

ORIGINAL APPLICATION NO. 710 OF 2015

[D. V. Kulkarni & others Vs. The State of Mah. & Ors.]

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 12.09.2016.

ORAL ORDER:

Heard Shri R.P. Bhumkar – learned Advocate for the applicant and Shri I.S. Thorat – learned Presenting Officer for the respondents.

2. The learned Advocate for the applicant submits that similar matters i.e. O.A. Nos. 364/2015 & 711/2015 have been kept on 22nd September, 2016 and this O.A. shall be kept on the said date.

3. In view thereof, the present O.A. be kept along with O.A. Nos. 364/2015 & 711/2015 on 22nd September, 2016.

MEMBER (J)

12.09.2016-HDD

REV. PETITION NO. 08/2016 IN O.A.NO. 248/2015

[Padmabai D. Marathe Vs. The State of Mah. & Ors.]

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 12.09.2016.

ORAL ORDER:

Heard Shri A.S. Deshmukh – learned Advocate for the applicant and Shri M.S. Mahajan – learned Chief Presenting Officer for the respondents.

2. At the request of learned Chief Presenting Officer, S.O. to 30th September, 2016.

MEMBER (J)

12.09.2016-HDD

ORIGINAL APPLICATION NO. 226 OF 2016

[Shivram N. Dhapate Vs. The State of Mah. & Ors.]

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 12.09. 2016.

ORAL ORDER:

Shri P.M. Shinde – learned Advocate for the applicant **(absent)**. Shri N.U. Yadav – learned Presenting Officer for the respondents, present.

2. The learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1, 2, 5 & 6 and the same has been taken on record. The copy of the same could not be supplied upon the applicant as nobody appeared on his behalf.

3. Since nobody appeared for the applicant, S.O. to 10th October, 2016.

12.09.2016-HDD

MEMBER (J)

ORIGINAL APPLICATION NO. 265 OF 2016

[Shivaji H. Rathod Vs. The State of Mah. & Ors.]

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 12.09.2016.

ORAL ORDER:

Shri A.D. Sugdare – learned Advocate for the applicant has filed leave note. Mrs. Deepali S. Deshpande – learned Presenting Officer for the respondents, present.

2. In view of leave note filed by the learned Advocate for the applicant, S.O. to 10th October, 2016.

12.09.2016-HDD

MEMBER (J)

ORIGINAL APPLICATION NO. 334 OF 2016

[Paraji G. Jorule Vs. The State of Mah. & Ors.]

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 12.09.2016.

ORAL ORDER:

Shri K.G. Salunke – learned Advocate for the applicant (**absent**). Shri M.P. Gude – learned Presenting Officer for the respondent Nos. 1 & 2, present. Shri S.D. Joshi – learned Advocate for the respondent No. 3 (**absent**).

2. The learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent No. 1, if necessary. Time granted.

3. S.O. to 7th October, 2016.

MEMBER (J)

12.09.2016-HDD

ORIGINAL APPLICATION NO. 358 OF 2016

[Kishor N. Choudhari Vs. The State of Mah. & Ors.]

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 12.09. 2016.

ORAL ORDER:

Heard Shri K.B. Jadhav – learned Advocate for the applicant and Shri S.K. Shirase – learned Presenting Officer for the respondent Nos. 1 & 2. Shri A.B. Rajkar – learned Advocate for respondent No. 3 (**absent**).

2. The learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 2 and the same is taken on record and the copy of the same has been supplied to the learned Advocate for the applicant.

3. S.O. to 30th September, 2016 for filing rejoinder, if any.

12.09.2016-HDD

MEMBER (J)

ORIGINAL APPLICATION NO. 367 OF 2016

[Ganesh S. Khade Vs. The State of Mah. & Ors.]

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 12.09.2016.

ORAL ORDER:

Shri S.V. Mundhe – learned Advocate for the applicant (**absent**). Shri M.P. Gude – learned Presenting Officer for the respondents, present.

2. The learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 2 and the same is taken on record. The copy of the same could not be supplied to the applicant, as nobody appears on his behalf.

3. Since none appears for the applicant, S.O. to 14th October, 2016.

12.09.2016-HDD

MEMBER (J)

ORIGINAL APPLICATION NO. 416 OF 2016

[Ramhari G. Gosavi Vs. The State of Mah. & Ors.]

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 12.09.2016.

ORAL ORDER:

Shri M.B. Kolpe – learned Advocate for the applicant (**absent**). Shri D.R. Patil – learned Presenting Officer for the respondents, present.

2. At the request of learned Presenting Officer, S.O. to 14th October, 2016 for filing affidavit in reply.

12.09.2016-HDD

MEMBER (J)

ORIGINAL APPLICATION NO. 491 OF 2016

[Angad P. Khande Vs. The State of Mah. & Ors.]

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 12.09. 2016.

ORAL ORDER:

Heard Shri S.S. Dambe – learned Advocate for the applicant and Shri S.K. Shirase – learned Presenting Officer for the respondents.

2. The learned Presenting Officer submits that he will file affidavit in reply during the course of the day and seeks time. Time granted.

3. S.O. to 30th September, 2016.

MEMBER (J)

12.09.2016-HDD

ORIGINAL APPLICATION NO. 494 OF 2016

[L.V. Ratnaparkhi Vs. The State of Mah. & Ors.]

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)

DATE : 12.09.2016.

ORAL ORDER:

Heard Shri S.B. Deshmukh – learned Advocate for the applicant and Mrs. Priya R. Bharaswadkar – learned Presenting Officer for the respondents.

2. The learned Presenting Officer seeks time for filing affidavit in reply. Time granted as a most last chance.

3. S.O. to 30th September, 2016.

MEMBER (J)

12.09.2016-HDD

ORIGINAL APPLICATION NO. 500/2016

(Saleem Khan Maseed Khan Sukede Vs. State of Mah. & Ors.)

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

DATE : 12.09.2016.

ORAL ORDER

Heard Shri K.B. Jadhav, learned Advocate for the applicant, Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents no. 1 & 2 and S.B. Mene, learned Advocate for respondent no. 3.

2. The learned Chief Presenting Officer has filed affidavit in reply on behalf of respondent no. 2. It is taken on record and copy thereof, has been served upon the other side.

3. The learned Advocate for respondent no. 3 seeks time to file affidavit in reply. Time granted.

4. S.O. to 14.10.2016.

MEMBER (J)

12.09.2016-KPB(SB)

ORIGINAL APPLICATION NO. 534/2016

(Lalu Bhau Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2016.

ORAL ORDER

Shri M.B. Kolpe, learned Advocate for the applicant (**Absent**). Shri I.S. Thorat, learned Presenting Officer for the Respondents, present.

2. The learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 14.10.2016.

MEMBER (J)

12.09.2016-KPB(SB)

ORIGINAL APPLICATION NO. 555/2016

(Mohan Baburao Pawar Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2016.

ORAL ORDER

Shri A.D. Sugdare, learned Advocate for the applicant (**Leave Note**). Shri D.R. Patil, learned Presenting Officer for the Respondent nos. 1, 3 & 4 and Shri G.N. Patil, learned Advocate for respondent no. 2, are present.

2. Since, leave note filed by the applicant, S.O. to 10.10.2016.

MEMBER (J)

12.09.2016-KPB(SB)

ORIGINAL APPLICATION NO. 486/2016

(Shivkanya S. Bharti Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2016.

ORAL ORDER

Shri S.D. Dhongde, learned Advocate for the applicant and Shri N.U. Yadav, learned Presenting Officer for the Respondents.

2. The learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent nos. 1 to 3. Time granted.

3. S.O. to 17.10.2016.

MEMBER (J)

12.09.2016-KPB(SB)

ORIGINAL APPLICATION NO. 498/2016

(Santosh Shaligram Koli Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2016.

ORAL ORDER

Shri S.U. Chaudhari, learned Advocate for the applicant (**Absent**). Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents, present.

2. The learned Chief Presenting Officer seeks time to file affidavit in reply on behalf of respondents. Time granted.

3. S.O. to 17.10.2016.

MEMBER (J)

12.09.2016-KPB(SB)

ORIGINAL APPLICATION NOS. 287 to 300 ALL OF 2016

(N.V. Andhale & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2016.

ORAL ORDER

Heard Shri A.D. Gadekar, learned Advocate for the applicants in all these matters and Shri M.S. Mahajan, learned Chief Presenting Officer for the Respondents in all these matters.

2. The learned Chief Presenting Officer has filed affidavit in reply on behalf of respondent nos. 4 in all these matters. It is taken on record and the copy thereof has been served upon the learned Advocate for the applicants.

3. At the request of learned C.P.O., S.O. to 14.09.2016.

MEMBER (J)

12.09.2016-KPB(SB)

M.A. No. 562/2015 in O.A. St. No. 113/2015

(Ravindra Kailash Jadhav Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2016.

ORAL ORDER

Shri N.P. Bangar, learned Advocate for the applicant (**Absent**). Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondents, present.

2. The learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents in M.A.. Time granted.

3. S.O. to 17.10.2016.

MEMBER (J)

12.09.2016-KPB(SB)

M.A. No. 563/2015 in O.A. St. No. 1800/2015

(Santosh B. Ghorpade Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2016.

ORAL ORDER

Shri A.S. Shejwal, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the Respondents.

2. The learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents in M.A..
Time granted.

3. S.O. to 30.09.2016.

MEMBER (J)

12.09.2016-KPB(SB)

M.A. No. 50/2016 in O.A. St. No. 1894/2015

(Dinkar R. Bhosrekar Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2016.

ORAL ORDER

Shri P.G. Rodge, learned Advocate for the applicant (**Absent**). Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondents, present.

2. The learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents in M.A..
Time granted.

3. S.O. to 17.10.2016.

MEMBER (J)

12.09.2016-KPB(SB)

M.A. No. 51/2016 in O.A. St. No. 183/2016

(Vijay Anand Salve Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2016.

ORAL ORDER

Shri V.S. Borkar, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondents.

2. The learned Presenting Officer seeks time to file affidavit in reply on behalf of respondents in M.A..
Time granted.

3. S.O. to 17.10.2016.

MEMBER (J)

12.09.2016-KPB(SB)

M.A. No. 116/2016 in O.A. No. 711/2015

(S.B. Bhandari & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2016.

ORAL ORDER

Heard Shri R.P. Bhumkar, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondent.

2. The learned Advocate for the applicant seeks permission to withdraw the M.A. No. 116/2016 with liberty to file fresh application for amendment in O.A. No. 711/2015.

3. In view of this, the applicant is allowed to withdraw the M.A. No. 116/2016 and the same stands disposed of as withdrawn with liberty as prayed for.

MEMBER (J)

12.09.2016-KPB(SB)

ORIGINAL APPLICATION NO. 711/2015

(S.B. Bhandari & Ors. Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2016.

ORAL ORDER

Heard Shri R.P. Bhumkar, learned Advocate for the applicant and Smt. Sanjivani K. Deshmukh-Ghate, learned Presenting Officer for the Respondent.

2. S.O. to 22.9.2016.

MEMBER (J)

12.09.2016-KPB(SB)

M.A. No. 210/2016 in O.A. St. No. 816/2016

(S.G. Wagatkar Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2016.

ORAL ORDER

Heard Shri S.D. Dhongde, learned Advocate for the applicant and Shri D.R. Patil, learned Presenting Officer for the Respondent.

2. The learned Advocate for the applicant seeks permission to add Respondent no. 2 the Commissioner, Aurangabad Division, Aurangabad as party respondent in O.A. He is permitted to amend the O.A. accordingly and to add respondent no. 2 in O.A. Thereafter, the M.A. will be considered.

3. S.O. to 17.10.2016.

MEMBER (J)

12.09.2016-KPB(SB)

M.A. No. 239/2016 in O.A. St. No. 1171/2016

(Dr. S.B. Kendre Vs. State of Maharashtra & Ors.)

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

DATE : 12.09.2016.

ORAL ORDER

Heard Shri A.B. Rajkar, learned Advocate for the applicant, Shri I.S. Thorat, learned Presenting Officer for the Respondent no. 1, Shri Parag Shahane, learned Advocate holding for Shri Pradeep Shahane, learned Advocate for Respondent nos. 2 and 3 and Shri Nikhil Tekale, learned Advocate for respondent no. 4.

2. The learned Presenting Officer seeks time to file affidavit in reply on behalf of respondent no. 1. The learned Advocate for respondent nos. 2 & 3 also seeks time to file affidavit in reply. Time granted.

3. The learned Advocate for the applicant submits that he may be permitted to delete the name of respondent no. 4, as the said respondent has not been described properly. Permission is granted to delete the name of respondent no. 4.

4. S.O. to 10.10.2016.

MEMBER (J)

12.09.2016-KPB(SB)

M.A. No. 141/15 in C.P. St. No. 401/16 in O.A. No. 669/15

(Madhav Fakirchand Jadhav Vs. The State of Mah. & Ors.)

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

**(This matter is placed before Single Bench
due to non-availability of Division Bench)**

DATE : 12.09.2016.

ORAL ORDER:-

Heard Shri A.S. Deshmukh, learned Advocate
for the Applicant and Smt. Deepali S. Deshpande,
learned Presenting Officer for respondents.

2. The learned Presenting Officer seeks time to
file short affidavit. Time granted.

3. S.O. to 27.09.2016.

MEMBER (J)

12.09.2016-KPB(DB)

M.A. No. 165/16 in C.P. St. No. 611/16 in O.A. No. 487/14

(Dr. Sunil Suresh Kulkarni Vs. The State of Mah. & Ors.)

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

**(This matter is placed before Single Bench
due to non-availability of Division Bench)**

DATE : 12.09.2016.

ORAL ORDER:-

Heard Shri A.S. Deshmukh, learned Advocate
for the Applicant and Smt. Deepali S. Deshpande,
learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer,
S.O. to 27.09.2016.

MEMBER (J)

12.09.2016-KPB(DB)

M.A. No. 168/16 in C.P. St. No. 635/16 in O.A. No. 432/13

(Shivprasad M Wadnere Vs. The State of Mah. & Ors.)

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

**(This matter is placed before Single Bench
due to non-availability of Division Bench)**

DATE : 12.09.2016.

ORAL ORDER:-

Heard Shri A.S. Deshmukh, learned Advocate
for the Applicant and Shri S.K. Shirse, learned
Presenting Officer for respondents.

2. At the request of learned Presenting Officer,
S.O. to 28.09.2016.

MEMBER (J)

12.09.2016-KPB(DB)

M.A. No. 201/16 in C.P. St. No. 765/16 in O.A. No. 918/10

(Smt. Gayabai G. Pokale Vs. The State of Mah. & Ors.)

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

**(This matter is placed before Single Bench
due to non-availability of Division Bench)**

DATE : 12.09.2016.

ORAL ORDER:-

Heard Shri M.S. Bhosale, learned Advocate for the Applicant and Shri D.R. Patil, learned Presenting Officer for respondents.

2. According to the learned Presenting Officer, the W.P. has been filed against the impugned order of this Tribunal, which was to be complied. However, there is nothing on the record to show that any stay has been granted by the Hon'ble High Court. The learned Presenting Officer seeks time to obtain necessary orders from the Hon'ble High Court. In view thereof, four weeks time granted.

3. S.O. to 10.10.2016.

MEMBER (J)

12.09.2016-KPB(DB)

M.A. No. 216/16 in C.P. St. No. 984/16 in O.A. No. 83/16

(Mrs. Raibiya S. Patel & Ors. Vs. The State of Mah. & Ors.)

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

**(This matter is placed before Single Bench
due to non-availability of Division Bench)**

DATE : 12.09.2016.

ORAL ORDER:-

Heard Shri M.B. Kolpe, learned Advocate for the Applicants (**Absent**). Smt. Priya R. Bharaswadkar, learned Presenting Officer for respondents, present.

2. The learned Presenting Officer submits that the order passed in O.A. No. 83/2016 has almost been complied and the bill has been submitted to the Treasury office, Aurangabad, even the amount has been paid. However, since nobody appeared for the applicant today, the matter be kept on 30.09.2016, for passing necessary orders.

3. S.O. to 30.09.2016.

MEMBER (J)

12.09.2016-KPB(DB)

ORIGINAL APPLICATION NO.298/2014

(K.C.Dhangar V/s. State of Maharashtra & Ors.)

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

DATE : 12-09-2016

ORAL ORDER:-

Heard Shri B.A.Dhenge learned Advocate for the applicant and Shri S.K.Shirese learned Presenting Officer for respondents.

2. Learned P.O. prays for time for filing reply as directed earlier. Time granted.

3. S.O. 30-09-2016.

MEMBER (J)

YUK ORAL ORDER 12-09-2016

ORIGINAL APPLICATION NO.421/2012

(A.M.Thakur V/s. State of Maharashtra & Ors.)

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

DATE : 12-09-2016

ORAL ORDER:-

Heard Shri S.B.Mene learned Advocate holding for Shri A.S.Deshpande learned Advocate for the applicant and Shri D.R.Patil learned Presenting Officer for respondents.

2. Learned Advocate for the applicant requested for adjournment. Adjournment is granted as a most last chance and no further time will be granted to the applicant to argue the O.A.

3. S.O.30-09-2016.

MEMBER (J)

ORIGINAL APPLICATION NO.771/2015

(S.B.Dabhade V/s. State of Maharashtra & Ors.)

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

DATE : 12-09-2016

ORAL ORDER:-

Heard Shri S.D.Dhongde learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for respondents.

2. Learned P.O. today files on record a xerox copy of order showing pendency of SLP before the Hon'ble Supreme Court which marked as document "X" for identification, wherein stay has been granted by the Hon'ble Supreme Court.

3. Learned Advocate for the applicant submits that subject matter of the said SLP is different than the present O.A. Respondents are already directed to file affidavit on the point mentioned in order of the Tribunal dated 02-09-2016.

4. Learned P.O. prays for time for filing affidavit as per earlier direction of the Tribunal. Time granted.

5. Whether the matter in dispute before the Hon'ble Supreme Court and before the Tribunal is same or not will be considered only after filing of the reply.

6. S.O.03-10-2016.

MEMBER (J)

ORIGINAL APPLICATION NO.408/2013

(G.R.Dahiwal V/s. State of Maharashtra & Ors.)

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

DATE : 12-09-2016

ORAL ORDER:-

Heard Shri S.D.Dhongde learned Advocate for the applicant and Shri N.U.Yadav learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer for the respondents, S.O.

3. S.O.03-10-2016.

MEMBER (J)

ORIGINAL APPLICATION NO.829/2015

(V.Y.Pawar V/s. State of Maharashtra & Ors.)

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

DATE : 12-09-2016

ORAL ORDER:-

Shri N.N.Desale/S.U.Choudhary learned Advocate for the applicant (**absent**). Smt. Deepali Deshpande learned Presenting Officer for respondents is present.

2. None is present for the applicant. On 07-06-2016, 29-06-2016 and 05-08-2016 also nobody appeared for the applicant. Reply affidavit has already been filed on behalf of the respondent nos.1 to 4.

3. It seems that the applicant may not be interested in prosecuting the O.A. Hence, O.A. stands dismissed in default.

MEMBER (J)

ORIGINAL APPLICATION NO.720/2016

(Vikar Ahmed V/s. State of Maharashtra & Ors.)

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

DATE : 12-09-2016

ORAL ORDER:-

Heard Shri S.R.Patil learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for respondents.

2. The applicant is claiming that the impugned order/direction dated 01-09-2016 to the extent of applicant may be quashed and set aside. Perusal of the impugned order dated 01-09-2016 shows that the applicant is working as a Junior Clerk in Registry Branch of S.P. Office, Jalgaon. Vide impugned order, he has been given charge of the post of Inward Clerk-II and additional charge of Branch of Senior Postal Registration. According to the applicant such additional charge given to the applicant is illegal and is discriminatory.

3. Perusal of the O.A. does not spell out as to how the said order of additional charge is discriminatory or illegal. It is an admitted fact that an employee can be given additional charge of the post whenever needed, in the interest of administration.

4. Learned Advocate for the applicant submits that the applicant was given additional charge in different branches, and therefore, it is not possible for the applicant to attend the Registry Branch as well as the additional charge of

Branch of Senior Postal Registration where he is directed to do additional work. It is, however, admitted that the applicant will not have to work more than his duty hours.

5. Observing as such, the applicant was also given an opportunity to withdraw the O.A. but he flatly refused to do so.

6. Considering these facts on record, I am of the opinion that the applicant has failed to make out any case even for issuance of notice. He has failed to make out a case as to how he is aggrieved by such additional charge. Hence, O.A. stands dismissed. No costs.

MEMBER (J)

ORIGINAL APPLICATION NO.723/2016

(S.D.Kulkarni V/s. State of Maharashtra & Ors.)

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

DATE : 12-09-2016

ORAL ORDER:-

Heard Shri R.N.Bharaswadkar learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for respondents.

2. The Applicant Sandeep Sudhakar Rao Kulkarni is presently posted as Tahsildar, at Hadgaon Tahsil, Tq. Hadgaon, District Nanded. He has been transferred from his present posting to Sengaoon Tahsil, District Hingoli vide impugned order dated 08.09.2016. The said order is passed in view of the letter issued by Election Commission dated 01.02.2016.

3. Learned Advocate for the applicant has placed on record interim orders passed in various petitions by the Hon'ble High Court at Bombay as well as at Aurangabad wherefrom it seems that the issue of validity of the letter issued by the Election Commission to transfer the local Officers during election period has been challenged and Hon'ble High Courts have issued either status quo orders or granted stay to such transfer orders passed in view of the letter of the Election Commission.

4. Learned Advocate for the applicant has also invited my attention to judgment delivered by this Tribunal in

O.A.No.721/2016 in which judgments delivered in O.A.Nos.871/2016, 658/2016 with 659/2016, 660/2016, 693/2016 etc. are referred. Similar transfers on the basis of letter issued by the Election Commission are either stayed or status quo orders are passed.

5. Admittedly, applicant is not due for transfer and he is serving as Tahsildar, Tq. Hadgaon, Distict Nanded from 14.01.2016 and has not completed his tenure. He has also not yet been relieved.

6. Learned C.P.O. submits that he will take instructions in this regard and will make a statement. Hence, issue notices to the respondents, returnable on 14.10.2016. In the meantime, the respondents are directed not to relieve the applicant till filing reply by the respondents.

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

8. 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 Rev. Application. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

9. 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.

10. 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.

11. Steno copy and Hamdast is allowed to both parties.

12. S.O. to 14.10.2016.

MEMBER (J)

M.A.No.355/2016 IN O.A.St.No.1638/2016

(S.E.Choudhary & Ors V/s. State of Maharashtra & Ors.)

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

DATE : 12-09-2016

ORAL ORDER:-

Heard Shri S.S.Jadhavar learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for respondents.

2. For the reasons stated in the M.A., application for sue jointly is allowed. Applicants are allowed to sue jointly.
3. M.A.No.355/2016 stands disposed of accordingly with no order as to costs.

YUK ORAL ORDER 12-09-2016

MEMBER (J)

Original Application St.No.1638/2016

(S.E.Choudhary & Ors V/s. State of Maharashtra & Ors.)

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

DATE : 12-09-2016

ORAL ORDER:-

Heard Shri S.S.Jadhavar learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for respondents.

2. Learned Advocate for the applicant submits that in the similar circumstances, Hon'ble High Court of Judicature of Bombay Bench at Aurangabad in Writ Petition No.12032/2015 has allowed the petitioners therein to appear in the main examination. It is stated that main examination will be conducted from 24-09-2016 to 26-09-2016.

3. In view thereof, issue notices to the respondents, returnable on 20.09.2016.

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

5. 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 Rev. Application. 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. Applicants are directed to file affidavit of compliance and notice.

8. Steno copy and Hamdast is allowed to both parties.

9. S.O. to 20.09.2016.

MEMBER (J)

ORIGINAL APPLICATION NO.202/2015

(A.S.Jondhale & Ors V/s. State of Maharashtra & Ors.)

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

DATE : 12-09-2016

ORAL ORDER:-

Heard Shri A.S.Deshmukh learned Advocate for the applicant and Smt. Resha Deshmukh learned Presenting Officer for respondents. Shri Vivek Bhavthankar learned Special Counsel for respondent nos.3 and 4 is **absent**.

2. Learned P.O. prays for time for going through the record. Time granted.

3. Interim relief granted earlier to continue till then.

4. S.O.13-10-2016.

YUK ORAL ORDER 12-09-2016

MEMBER (J)

M.A.No.118/2016 IN C.P.St.No.94/2016 IN
O.A.No.465/2012

(Modh. Zakiyoddin V/s. State of Maharashtra & Ors.)

CORAM : HON'BLE SHRI J.D. Kulkarni, Member (J)
**(This matter is placed before the Single Bench due to
non-availability of Division Bench.)**

DATE : 12-09-2016

ORAL ORDER:-

Heard Shri Asif Ali learned Advocate holding for Smt. A.N.Ansari learned Advocate for the applicant and Shri S.K.Shirse learned Presenting Officer for respondents.

2. Learned P.O. files affidavit in reply on behalf of the respondent. It is taken on record. Copy thereof has been served on the other side.

3. It seems that respondent has filed Writ Petition No.1384/2015 before the Hon'ble High Court at Aurangabad and as per last order dated 4th August, 2016, matter was posted to 5th August, 2016.

4. Learned P.O. is directed to take instruction as to what happened in that Writ Petition.

5. S.O. 03-10-2016.

MEMBER (J)

ORIGINAL APPLICATION NO.472/2016

(Syed Fahimoddin V/s. State of Maharashtra & Ors.)

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

DATE : 12-09-2016

ORAL ORDER:-

Heard Shri S.R.Barlinge learned Advocate for the applicant and Shri M.P.Gude learned Presenting Officer for respondents. Shri V.V.Deshmukh learned Advocate for respondent no.4 is **absent**.

2. Learned P.O. submits that inspite of repeated conversation with the concerned authority, concerned authority is not giving any response as regards directions issued by the Tribunal vide order dated 06-09-2016. He has also placed on record a copy of communication 06-09-2016. It is marked as Exhibit X-1 for identification purpose.

3. Learned Advocate for the applicant submits that the applicant has been relieved from Mumbai so as to join at Aurangabad on promotional post but he was not allowed to join. On the contrary, his promotion has been cancelled vide orders dated 10-05-2016. Said orders are placed on record at paper book page 24-A, collectively.

4. Respondent nos.1 to 3 have not filed their reply affidavit. It will have to be seen on merits as to whether the order of cancellation of transfer of the applicant without giving any opportunity to him is legal or not. It is, however,

true that, the applicant has been relieved from Mumbai, and therefore, he is in hanging position. There are provisions to consider such situation and this intervening period can be decided as compulsory waiting period or so. In view of this, it will be necessary to consider merits of the claim as to whether the order of cancellation of promotion is legal and proper ?

5. In the interest of justice, therefore, respondent nos.1 to 3 are directed to file their reply affidavit on or before 30-09-2016 without fail.

6. It seems that inspite of repeated instructions Shri Dhananjay Mane, Director of Education, Pune is not giving necessary directions to the concerned officer, and to make a statement as to whether the post in Government Institute of Science at Aurangabad is vacant due to transfer of one Shri M.K.Thombre. Shri Dhananjay Mane, Director of Education, Pune is directed to make a statement in this regard on next date without fail.

7. In case, such statement is not made, applicant's claim for his posting at Government Institute of Science at Aurangabad shall be taken into consideration, if found fit on merits.

8. S.O. 30-09-2016.

MEMBER (J)