

O.A.724/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 24.11.2016.

Shri S.Borkar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1 to 3. None for R-4.

At the request of learned P.O.,
S.O. 7-12-2016.

V.C.

dnk.

O.A.No.357/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 24.11.2016.

Shri R.G. Karimandan, Id. counsel holding for Shri R.V. Shiralkar, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1 to 4 and Shri M. Bajpai, Id. counsel for R-5 and Smt.P. Zoting, Id. counsel for R-6.

Smt. P. Zoting, Id. counsel submits that Shri Sachin Zoting is not keeping well and he is out of station. At her request, S.O. 5-12-2016 by way of peremptory chance.

Put up along with
O.A.No.401/2016.

V.C.

dnk.

O.A.No.401/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 24.11.2016.

Shri N.D.Thombre, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1 to 4 and Shri M. Bajpai, Id. counsel for R-6 and Smt. P. Zoting, Id. counsel for R-5.

Smt. P. Zoting, Id. counsel submits that Shri Sachin Zoting is not keeping well and he is out of station. At her request, S.O. 5-12-2016 by way of peremptory chance.

Put up along with
O.A.No.357/2016.

V.C.

dnk.

O.A.No.620/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 24.11.2016.

Shri E. Sahasrabuddhe, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the Respt nos. 1&2. None for R-3.

Learned P.O. files reply on behalf of R-2. It is taken on record. Copy is served to the Id. counsel for the applicant.

S.O .two weeks.

V.C.

dnk.

O.A.No.323/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 24.11.2016.

Shri A.S. Tiwari, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1 to 3. None for R-4.

Learned counsel for the applicant submits that today he has received the reply of R-2&3. At his request, **S.O. one week.**

V.C.

dnk.

O.A.No.385/2012

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 24.11.2016.

Shri G.K. Bhusari, Id. counsel for
the applicant and Shri P.N. Warjurkar, Id.
P.O. for the Respts.

S.O. three weeks along with other
connected matters.

V.C.

dnk.

O.A.No.386/2012

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 24.11.2016.

Shri G.K. Bhusari, Id. counsel for
the applicant and Shri P.N. Warjurkar, Id.
P.O. for the Respts.

S.O. three weeks along with other
connected matters.

V.C.

dnk.

O.A.No.395/2012

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 24.11.2016.

Shri G.K. Bhusari, Id. counsel for
the applicant and Shri P.N. Warjurkar, Id.
P.O. for the Respts.

S.O. three weeks along with other
connected matters.

V.C.

dnk.

O.A.No.387/2012

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 24.11.2016.

Shri G.K. Bhusari, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the Respts.

At the request of Id. P.O., S.O. three weeks to file reply.

It is made clear that if no reply is filed on the next date, heavy cost will be saddled and the Collector will be called to remain present.

S.O. three weeks along with other connected matters.

V.C.

dnk.

O.A.No.743/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 24.11.2016.

Shri E. Sahasrabuddhe, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the Respts.

Learned P.O. files reply on behalf of R-2. It is taken on record. Copy is served to the Id. counsel for the applicant.

S.O .two weeks.

V.C.

dnk.

O.A.No.397/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 24.11.2016.

C.A.480/2016

Shri A.P.Tathod, Id. counsel holding for Shri A.D. Girdekar, Id. counsel for the applicant and Shri Khadatkar, Id. P.O. for the Respts.

2. The applicant a Staff Nurse came to be transferred vide order dated 31-05-2016 (A-5,P-12) from Nagpur to Deori. The respondents case is that she made the request (R-1,P-28) to transfer at Deori and hence she is transferred.

3. The learned counsel for the applicant submits that she had never made such application. Her signature on the alleged application has no resemblance with the signature of the applicant. She was transferred to Nagpur in 2014 and thus she was not due for transfer. No relation of the applicant near Deori which the last place of Maharashtra.

4. Having regard to the submission raised the matter needs to be consider and go in deep. The learned P.O. to produce the inward/ outward register wherein the application dated 4-6-2015 is entered.

5. In the above controversy, both the sides to produce authenticated signature of the applicant entered before June,2015.

S.O. two weeks.

V.C.

dnk.

O.A.No.4512016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 24.11.2016.

C.A.502/2016

Shri N.D. Thombre, Id. counsel for the applicant and Shri Khadatkar, Id. P.O. for R-1 to 4. None for R-4 to 6.

The learned P.O. files reply on C.A. on behalf of R-3. It is taken on record. Copy is served to the Id. counsel for the applicant.

The applicant has submitted the V.Rs. application, but that is not considered by the department on the ground that she is relieved. The learned counsel for the applicant submits that the transfer is vice-versa and nobody has joined in her place at Wardha which is like vacant. The applicant wants to sort out the problem by submitting the V.Rs. The Id. P.O. to take instructions.

S.O. one week.

V.C.

O.A.No.488/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 24.11.2016.

C.A.514/2016

Shri S.K. Kotwal, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1&3. Await service of R-2.

2. At the request of learned counsel for the applicant, allowed to correct the designation and office address of R-2.

3. After amendment, Notice to R-2 on application be issued returnable in **three weeks**. Hamdast granted.

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 the O.A.

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 an affidavit of compliance in the Registry as far as possible once week before the date fixed by this Tribunal. Applicant is directed to file Affidavit of compliance and notice.

8. **S.O. three weeks.**

V.C.

dnk.

O.A.No.708/2015

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 24.11.2016.

Shri A.B. Moon, Id. counsel for the applicant and Smt. M.A.Barabde, Id. P.O. for R-1.

2. Learned P.O. files reply on behalf of R-1. It is taken on record. Copy is served to the learned counsel for the applicant.

3. At the request of Id. counsel for the applicant, allowed to add necessary department as party respondents.

4. After amendment Issue notice to newly added respondents, returnable **after service**. 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.

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.

8. **S.O. After Service.**

9. Put up along with other connected matters.

V.C.

O.A.No.831/2015

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 24.11.2016.

Shri A.B. Moon, Id. counsel for the applicant and Smt. M.A.Barabde, Id. P.O. for R-1.

2. At the request of Id. counsel for the applicant, allowed to add necessary department as party respondents.

3. After amendment Issue notice to newly added respondents, returnable **after service**. 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. At the request of Id. P.O. **S.O.** **After Service** for reply of R-1.

9. Put up along with other connected matters.

V.C.

dnk.

O.A.No.832/2015

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 24.11.2016.

Shri A.B. Moon, Id. counsel for the applicant and Smt. M.A.Barabde, Id. P.O. for R-1.

2. At the request of Id. counsel for the applicant, allowed to add necessary department as party respondents.

3. After amendment Issue notice to newly added respondents, returnable **after service**. 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. At the request of Id. P.O. **S.O.** **After Service** for reply of R-1.

9. Put up along with other connected matters.

V.C.

dnk.

O.A.No.833/2015

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 24.11.2016.

Shri A.B. Moon, Id. counsel for the applicant and Smt. M.A.Barabde, Id. P.O. for R-1.

2. At the request of Id. counsel for the applicant, allowed to add necessary department as party respondents.

3. After amendment Issue notice to newly added respondents, returnable **after service**. 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. At the request of Id. P.O. **S.O.** **After Service** for reply of R-1.

9. Put up along with other connected matters.

V.C.

dnk.

O.A.No.834/2015

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 24.11.2016.

Shri A.B. Moon, Id. counsel for the applicant and Smt. M.A.Barabde, Id. P.O. for R-1.

2. At the request of Id. counsel for the applicant, allowed to add necessary department as party respondents.

3. After amendment Issue notice to newly added respondents, returnable **after service**. 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. At the request of Id. P.O. **S.O.** **After Service** for reply of R-1.

9. Put up along with other connected matters.

V.C.

dnk.

O.A.No.835/2015

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 24.11.2016.

Shri A.B. Moon, Id. counsel for the applicant and Smt. M.A.Barabde, Id. P.O. for R-1.

2. At the request of Id. counsel for the applicant, allowed to add necessary department as party respondents.

3. After amendment Issue notice to newly added respondents, returnable **after service**. 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. At the request of Id. P.O. **S.O.** **After Service** for reply of R-1.

9. Put up along with other connected matters.

V.C.

dnk.

O.A.743/2015

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 24.11.2016.

None for the applicant. Shri S.A. Sainis, Id. P.O. for the respondents.

Learned P.O. files reply on behalf of R-2 & 3 separately. Copies are taken on record. He undertakes to serve the copies to the Id. counsel for the applicant.

Heard. Admit.

Learned P.O. waives notice for the respondents.

S.O. four weeks.

V.C.

dnk.

O.A.457/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 24.11.2016.

Shri Bharat Kulkarni, Id. counsel
for the applicant and Smt. S.V. Kolhe, Id.
P.O. for R-1&2. None for R-3.

S.O. 29-11-2016.

V.C.

dnk.

O.A.470/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 24.11.2016.

Shri J.M. Shamkuwar, Id. counsel for the applicant, Smt. M.A. Barabde, Id. P.O. for R-1&2 and Shri R.A. Gupte, Id. counsel for R-3.

Learned P.O. files reply of R-1&2 to the rejoinder. It is taken on record. Copies are served to the other sides.

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

V.C.

dnk.

O.A.474/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 24.11.2016.

Shri P.V. Thakre, Id. counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the Respts.

Learned P.O. files reply on behalf of R-2. It is taken on record. Copy is served to the Id. counsel for the applicant.

S.O. two weeks along with other connected matter.

V.C.

dnk.

O.A.500/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 24.11.2016.

Shri P.V. Thakre, Id. counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the Respts.

Learned P.O. files reply on behalf of R-3. It is taken on record. Copy is served to the Id. counsel for the applicant.

S.O. two weeks along with other connected matter.

V.C.

dnk.

O.A.551/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 24.11.2016.

Applicant in person absent. Smt. S.V. Kolhe, Id. P.O. for R-1&2. None for R-3 to 5.

Learned P.O. files reply on behalf of R-2. It is taken on record. She undertakes to the serve the copy to the applicant.

Heard. Admit.

Learned P.O. waives notice for R-1&2.

None appeared for the applicants since long. It is made clear that on the next date if none appears for the applicant, the O.A. will be disposed of.

S.O. two weeks for disposal.

V.C.

dnk.

O.A.639/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 24.11.2016.

Shri P.V. Thakre, Id. counsel for
the applicant.

At the request of Shri P.N.
Warjurkar, Id. P.O. for the respondents,
S.O. three weeks for reply.

V.C.

dnk.

O.A.727/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 24.11.2016.

Shri T.B. Bansod, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the Respts.

At the request of Id. P.O., S.O. two weeks for reply.

V.C.

dnk.

O.A.533/2011

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 24.11.2016.

There is a leave note from Shri S.P. Palshikar, Id. counsel for the applicant.

Shri M.I. Khan, Id. P.O. for the Respts.

S.O. two weeks.

V.C.

dnk.

O.A.305/2015

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 24.11.2016.

Shri M.R. Patil, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

At the request of Id. P.O., S.O. three weeks to comply the order dated 19-10-2016 by way of last chance.

P.H.

V.C.

dnk.

O.A.385/2016

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 24.11.2016.

Heard N.B.Bargat, Id. counsel for
the applicant and Shri P.N. Warjurkar, Id.
P.O. for the respondents.

Closed for orders.

V.C.

dnk.

O.A.735/2015

Coram : Hon. Shri S.S. Hingne, V.C.

Dated : 24.11.2016.

Shri S.M. Khan, Id. counsel holding
for Shri P.C. Marpakwar, Id. counsel for
the applicant and Shri A.M. Ghogre, Id.
P.O. for the respondents.

S.O. Next week.

V.C.

dnk.

O.A. No. 746/2016.

CORAM : S.S. Hingne, Vice-Chairman.

DATE : 24th November 2016.

ORDER

Heard Shri P.V. Thakre, learned counsel for the applicant and Shri S.A. Deo, learned C.P.O. for the respondent No.1.

2. The applicant, a Surveyor is promoted as Field Surveyor vide order dated 25.10.2016 (A.1 P..8) and transferred to Chandrapur. At present he is working at Wardha. He is holding the additional charge of Election Officer, Wardha till 27.11.2016. The learned counsel for the applicant submits that as such the applicant cannot be relieved till 27.11.2016. The applicant is to superannuate in February 2017. Grudge and grievance of the applicant is that only three months are left for his retirement. He has been

transferred even though two posts at Nagpur are lying vacant and he can easily be accommodated and continued there. The learned P.O. wants to take instructions.

2.A Issue notice before admission to R. 2 to 4 returnable on **28.11.2016.**

3. Shri S.A. Deo, 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.

8. The learned counsel for the
applicant submits that the applicant
has made strong prima facie case.
He also submits that as on today if
any order issued to relieve the
applicant, it may lead the
complications. To avoid the same,
**status quo as on today is
maintained.**

Vice-
Chairman.

pdg

O.A. No. 06/2016.

CORAM : S.S. Hingne, Vice-Chairman.

DATE : 24th November 2016.

C.A.No.517/2016 in

C.P.(St.)No.2112/2016.

Heard Shri M.R. Rajgure,
learned counsel for the applicant

and Shri S.A. Deo, learned C.P.O. for the respondents.

2. Issue notice before admission to to R. 2 and 3 returnable **after three weeks.**

3. Shri S.A. Deo, 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.

8. The learned counsel for the applicant submits that the State is not a necessary party. Therefore, he does not want to amend the title clause adding the State as party respondent. The learned P.O. submits that without making the Government as party, C.A.is not tenable. This point needs to be considered.

9. S.O. **three weeks for considering this aspect.**

Chairman. Vice-

pdg

O.A. No. 783/2013.

CORAM : S.S. Hingne, Vice-Chairman.

DATE : 24th November 2016.

Mrs. S. Nimbalkar, learned counsel for the applicant and Shri H.A. Pande, learned P.O. for the respondents.

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

Chairman. Vice-

pdg

O.A. No. 677/2016.

CORAM : S.S. Hingne, Vice-Chairman.

DATE : 24th November 2016.

Shri N.D. Thombre, learned counsel for the applicant and Smt. M.A. Barabde, learned P.O. for the respondents.

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

Chairman. Vice-

pdg

O.A. No. 220/2009.

CORAM : S.S. Hingne, Vice-Chairman.

DATE : 24th November 2016.

Shri I.K. Daundasariya, Adv. holding for Shri C.K. Bade, learned counsel for the applicant submits that the latter is not feeling well and hence adjournment is sought.

Shri H.A. Pande, learned P.O. for the respondents.

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

Vice-
Chairman.
pdg

O.A. No. 291/2009.

CORAM : S.S. Hingne, Vice-
Chairman.

DATE : 24th November 2016.

Shri I.K. Daundasariya, Adv.
holding for Shri C.K. Bade, learned
counsel for the applicant submits
that the latter is not feeling well and
hence adjournment is sought.

Shri H.A. Pande, learned
P.O. for the respondents.

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

Vice-
Chairman.
pdg

O.A. No. 248/2014.

CORAM : S.S. Hingne, Vice-
Chairman.

DATE : 24th November 2016.

C.A.No.165/2016 _____ **in**

C.P.(St.)No.694/2016.

Heard Shri A.S. Moon, learned counsel for the applicant and Shri A.M. Ghogre, learned P.O. for the respondent No.1. None for R.2 to 4.

2. At the request of learned counsel for the applicant, issue fresh notice to R.2 returnable in **three weeks.**

3. Shri A.M. Ghogre, 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.

8. At the request of learned
P.O., S.O. three weeks for filing
reply of R. 2 to 4.

Vice-
Chairman.

pdg

O.A. No.482/2005.

CORAM : S.S. Hingne, Vice-Chairman.

DATE : 24th November 2016.

C.A.No.264/2016 _____ **in**
C.P.(St.)No.973/2016.

Shri S.M. Khan, learned counsel for the applicant and Shri S.A. Deo, learned C.P.O. for the respondent No.1. None for R.2 and 3.

The learned CPO submits that the impugned order is challenged before the High Court and it is stayed.

Stand over.

Vice-
Chairman.

pdg

O.A. No.182/2009.

CORAM : S.S. Hingne, Vice-Chairman.

DATE : 24th November 2016.

C.A.No.269/2016 _____ in

C.P.(St.)No.936/2016.

Shri R.G. Kavimandan, learned counsel for the applicant and Smt. M.A. Barabde, learned P.O. for the respondent No.1. None for R.2 and 3.

The learned P.O. submits that the appointment order is issued to the applicant. He wants to file some documents.

S.O. **one week for disposal.**

Vice-
Chairman.

pdg

O.A. No.562/2013.

CORAM : S.S. Hingne, Vice-
Chairman.

DATE : 24th November 2016.

C.A.No.326/2016 in

C.P.(St.)No.1257/2016.

Shri J.S. Wankhede, learned counsel for the applicant and Shri S.A. Sainis, learned P.O. for the respondent.

It is mentioned in the earlier order that the applicant does not fulfill the requisite criteria and hence not entitled for appointment. The learned counsel for the

applicant wants to go through the reply and take instructions.

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

Vice-
Chairman.

pdg

O.A. No.266/2007.

CORAM : S.S. Hingne, Vice-Chairman.

DATE : 24th November 2016.

C.A.No.331/2016 **in**

C.P.(St.)No.1348/2016.

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

respondent No.1. None for R. 2 to 4.

The learned counsel for the applicant was served with the communication dated 24.10.2016. The grievance of the applicant is redressed. Hence the C.A. is disposed of.

Vice-
Chairman.

pdg

O.A. No.639/2009.

CORAM : S.S. Hingne, Vice-Chairman.

DATE : 24th November 2016.

C.A.No.371/2016 _____ **in**
C.P.(St.)No.1477/2016.

Shri V.V. Tekade, learned counsel for the applicant and Smt. M.A. Barabde, learned P.O. for the respondents.

The learned P.O. submits that the respondents have preferred W.P. No.2278/2016 against the impugned order.

S.O. **four weeks.**

Vice-
Chairman.

pdg

O.A. No. 757/2013.

CORAM : S.S. Hingne, Vice-Chairman.

DATE : 24th November 2016.

C.A.No.333/2016 in

C.P.(St.)No.1322/2016.

Shri Bharat Kulkarni, learned counsel for the applicant and Shri A.M. Khadatkar, learned P.O. for the respondents.

The learned P.O. has filed communication dated 22.11.2016 to the effect that the matter is pending before the Principal Secretary, Department of Revenue and Forests. It requires two months' time.

S.O. **in the first week of January 2017.**

Vice-
Chairman.

pdg

O.A. No. 859/2014.

CORAM : S.S. Hingne, Vice-Chairman.

DATE : 24th November 2016.

C.A.No.405/2016 _____ **in**
C.P.(St.)No.1644/2016.

Shri G.K. Bhusari, learned counsel for the applicant and Shri H.A. Pande, learned P.O. for the respondent No. 1. None for R.2 to 4.

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

Vice-
Chairman.

pdg

O.A. No. 450/2010.

CORAM : S.S. Hingne, Vice-Chairman.

DATE : 24th November 2016.

C.A.No.482/2016 _____ in

C.P.(St.)No.1938/2016.

Heard Shri G.K. Bhusari, learned counsel for the applicant and Shri S.A. Sainis, learned P.O. for the respondent No. 1.

2. Issue notice before admission to R. 2 to 4 returnable in **three weeks.**

3. Shri S.A. Sainis, 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.

8. The learned P.O. wants to take instructions about the communication dated 16.1.2015.

9. S.O. **three weeks for disposal.**

Vice-
Chairman.

pdg

O.A. No. 260/2004.

CORAM : S.S. Hingne, Vice-Chairman.

DATE : 24th November 2016.

C.A.No.489/2016 _____ **in**

C.P.(St.)No.1974/2016.

Shri S.A. Sahu, Adv. Holding for Shri M.I. Dhattrak, learned counsel for the applicant and Shri V.A. Kulkarni, learned P.O. for the respondent No. 1. None for R. 2 to 5.

2. Issue notice before admission to R. 2 to 5 returnable in **three weeks.**

3. Shri S.A. Sainis, 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.

Vice-
Chairman.

pdg

O.A. No. 553/2015.

CORAM : S.S. Hingne, Vice-Chairman.

DATE : 24th November 2016.

C.A.No.492/2016 _____ in

C.P.(St.)No.1979/2016.

Shri G.K. Bhusari, learned counsel for the applicant and Shri P.N. Warjekar, learned P.O. for the respondent No. 1. None for R. 2 & 3.

The learned P.O. has filed communication dated 23.11.2016 that the impugned order is challenged before the High Court and the High Court has stayed the same. The learned counsel for the applicant concedes.

Stand over.

Vice-
Chairman.

pdg

O.A. No. 116/2015.

CORAM : S.S. Hingne, Vice-Chairman.

DATE : 24th November 2016.

C.A.No.493/2016 _____ in

C.P.(St.)No.1982/2016.

Heard Shri M.R. Rajgure, learned counsel for the applicant and Shri H.A. Pande, learned P.O. for the respondent No. 1. None for R. 2.

2. Issue notice before admission to R. 2 returnable in **three weeks.**

3. Shri S.A. Sainis, 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.

8. The learned P.O. submits that he is complying the order and it requires four weeks' time.

S.O. **four weeks.**

Chairman. Vice-
pdg

O.A. No. 645/2015.

CORAM : S.S. Hingne, Vice-Chairman.

DATE : 24th November 2016.

C.A.No.460/2016.

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

The learned P.O. wants to file reply on behalf of MPSC/R.3.

S.O. **two weeks for reply by way of last chance.**

Chairman. Vice-
pdg

O.A. No. 117/2016.

CORAM : S.S. Hingne, Vice-Chairman.

DATE : 24th November 2016.

C.A.No.439/2016 in

None for the applicant. Shri S.A. Sainis, learned P.O. for the respondent No.4. None for R. 1 to 3.

On earlier date also, none appeared for the applicant.

With a view to afford one more opportunity, S.O. **two weeks for reply by way of last chance.**

Put up alongwith O.A. No.117/2016 with R.A. No.10/2016.

Chairman. Vice-

pdg

O.A. No. 642/2011.

CORAM : S.S. Hingne, Vice-Chairman.

DATE : 24th November 2016.

M.C.A.No.06/2016

Shri Sandeep Tatke, Adv. holding for Shri R.V. Shiralkar, learned counsel for the applicant and Shri A.M. Ghgore, learned P.O. for the respondents.

The learned counsel for the applicant files a copy of submission showing the correct calculation as per contention of the applicant.

Learned P.O. wants to verify.

S.O. **two weeks.**

Put up alongwith O.A. No.642/2011 with C.P. No.02/2015.

Vice-
Chairman.

pdg

C.P. No. 02/2015 in O.A. No. 642/2011.

CORAM : S.S. Hingne, Vice-Chairman.

DATE : 24th November 2016.

Shri Sandeep Tatke, Adv. holding for Shri R.V. Shiralkar, learned counsel for the applicant and Shri A.M. Ghgore, learned P.O. for the respondents.

S.O. **two weeks.**

Put up alongwith O.A. No.642/2011 with MCA No. 06/2016.

Chairman. Vice-

pdg

O.A. No. 117/2016.

CORAM : S.S. Hingne, Vice-Chairman.

DATE : 24th November 2016.

R.A.No.10/2016.

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

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

Put up alongwith O.A. No.117/2016 with C.A. No.439/2016 in C.P. (St.) No.1753/2016.

Chairman. Vice-

pdg

O.A. No. 429/2015.

CORAM : S.S. Hingne, Vice-Chairman.

DATE : 24th November 2016.

None for the applicant. Shri A.M. Ghogre, learned P.O. for the respondents 1 and 2. Shri A.P. Sadavarte, Adv. for R. 3,5,8 and 9. None for R. 4 and 7.

At the request of Shri A.P. Sadavarte, Adv. for R. 3,5,8 and 9, S.O. **two weeks for reply by way of last chance.**

Chairman. Vice-
pdg

O.A. No. 561/2015.

CORAM : S.S. Hingne, Vice-
Chairman.

DATE : 24th November 2016.

None for the applicant.

Heard Smt. S.V. Kolhe,
learned P.O. for the respondents.

ADMIT.

Smt. S.V. Kolhe, learned
P.O. waives notice for all the
respondents.

Chairman. Vice-
pdg

O.A. No. 201/2016.

CORAM : S.S. Hingne, Vice-
Chairman.

DATE : 24th November 2016.

Shri G.K. Bhusari, learned
counsel for the applicant and Shri
M.I. Khan, learned P.O. for the

respondents 1 and 2. None for R. 3 to 5.

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

Chairman. Vice-
pdg

O.A. No. 69/2005.

CORAM : S.S. Hingne, Vice-Chairman.

DATE : 24th November 2016.

M.C.A.No.70/2016 in MCA No.25/2016 & MCA No.26/2016 in O.A. 69/2005.

Shri I.K. Daudasariya, Adv. holding for Shri G.G. Bade, learned counsel for the applicants submits that the latter is not feeling well and hence seeks adjournment.

Shri A.P. Potnis, learned P.O. for the respondents 1 to 3. None for R. 4 to 11.

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

Vice-
Chairman.
pdg

O.A. No. 210/2016.

CORAM : S.S. Hingne, Vice-Chairman.

DATE : 24th November 2016.

Shri P.V. Thakre, learned counsel for the applicants and Shri A.M. Khadatkar, learned P.O. for the respondents.

Put up before the regular D.B. when available.

Chairman. Vice-

pdg

O.A. No. 550/2016.

CORAM : S.S. Hingne, Vice-Chairman.

DATE : 24th November 2016.

Shri P.R. Agrawal, learned counsel for the applicants and Shri A.P. Potnis, learned P.O. for the respondents 1 and 2. None for R.3.

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

Chairman. Vice-

pdg

O.A. No. 720/2016.

CORAM : S.S. Hingne, Vice-Chairman.

DATE : 24th November 2016.

Shri Bharat Kulkarni, learned counsel for the applicants and Shri S.A. Deo, learned C.P.O. for the respondents.

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

Chairman. Vice-

pdg

O.A. No. 734 /2016

Coram : S.S. Hingne : V.C.

Dated : 24th November, 2016.

Heard Shri R.L. Khapre, Id. Counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for the respondents.

The applicant/Talathi has challenged the suspension order dtd. 9/11/2016 (Annex-A-6, page-34).

The applicant is working as a Talathi of Washim. The

applicant is suspended on the basis of the complaint dtd. 16/8/2016 (Annex.A-2, page 23) filed by Dinkar Watane for taking mutation entry of the Gift Deed in respect of his field gut No.379. The field is tenanted land and the applicant's Tenancy rights are endorsed Right from Tenancy Court, in appeal by SDO, Maharashtra Revenue Tribunal and in W.P. by the Hon'ble High Court.

Despite of the above situation Khalid Anwarali Amjad Ali Khan and

Narayan Datta Wankhede applied for mutation on the basis of Gift Deed in respect of that field and the applicant/Talathi prepared the record and the Circle Officer put

the endorsement and the entries are recorded. According to the applicant, these entries are in blatant violation of the legal provisions. The applicant/Talathi has not issued the necessary notices in form no.9 and 12. The field was jointly owned but the others were not noticed. The Gift Deed is in 10 persons' name but only signatures of 7 are taken. The Gift Deed is not registered document and the Talathi had not put up these lapses before the Circle Officer and thereby the mutations are recorded.

The complaints are made against both the Applicant/Talathi and the Circle Officer. It is urged that no action against the Circle Officer is taken and the applicant is made scapegoat. It is also urged that the applicant's role is limited and the

entries are taken by the Circle Officer and therefore, action should have been taken against the higher authority i.e. Circle Officer and not against the applicant.

The Id. C.P.O. submits that the show cause notice dtd.28/10/2016 (Annex.A-5, page-31) was issued to which the applicant sent a reply (page-29) and thereafter the suspension order is issued.

The Id. Counsel for the applicant urged that as per proviso to Section 150 of the Maharashtra Land Revenue Code, 1966 the entry made by the Talathi is to be certified by the higher authority i.e. the Circle Officer . He also urged that as per Rule 13 of the Maharashtra Land Revenue

Record of Rights and Registers (Preparation and Maintenance) Rules, 1971, the Talathi has to take the entry by pencil on certified by the Circle Officer. Therefore the applicant is not liable.

It reveals from the record that the complainants' rights are endorsed by all the Courts' right from the Tenancy Court to Hon'ble High Court. The Gift Deed is not registered. All the donors/ donees have not signed the documents. Notices are not served before mutation. These are the basis lapses of the legal provisions. The applicant as a Talathi should have brought the lapses to the notice of the higher authority. Of course, this aspect will be clear on filing the documents but at this stage the respondents' case is to

the above effect. It is urged that having regard to the same it cannot be said that there are no lapses on the part of the applicant/Talathi and he is made scapegoat.

No doubt the Circle Officer is also equally responsible but the respondents for the best reasons known to them have proceeded against the applicant/Talathi only. But that cannot be a ground to ignore the

latches of the applicant and to grant him the relief.

The Id. Counsel for the applicant heavily relied on the case of Dattatraya Madhao Jamkar –vs. State of Maharashtra and others (1990(2) Mh.L.J.950) and

ingeniously argued that the act done is not to be seen but the conduct is to be seen and there are no allegations of corruption against the applicant and therefore he cannot be subjected to the departmental enquiry. In the cited case, the Naib Tahsildar while holding an additional charge for 8-10 days had given permission to fell trees without following the legal compliances. Their Lordships observed that there were no allegations against the conduct of the applicant but the acts done by him. However, in the case in hand in the complaint (Annexure-A-2) the complainants had categorically complained that the Circle Officer is involved in the anti corruption case

and therefore the entries in this case also of taking of corruption cannot be ruled out. It is also mentioned that the applicant has also in conspiracy with the Circle Officer had acted and threw dust in the eyes of the complainants and had taken the entries. The complainant cannot be expected to make the allegations keeping in mind the legal aspects. The overall gist is to be taken of such complaints. Having gone through it, it cannot be said that the allegations are not made against the applicant.

As the last string to the bow it is urged that the entry which is disputed is subject matter of the appeal pending before the competent authority (page-17) before the SDO. That does not mean that only because the matter is subjudice on that aspect no further action can be taken from other angles.

Everything can be clear in the matter when due opportunity is given to the respondents to file the reply and

are heard. The impugned order is already issued on 9/11/2016. The Id. Counsel for the applicant submits that the applicant is holding the charge. Such orders are effective as soon as the same are issued. Now 12 days have already lapsed. Having regard to this there is no case of ad interim relief is made out.

At the request of Id. C.P.O.,
S.O. 2 weeks to file reply.

V.C.

Skt.

