 6.

3. The Id. P.O. has filed the reply on behalf of the respondent no. 7. It is taken on record. Copy is served to the other side.

4. However, in this O.A., proposal has to be sent by department i.e. respondent nos. 2 to 6 to the Accountant General because without proposal pension cannot be processed by A.G.. The Id. P.O. will take instructions and submits the same on Monday.

5. S.O. 17.06.2019 (High on board).

Vice Chairman

Date:-13/06/2019.

O.A.No.840/2018 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated : 13th June 2019.

C.A.Nos.115 & 170/2019:-

Heard Shri A.K.Waghmare, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant submits that C.A.No.115/2019 was filed for bringing L.Rs. on record, but one L.R's was left. Now, he file another C.A.No. 170/2019 for bringing all the L.Rs. on record. Hence, **C.A. 170/2019 is allowed.**

3. **S.O. three weeks.**

Vice Chairman

Date:-13/06/2019.

aps.

O.A.No.429/2019 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 13th June 2019.

Heard Shri A.R.Ingole, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the State.

2. As pointed out by Id. P.O., the applicant is working at Amravati since 10.06.2016 i.e. almost closed to three years. However, as requested by Id. counsel for the applicant, interim stay cannot be granted at this stage. Meanwhile, applicant is at liberty to make representation before respondents and respondents are at liberty to decide the applicant's representation according to the policy of the Government.

3. Issue notice to R-2, returnable on four weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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 questions such as limitation and alternate remedy are kept open.

7. 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.

8. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

9. **S.O. four weeks.**

Vice Chairman

Date:-13/06/2019.

aps.

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 13th June 2019.

Heard Shri S.U.Nemade, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the State.

2. The applicant has been working in Tribal and Naxal affected area for long time. So, as he made representation on 18/08/2018 (Annexure-A-8), 05/05/2019 at P.B., Pg. No. 47 and lastly on 03/06/2019 (Annexure-A-14), the Id. P.O. is directed to file reply within four weeks.

3. Meanwhile, respondents are at liberty to decide the applicant's representation as mentioned in three representations.

4. Issue notice to R-2 to 5, returnable on four weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

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

would be taken up for final disposal at the stage of admission hearing.

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

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

9. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

10. **S.O. four weeks.**

11. *Steno copy is granted.*

Vice Chairman

Date:-13/06/2019.

aps.

O.A.No.100/2019 (S.B.)

Coram: Shri Shree Bhagwan,

Vice Chairman

Dated : 13th June 2019.

Heard Shri K.J.Khanorkar, the Id. Counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the Respondent nos. 1 & 5 and Shri D.S.Agnihotri holding for Shri H.D.Marathe, the Id. counsel for the respondent nos. 3 & 4. None for the respondent no. 2.

2. The Id. counsel for the respondent nos. 3 & 4 is directed to take instructions from the V.I.D.C. that who will appear for respondent no. 2. The Id. P.O. submits that reply is ready and he seeks one more week time to file reply on behalf of the respondent no. 5. The Id. counsel for the respondent nos. 3 and 4 also seeks time to file their reply.

3. S.O. three weeks.

Vice Chairman

Date:-13/06/2019.

aps.

O.A.No.72/2019 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 13th June 2019.

Heard Dr. U.S.Dupare, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State. Await service of respondent no. 2.

2. The Id. counsel for the applicant submits that he has collected notice but he has not served notice to the respondent no. 2. He further submits that he will serve the notice within one week time.

3. S.O. one week.

Vice Chairman

Date:-13/06/2019.

aps.

O.A.No.14/2019 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 13th June 2019.

None for the applicant. Shri H.K.Pande,
the Id. P.O. for the Respondents.

2. The Id. P.O. seeks time to file reply, **S.O.**
three weeks.

Vice Chairman

Date:-13/06/2019.
aps.

O.A.No.783/2018 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 13th June 2019.

Heard Shri P.V.Thakre, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State. Await service of respondent nos. 2 to 7.

2. As per the request of Id. counsel for the applicant, office is directed to issue fresh notice to the respondents.

3. Issue notice to R-2 to 7, returnable on three weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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 questions such as

limitation and alternate remedy are kept open.

7. 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.

8. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

9. **S.O. three weeks.**

Vice Chairman

Date:-13/06/2019.
aps.

O.A.No.406/2019 (S.B.)

**Coram: Shri Shree Bhagwan,
Vice Chairman**

Dated: 13th June 2019.

Heard Shri N.R.Saboo, the Id. counsel for the applicant and Shri P.N.Wajurkar, the Id. P.O. for the State.

2. The Id. counsel for the applicant has filed representation dated 11/06/2019 in para no. 2, the applicant has requested for posting either at Nagpur or nearby Nagpur area. Since the applicant has completed almost 25 years in Tribal and Naxal Area. So, applicant is entitled for the provisions and policy laid down in the G.Rs. which are as below:-

"The Id. counsel for the applicant has invited my attention on G.R. No. Vhvkj, Q&2005@i:dz:63@05@12] fnukd 07-01-2006 (Annexure-A-6). In reference to this G.R., Government circular no. dz Vhvkj, Q&2000 @, e@8@i:dz:3@12] dated 11/07/2000 and Government G.R. No. dzVhvkj, Q&2000@i:dz:3@12] dated 06/08/2002 are also mentioned."

3. In fact, Government has reiterated this policy by this Circular dated 07.01.2006 regarding policy mentioned in Circular dated 11/07/2000 and G.R. dated 06/08/2002 and instructed all the Government Departments,

Head of the Departments and Regional Heads to follow the policy laid down by all these Circular as well as G.R..

4. The Id. counsel for the applicant has further pointed out that respondent no. 5, who is posted against the applicant is also not willing to join the posting place.

5. In Government G.R. dated 06.08.2002 (Annexure-A-1) at P.B., Pg. No. 15, clause B (2) clearly says that applicant should be given posting to the choice place.

6. In view of this, transfer order no. 2019@1184@19] dated 31-05-2019 is stayed to the extent of applicant till further orders. Meanwhile, respondents are at liberty to decide the applicant representation dated 11/06/2019 according to the policy of the Government.

7. Issue notice to R-2 to 5, returnable on two weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

13. **S.O. two weeks.**

Vice Chairman

Date:-13/06/2019.
aps.