

MA 331/2016 IN CP ST. 1500/2016 IN OA 16/2006
{Shri Suresh S. Dolas & Ors. Vs. The State of Mah. & Ors.}

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

DATE :- 24.8.2016

Oral Order :-

1. Heard Shri Vivek Pingle, learned Advocate for the applicants and Shri I.S. Thorat, learned Presenting Officer for the respondents.
2. The applicant is claiming permission to file contempt proceeding against the respondents for non-complying with the order passed by this Tribunal in O.A. no. 16/2016 on 5.12.2014. In the said O.A. the respondents were directed to extend the benefits of G.R. dtd. 29.9.2003 by granting the applicant nos. 2 to 5 exemption from passing the S.S.C. examination in terms of para 1 (c) of the G.R. within two months from the date of that order. It is stated that the said order is not yet complied with by the respondents.
3. Hence issue notices to the respondents in M.A., returnable on 23.9.2016.
4. Hamdust & Steno copy allowed for the use of both the sides.

MEMBER (J)

ARJ 24.8.2016

ORIGINAL APPLICATION NO. 667 OF 2016

{Shri Balasaheb L. Chole Vs. The State of Mah. & Ors.}

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

DATE :- 24.8.2016

Oral Order :-

1. Heard Shri K.G. Salunke, learned Advocate holding for Shri A.N. Nagargoje, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The applicant has applied for the post of Lecturer in District Education & Training Institute Group – B from N.T. (D) general category. As per the list of eligible candidates for oral interview the benchmark is 110 marks. According to the learned Advocate for the applicant, from the carbon copy of the answer sheet the applicant must have secured 125 marks and, therefore, he ought to have been called for oral interview. He further submits that the oral interview is scheduled from 29.8.2016 to 8.9.2016.

3. In view thereof, issue notices to the respondents, returnable on 6.9.2016. The respondents shall file reply on the next date positively.

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

5. Applicant is authorized and directed to serve on respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is

put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

8. S.O. 6.9.2016.

9. Steno copy & hamdust allowed to both the parties.

MEMBER (J)

ARJ 24.8.2016

MA 330/2016 IN OA 427/2001

{Shri Narayan I. Chavan Vs. The State of Mah. & Ors.}

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

DATE :- 24.8.2016

Oral Order :-

1. Heard Shri A.S. Shelke, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. The applicant is claiming direction that he be impleaded as applicant in O.A. no. 427/2001. It seems that the O.A. no. 427/2001 was dismissed on 4.7.2010 by this Tribunal. In the said O.A. the applicants have prayed in para 9 (D) as under :-

“9 (D) Hold and declare that the employees shown in Exhibit A of the original application are entitled to be regularised in service as Class IV Van Mazoor in the pay scale of Rs. 750-940 with effect from 1.11.94 as per Government resolution dated 31.1.1996.”

The applicant stands at sr. No. 37 in Annex. A.

3. The order of dismissal of O.A. was challenged by the present applicant by filing W.P. no. 437/2013 in the Hon'ble Bombay High Court, Bench at Aurangabad. In the said writ petition Hon'ble High Court vide order dated 15.12.2014 was pleased to quash and set aside the order passed by this Tribunal in O.A. no. 427/2001 to the extent of the present applicant, who was petitioner no. 3 in the said writ petition. By clarificatory order dtd. 21.12.2015 in the

::-2-::
MA 330/2016 IN OA 427/2001

said writ petition, Hon'ble High Court has remanded back the matter to the Tribunal for deciding the O.A. no. 427/2001 afresh to the extent of present applicant only. By way of ample precaution, the applicant has filed this M.A.

4. In the interest of justice and with the consent of learned C.P.O., the misc. application is allowed and the applicant in M.A. is allowed to join as a applicant in O.A. no. 427/2001. The applicant to amend the O.A. forthwith and serve amended copy of O.A. to the learned C.P.O..

5. Accordingly, the misc. application stands disposed of, with no order as to costs.

6. Both the parties have admitted that since reply is already filed in the O.A., it be placed on board for hearing on 20.10.2016.

MEMBER (J)

ARJ 24.8.2016

OA 663/2016

(Shri Sadanand N. Latpate Vs. the State of Mah. & Ors.)

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

DATE :- 24.8.2016

Oral Order :-

1. Heard Shri A.N. Walujkar, learned Advocate holding for Shri A.S. Deshmukh, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.
2. At the request of learned Advocate for the applicant, S.O. to 25.8.2016.

MEMBER (J)

ARJ 24.8.2016

OA 576/2015

(Shri Chakresh M. Mahajan Vs. the State of Mah. & Ors.)

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

DATE :- 24.8.2016

Oral Order :-

1. None appears for the applicant. Shri I.S. Thorat, learned Presenting Officer for the respondent nos. 1 & 2 and Shri Sharad S. Shinde, learned Advocate holding for Shri Vivek Bhavthankar, learned special Counsel for respondent no. 3.
2. Shri Shinde, learned Advocate has filed reply of res. No. 3 and the same is taken on record. He undertook to supply copy thereof upon the learned Advocate for the applicant.
3. As none appears for the applicant, S.O. to 23.9.2016.

MEMBER (J)

ARJ 24.8.2016

ORIGINAL APPLICATION NO. 572 OF 2016

(Shri Shivrajappa M. Sulfule & Ors. Vs. the State of Mah. & Ors.)

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

DATE :- 24.8.2016

Oral Order :-

1. Heard Shri P.V. Suryawanshi, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the respondents.
2. The learned P.O. seeks time to file affidavit in reply. Time granted.
3. S.O. to 19.9.2016.

MEMBER (J)

ARJ 24.8.2016

ORIGINAL APPLICATION NO. 586 OF 2016

(Shri R.M. Baviskar Vs. the State of Mah. & Ors.)

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

DATE :- 24.8.2016

Oral Order :-

1. Heard Shri A.D. Sugdare, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.
2. The learned Advocate for the applicant submits that the relief claimed by the applicant is covered by the judgment of this Tribunal at Aurangabad Bench in O.A. No. 664/2015 dated 9.8.2016. He has also placed copy of the said judgment, which is taken on record and marked as document 'X' for the purpose of identification.
3. The learned P.O. seeks time to file affidavit in reply. He is directed to state in the said reply as to whether present matter is covered by the judgment of this Tribunal dated 9.8.2016 in O.A. no. 664/2015.
4. S.O. to 27.9.2016.
5. Steno copy allowed for the use of learned P.O. for the respondents.

MEMBER (J)

ARJ 24.8.2016

MA 4/2016 WITH MA 480/2015 IN OA ST. 1421/2015
(Shri B.M. Swami & Ors. Vs. the State of Mah. & Ors.)

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

DATE :- 24.8.2016

Oral Order :-

1. Heard Shri Kiran Nagarkar, learned Advocate for the applicants and Shri D.R. Patil, learned Presenting Officer for the respondents.
2. The learned P.O. has filed reply of res. No. 2. It is taken on record and copy thereof has been served upon the learned Advocate for the applicants.
3. The learned Advocate for the applicants seeks time to go through the reply and to file rejoinder, if necessary. Time granted.
4. S.O. to 29.9.2016.

MEMBER (J)

ARJ 24.8.2016

MA 167/2016 IN OA 217/2016

(Smt. Rohini M. Patil Vs. the State of Mah. & Ors.)

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

DATE :- 24.8.2016

Oral Order :-

1. Heard Shri A.I. Deshmukh, learned Advocate for the applicant in misc. application, Smt. Sanjivani Deshmukh-Ghate, learned Presenting Officer for the respondent nos. 2 to 4 and Smt. Sjjwal Agarwal, learned Advocate for respondent no. 1 (applicant in O.A.).
2. The learned Advocate for the res. No. 1 / applicant in O.A. submits that she will file short reply making clear all the facts raised in the M.A. no. 167/2016.
3. Since the applicant in M.A. is asking for permission to intervene in the O.A., the applicant in O.A. is permitted to file short reply to the M.A.
4. The matter to come up on board for filing short reply by res. No. 1 in the M.A. / the applicant in O.A. and hearing of M.A.
5. S.O. to 8.9.2016.

MEMBER (J)

MA 295/2016 IN OA 352/2016

(Mrs. Sangita B. Sangle Vs. the State of Mah. & Ors.)

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

DATE :- 24.8.2016

Oral Order :-

1. Heard Shri S.R. Koli, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.
2. In the O.A. the process of appointment of Police Patil of village Sanglewadi Tq. Jintur, Dist. Parbhani was challenged. During the pendency of the O.A. the private respondent no. 4 Mrs. Usha N. Sangle has been appointed by res. No. 3 and, therefore, the applicant wants to make amendment in view of the subsequent events.
3. In view thereof, the applicant shall amend the O.A. within a period of 2 weeks and shall supply copy of amended O.A. upon the learned P.O. for the respondents.
4. Accordingly, M.A. stands disposed of. There shall be no order as to costs.

MEMBER (J)

ARJ 24.8.2016

OA 352/2016

(Mrs. Sangita B. Sangle Vs. the State of Mah. & Ors.)

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

DATE :- 24.8.2016

Oral Order :-

1. Heard Shri S.R. Koli, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.
2. The learned P.O. seeks time to file affidavit in reply. Time granted.
3. S.O. to 29.9.2016.

MEMBER (J)

ARJ 24.8.2016

ORIGINAL APPLICATION NO. 591/2014

(Mrs. Anita B. Shinde Vs. the State of Mah. & Ors.)

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

DATE :- 24.8.2016

Oral Order :-

1. Shri S.S. Dambe, learned Advocate for the applicant **(absent)**. Smt. Sanjivani Deshmukh - Ghate, learned Presenting Officer for the respondents, is present.

2. None appeared for the applicant on number of occasions prior to transfer of this O.A. to Single Bench. Even after transfer of the matter to S.B., none appeared for the applicant on 11.4.2016 & 22.7.2016. However, since the matter was relating to appointment on compassionate ground, last chance was granted and matter was posted to today i. e. 24.8.2016.

3. Today also none appears for the applicant. Thus, the applicant may not be interested in prosecuting the O.A. and hence, it stands dismissed in default. There shall be no order as to costs.

MEMBER (J)

ARJ 24.8.2016

ORIGINAL APPLICATION NO. 39/2015

(Shri Trimbak B. Jadhav Vs. the State of Mah. & Ors.)

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

DATE :- 24.8.2016

Oral Order :-

1. Shri R.K. Jadhavar, learned Advocate for the applicant **(absent)**. Smt. Resha S. Deshmukh, learned Presenting Officer for the respondents, is present.

2. As none appears for the applicant, S.O. to 29.9.2016.

MEMBER (J)

ARJ 24.8.2016

ORIG. APPLICATION NOS. 822, 823 & 824 ALL OF 2015

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

DATE :- 24.8.2016

Oral Order :-

1. Heard Shri K.G. Salunke, learned Advocate for the applicants in all these matters and S/shri M.P. Gude, I.S. Thorat & S.K. Shirse, learned Presenting Officers for the respondents in all these matters.

2. At the request of learned P.Os. for the respondents, S.O. to 25.8.2016.

MEMBER (J)

ARJ 24.8.2016

ORIGINAL APPLICATION NO. 797/2015

(Shri Vasantsingh S. Patil Vs. the State of Mah. & Ors.)

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

DATE :- 24.8.2016

Oral Order :-

1. None appears for the applicant. Shri S.K. Shirse, learned Presenting Officer for the respondents, is present.
2. The learned P.O. seeks time to file affidavit in reply on behalf of res. Nos. 1 to 3. Time granted.
3. S.O. to 29.9.2016.

MEMBER (J)

ARJ 24.8.2016

ORIGINAL APPLICATION NO.666/2016.

(V.R. Thorat Vs. State of Maharashtra & Ors.)

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

DATE : 24.08.2016.

ORAL ORDER

Heard Shri AS Deshmukh, learned Advocate for the applicant and Shri NU Yadav, learned Presenting Officer for the Respondents.

2. The applicant has challenged his transfer from the post of API Dhule to the office of the Superintendent of Police, Ahmednagar vide order dated 21.7.2016. It is stated that the said order is inter district order and is not passed by the competent authority and therefore, the same is illegal.

3. Learned Advocate for the applicant placed reliance the subsequent order passed by the Superintendent of Police, Dhule on 22.7.2016 (Annexure A-5) (p.b.p.no.21) from which it seems that the applicant has been transferred from Mohadi to Dhule Control Room. Prima facie it seems that when the applicant was already transferred from Dhule to Ahmednagar there was no business for the S.P. Dhule to pass such order. The possibility that Superintendent of Police passed said order in ignorance of earlier order dated 21.7.2016, cannot be fuled out.

4. The learned P.O. placed on record the communication, which is marked as Exh.X for the purposes of identification, from which it seems that the applicant has been relieved from Dhule on 22.7.2016.

In

view

thereof there is no point in issuing stay order. Hence, issue notices to the respondents returnable on 26.09.2016.

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 question such as limitation and alternate remedy are kept open.

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

9. S.O. 26.9.2016.

10. Steno Copy and Hamdust allowed to both parties.

MEMBER (J)

MISC. APPLICATION NO.334/2016.

(D. B. Patil & Oths. Vs. State of Maharashtra & Ors.)

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

DATE : 24.08.2016.

ORAL ORDER

Heard Shri AS Shelke, learned Advocate for the applicants and Shri MS Mahajan, learned Chief Presenting Officer for the Respondents.

2. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid, and accompanying O.A. be registered and numbered, and present M.A. stands disposed of accordingly. No order as to costs.

MEMBER (J)

24.08.2016-ATP(SB)

ORIGINAL. APPLICATION St.NO.1539/2016.

(D. B. Patil & Oths. Vs. State of Maharashtra & Ors.)

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

DATE : 24.08.2016.

ORAL ORDER

Heard Shri AS Shelke, learned Advocate for the applicants and Shri MS Mahajan, learned Chief Presenting Officer for the Respondents.

2. Issue notices to the respondents returnable on 26.09.2016.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicants are 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 question such as limitation and alternate remedy are kept open.
6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.
7. S.O. 26.9.2016.
8. Steno Copy and Hamdust allowed to both parties.

MEMBER (J)

24.08.2016-ATP(SB)

ORIGINAL APPLICATION NO.271/2015.

(NK Kendre Vs. State of Maharashtra & Ors.)

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

DATE : 24.08.2016.

ORAL ORDER

Heard Shri Amol Kurangal learned Advocate holding for Shri SP Urgunde, learned Advocate for the applicant and Smt PR Bharaswadkar, learned Presenting Officer for the Respondents.

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

3. S.O. 28.9.2016.

MEMBER (J)

24.08.2016-ATP(SB)

ORIGINAL APPLICATION NO.403/2015.

(VM Khare Vs. State of Maharashtra & Ors.)

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

DATE : 24.08.2016.

ORAL ORDER

Heard Shri SG Shinde, learned Advocate for the applicant and Shri DR Patil, learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time for filing reply affidavit. Time granted as most last chance.

3. S.O.20.9.2016.

MEMBER (J)

24.08.2016-ATP(SB)

ORIGINAL APPLICATION NO.572/2015.

(S.G. ChavanVs. State of Maharashtra & Ors.)

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

DATE : 24.08.2016.

ORAL ORDER

Heard Shri S.B. Mene, learned Advocate for the applicant and Shri VR Bhumkar, learned Presenting Officer for the Respondents.

2. Learned P.O. files reply affidavit on behalf of Respondent no.2. The same is taken on record. Its copy is served on the applicant.

3. Learned Advocate for the applicant states that he will go through it and will file rejoinder, if necessary.

4. S.O. 26.9.2016.

MEMBER (J)

24.08.2016-ATP(SB)

ORIGINAL APPLICATION NO.175/2016.

(BB Chilgar Vs. State of Maharashtra & Ors.)

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

DATE : 24.08.2016.

ORAL ORDER

Heard Shri KG Salunke, learned Advocate for the applicant and Shri NU Yadav, learned Presenting Officer for the Respondents no.1 to 3. None present for the Respondent no.4.

2. Learned P.O. seeks time for filing reply affidavit. Time granted as a last chance. The copy of reply affidavit be served on the applicant in advance.

3. S.O. 7.9.2016.

MEMBER (J)

24.08.2016-ATP(SB)

ORIGINAL APPLICATION NO.183/2016.

(R.V. Devne Vs. State of Maharashtra & Ors.)

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

DATE : 24.08.2016.

ORAL ORDER

Heard Shri SP Landge, learned Advocate holding for Shri VS Tanwade, learned Advocate for the applicant and Shri VR Bhumkar, learned Presenting Officer for the Respondents no.1,3,4 & 5. None present for the Respondent no.2.

2. Learned P.O. files reply affidavit on behalf of Respondent no.3. The same is taken on record. Its copy is served on the applicant. He seeks time for filing short affidavit of Respondent no.5. Time granted.

3. S.O. 28.9.2016.

MEMBER (J)

24.08.2016-ATP(SB)

ORIGINAL APPLICATION NO.194/2016.

(RM Jakatdar Vs. State of Maharashtra & Ors.)

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

DATE : 24.08.2016.

ORAL ORDER

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

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

3. S.O. 28.9.2016. Interim relief to continue till filing reply.

MEMBER (J)

24.08.2016-ATP(SB)

ORIGINAL APPLICATION NO.213/2016.

(TV Chate Vs. State of Maharashtra & Ors.)

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

DATE : 24.08.2016.

ORAL ORDER

None present for the applicant. Smt RS Deshmukh, learned Presenting Officer for the Respondents no.1 to 3 and Shri KB Jadhav, learned Advocate for the Respondent no.4.

2. Learned P.O. as well as learned Advocate for the Respondent no.4 seek time to file reply affidavits. Time granted.

3. S.O. 30.9.2016.

MEMBER (J)

24.08.2016-ATP(SB)

ORIGINAL APPLICATION NO.214/2016.

(GV Darade Vs. State of Maharashtra & Ors.)

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

DATE : 24.08.2016.

ORAL ORDER

None present for the applicant. Smt PR Bharaswadkar, learned Presenting Officer for the Respondents.

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

3. S.O. 30.9.2016.

MEMBER (J)

24.08.2016-ATP(SB)

ORIGINAL APPLICATION NO.237/2016.

(Mohd. Salim Mohd. Naim Vs. State of Maharashtra & Ors.)

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

DATE : 24.08.2016.

ORAL ORDER

Heard Shri SR Pande, learned Advocate for the applicant, Smt DS Deshpande, learned Presenting Officer for the Respondents no.1 & 2 and Shri UD Dalvi, learned Advocate for the Respondent no.3.

2. Learned Advocate for the Respondent no.3 files reply affidavit. The same is taken on record. Its copy is served on the applicant.

3. Learned Advocate for the applicant submits that he will go through it and will file rejoinder, if necessary.

4. S.O. 28.9.2016.

MEMBER (J)

24.08.2016-ATP(SB)

ORIGINAL APPLICATION NO.303/2016.

(VA Wagh Vs. State of Maharashtra & Ors.)

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

DATE : 24.08.2016.

ORAL ORDER

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

2. Learned P.O. files reply affidavit on behalf of Respondents no.1 to 4. The same is taken on record.

3. The matter is kept for filing rejoinder, if any.

4. S.O. 28.9.2016.

MEMBER (J)

24.08.2016-ATP(SB)

ORIGINAL APPLICATION NO.365/2016.

(Shaikh N.S. Vs. State of Maharashtra & Ors.)

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

DATE : 24.08.2016.

ORAL ORDER

None present for the applicant. Smt PR Bharaswadkar, learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time for filing reply affidavit. Time granted.

3. S.O. 28.9.2016.

MEMBER (J)

24.08.2016-ATP(SB)

ORIGINAL APPLICATION NO.431/2016.

(Miss Archana D. Lathkar Vs. State of Maharashtra & Ors.)

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

DATE : 24.08.2016.

ORAL ORDER

Shri AM Nagarkar, learned Advocate for the applicant and Shri NU Yadav, learned Presenting Officer for the Respondents.

2. Learned P.O. seeks time for filing reply affidavit. Time granted.
3. S.O. 29.9.2016.

MEMBER (J)

24.08.2016-ATP(SB)

ORIGINAL APPLICATION NO.452/2016.

(Dr. VR Gandage Vs. State of Maharashtra & Ors.)

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

DATE : 24.08.2016.

ORAL ORDER

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

2. Learned P.O. files reply affidavit on behalf of respondents no.1 to 3. The same is taken on record. Its copy is served on the applicant.

3. Learned Advocate for the applicant files written pursis seeking permission to withdraw the O.A. The same is taken on record and marked as Exh.X for the purpose of identification. In view thereof, the O.A. stands disposed of, as withdrawn, with no order as to costs.

MEMBER (J)

24.08.2016-ATP(SB)

ORIGINAL APPLICATION NO.471/2016.

(Smt. P.S. Desale Vs. State of Maharashtra & Ors.)

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

DATE : 24.08.2016.

ORAL ORDER

Heard Smt Ujjwal Agarwal, learned Advocate holding for Shri BR Warma, learned Advocate for the applicant and Smt RS Deshmukh, learned Presenting Officer for the Respondents.

2. The learned Advocate for the applicant submits that the applicant's term is being completed on 30.9.2016 and therefore, it is required that the application shall be disposed of prior to it.

3. Learned P.O. submits that she will file reply affidavit within two weeks and will serve its copy to the applicant in advance. In view thereof, the matter be posted after two weeks.

4. S.O. 8.9.2016.

MEMBER (J)

24.08.2016-ATP(SB)

ORIGINAL APPLICATION NO.474/2016.

(U.L. Raut & Oths. Vs. State of Maharashtra & Ors.)

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

DATE : 24.08.2016.

ORAL ORDER

Heard Shri PV Suryawanshi, learned Advocate for the applicants and Smt DS Deshpande, learned Presenting Officer for the Respondents.

2. Learned P.O. files reply affidavit on behalf of Respondents no.1 to 4. The same is taken on record. Its copy is served on the applicants. The reply is filed by the Superintendent of Police.

3. According to the learned Advocate for the applicants this case is covered in view of various judgments. The copy of which has been placed on record from paper book page nos.21 to 47, However, it seems that the Respondents are not in a mood to concede with the said judgment. The Superintendent of Police, Parbhani is directed to file personal affidavit making it clear as to whether he is bound by various judgments delivered by this Tribunal which are already referred in the O.A. The affidavit shall be filed within two weeks.

4. S.O. 2.9.2016.

5. Steno copy be allowed to the learned P.O.

MEMBER (J)

24.08.2016-ATP(SB)

ORIGINAL APPLICATION NO.481/2016.

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

.....

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

DATE : 24.08.2016.

ORAL ORDER

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

2. Learned C.P.O. files reply on behalf of Respondents no.1 to 4. The same is taken on record. Its copy is served on the applicant.

3. Learned Advocate for the applicant seeks time to go through it. Time granted.

4. S.O. 19.9.2016.

MEMBER (J)

24.08.2016-ATP(SB)

ORIGINAL APPLICATION NO. 484/2016.

(Shaikh Rasheed Vs. State of Maharashtra & Ors.)

.....

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

DATE : 24.08.2016.

ORAL ORDER

Heard Shri AN Walunekar, learned Advocate holding for Shri AS Deshmukh, learned Advocate for the applicant and Smt SK Ghatge Deshmukh, learned Presenting Officer for the Respondents.

2. Learned P.O. files reply affidavit on behalf of Respondent no.2. The same is taken on record. Its copy is served on the applicant.

3. Learned Advocate for the applicant seeks time to file rejoinder, if necessary.

4. S.O. 29.9.2016.

MEMBER (J)

24.08.2016-ATP(SB)

ORIGINAL APPLICATION NO.491/2016.

(AP Khande Vs. State of Maharashtra & Ors.)

.....

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

DATE : 24.08.2016.

ORAL ORDER

None present for the applicant. Shri SK Shirse, learned Presenting Officer for the Respondents.

2. The learned P.O. seeks time to file reply affidavit.

3. Perusal of the O.A. shows that the issue involved in this matter has been covered by the issue decided in OA No.809/2015 as well as directions issued by the Hon'ble Apex Court in the case of **State of Punjab and others etc. V/s. Rafiq Masih (White Washer) etc.** reported in **(2015) 4 SCC 334**, The respondents are therefore, directed to file affidavit as to whether they are bound by the directions in the said judgment.

4. S.O. 12.9.2016.

MEMBER (J)

24.08.2016-ATP(SB)

O. A. NO.516/2016 with Caveat No.284/2016.

(Dr. AG Deshmukh Vs. State of Maharashtra & Ors.)

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

DATE : 24.08.2016.

ORAL ORDER

Heard Shri JB Choudhary, learned Advocate for the applicant, Shri Dr Patil, learned Presenting Officer for the Respondents no.1 to 3 and Shri AS Deshmukh, learned Advocate for the Respondent no.4.

2. Learned P.O. files reply affidavit on behalf of Respondents no.1 to 3. Same is taken on record. Its copy is served on the applicant.

3. Learned Advocate for the applicant seeks time to file rejoinder, if any. Time granted.

4. S.O. 27.9.2016.

MEMBER (J)

24.08.2016-ATP(SB)

ORIGINAL APPLICATION NO.565/2016.

(A. R. Kotwal Vs. State of Maharashtra & Ors.)

.....

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

DATE : 24.08.2016.

ORAL ORDER

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

2. Learned C.P.O. files reply affidavit on behalf of Respondent no.5. The same is taken on record. Its copy is served on the applicant. He seeks time to file reply on behalf of Respondents no.1 to 4. Time granted.

3. S.O. 27.9.2016.

MEMBER (J)

24.08.2016-ATP(SB)

ORIGINAL APPLICATION NO.469/2016.

(K.S. Kamble Vs. State of Maharashtra & Ors.)

.....

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

DATE : 24.08.2016.

ORAL ORDER

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

2. Learned CPO files reply affidavit on behalf of Respondents no.1 & 2. The same is taken on record. Its copy is served on the applicant.

3. The learned Advocate for the applicant submits that O.A. involves very short point and it be taken for disposal on merit.

4. The applicant was working as Junior Geologist since 2007 in Nashik Division vide notification dated 16.3.2012. The applicant has been appointed as Asstt. Geologist and has been transferred to Nandurbar in which the case under Nashik Division.

5. Learned Advocate for the applicant invited my attention to the representation which he has filed prior to his transfer to Nandurbar. The said representation is dated 13.5.2016 at Annexure A-2 (paper book page no.14 and 15). The reason for transfer at Pune has been mentioned in the said application and the same is that his father Dr.S.R. Kamble, aged about 70 yrs., is suffering from Hypertension, and Paralysis disease. His father is residing at Nanded and is required to be taken for regular medical treatment at Pune. The said representation was, however, not considered and the impugned order has been passed.

6. In the reply affidavit the respondents have justified the order and in para no.6 have stated as under :-

“As regards Para No.V (4) of the application, I say and submit that, as per the provisions contained in Maharashtra Government Servants Regulation of Transfers and Preventions of Delay in Discharge of Official Duties Act, 2005 the officers who have completed 3 years and due for transfer in April/May 2016 have been transferred from one District to another District in the same region and the officers who have completed 6 years in the region have been transferred out of Revenue Region. Accordingly, the applicant has completed more than 3 years in the Nashik Region, hence he was transferred within Nashik Region (Nandurbar). Therefore it is stated that the applicant's request to transfer him out of Nashik Division at Pune cannot be considered. As per the rule in Sub Section (2) of Section 5 of the Government Servants

Regulation and Transfer and Prevention of Delay in Discharge of Official Duties Act, 2005, after ensuring that the Government work is not adversely affected on account of large scale transfers of Government servants from one single Department or office, not more than thirty percent of the employees shall be transferred from any office or Department at a time, in a year. Hence applicant was not transferred in the year 2015.”

7. On going through the reply affidavit as well as the merits of the case, prima facie, there seems to be no illegality in the impugned order of transfer, however, there was no reason as to why the representation has not been decided by the respondent authority. In view of this the following order.

-3- **ORIGINAL APPLICATION NO.469/2016.**

ORDER.

- i) The O.A. stands dismissed with no order as to costs.
- ii) The respondent no.1 is however, directed to take proper decision on the representation filed by the applicant on 13.5.2016 and shall intimate the said decision to the applicant within four weeks.
- iii) Steno copy allowed to the learned P.O.

MEMBER (J)

24.08.2016-ATP(SB)