

O.A. No. 385/2019 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 02.07.2019

Smt. K.N. Saboo, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

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

Member (J)

dnk.

O.A. No. 743/2015 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 02.07.2019

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

2. It is submitted that the applicant is challenging the order dated 10/03/2011 and praying for its modification. In the reply of respondent no.2 in para-4 specific contention was raised that the application was barred by limitation. The matter came up before the Bench for hearing on 08/01/2019 and on that day after hearing the parties liberty was given to the applicant to submit application for condonation of delay within two weeks. Even after expiry of six months, no steps are taken by the applicant to file application for condonation of delay.

3. In view of this matter, the O.A. stands dismissed with no order as to costs.

Member (J)

dnk.

O.A. No. 770/2018 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 02.07.2019

Shri S.D. Khati, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

At the request of Id. CPO, **S.O.**
one week for filing reply.

Member (J)

dnk.

O.A. No. 771/2018 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 02.07.2019

Shri S.D. Khati, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

At the request of Id. CPO, **S.O.**
one week for filing reply.

Member (J)

dnk.

O.A. No. 867/2018 with C.A.177/19 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 02.07.2019

Heard Ms. A.M. Sudame, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. for the respondents.

Heard. Admit.

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

S.O. in due course.

Member (J)

dnk.

O.A. No. 35/2019 **(SB)**

Coram : Hon. Shri A.D. Karanjkar,
Member (J).

Dated : **02.07.2019**

Shri S.C. Deshmukh, Id. counsel
for the applicant and Shri V.A. Kulkarni,
Id. PO for the respondents.

At the request of Id. PO, **S.O. two**
weeks for filing reply.

Member (J)

dnk.

O.A. No. 481/2019 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 02.07.2019

Heard Shri A.C. Dharmadhikari, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. The learned P.O. submitted that he would file reply day after tomorrow along with some more documents.

3. The learned P.O. is directed to give copy of the reply to the learned counsel for the applicant in the morning day after tomorrow.

S.O. 04/07/2019 at 3.00 p.m.

Member (J)

dnk.

(SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 02.07.2019

**O.A.943/18 with C.A.369/18, O.A.944/18
with C.A.370/18 & O.A.945/18 with
C.A.371/18**

Heard Shri A.R. Ingole, Id. counsel for the applicants, Shri H.K. Pande, Id. P.O. for R-1,2&4 and Mrs. A.M. Sudame, Id. counsel for R-3.

2. The learned counsel for the applicants submitted that the applicants are intending to withdraw the present applications with liberty to approach before the appropriate forum.

3. In view thereof, the O.As. stand disposed of as withdrawn with liberty to the applicants to approach before the appropriate forum. No order as to costs.

4. The C.As. also stand disposed of accordingly.

Member (J)

dnk.

O.A. No. 501/2019 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 02.07.2019

Heard Shri Bharat Kulkarni, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. It is brought to the notice that vide order dated 31/05/2019 the applicant was transferred from Gondia to Nagpur. In pursuance of this order the applicant resumed the duty at Nagpur. It is submitted that the respondent no.2 again issued order dated 28/06/2019 and transferred the applicant from Nagpur to Kalmeshwar. It is submitted that there was no administrative exigency or urgency to transfer the applicant immediately from Nagpur to Kalmeshwar before completion of his normal tenure. It is submitted that only with intention to safe guard interest of the respondent nos.4&5 and adjust them at Nagpur, the applicant was transferred from Nagpur to Kalmeshwar in violation of law. It is

further submitted that the applicant is not yet relieved from Nagpur office.

3. After reading the impugned transfer order dated 28/06/2019 it seems that no reason is mentioned by the respondent no.2 in this order as to what was the urgency or administrative difficulty at Kalmeshwar. Similarly, the procedure laid down under Section 4 of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (in Short "Transfers Act,2005") is not followed. It was duty of the respondent no. 2 to refer this matter to his immediate Higher Authority for the approval and as this statutory direction is not complied, therefore, prima facie the impugned transfer order is in violation of law, consequently, I direct that this order be stayed till filing of the reply by the respondents.

4. In the meantime, issue notice to R-2 to 5, returnable **in three weeks**. Learned P.O. waives notice for R-1. Hamdast allowed.

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

6. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

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

S.O. three weeks.

Steno copy is granted.

Member (J)

dnk.

O.A. No. 701/2015 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 02.07.2019

Heard Shri R.S. Thengne, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. It is submitted that two weeks' time is required for making submission before the Bench regarding the steps taken by the respondents to comply the directions given in para-5 of order dated 04/02/2019.

S.O. two weeks.

Member (J)

dnk.

O.A. No. 826/2015 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 02.07.2019

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

It seems that the order dated 15/04/2019 is not complied by the applicant.

S.O. three weeks.

Member (J)

dnk.

O.A. No. 807/2016 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 02.07.2019

Shri Nayase, Id. counsel holding for Shri G.G. Bade, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

2. Shri Nayase, Id. counsel submitted that today Shri Bade, Id. counsel for the applicant is unable to appear before the Bench and therefore he requested for further time.

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

Member (J)

dnk.

O.A. No. 278/2018 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 02.07.2019

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

S.O. four weeks.

Member (J)

dnk.

O.A.No.130/2019
(D.B.)

**Coram: Shri Shree Bhagwan,
Vice Chairman and
Shri A.D.Karanjkar, Member(J)**
Dated : 02nd July 2019.

C.A.No.222/2019:-

Heard Shri P.Chaudhari, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

2. The Id. P.O. submits that he require one more day time to file reply on record. As per his request, **S.O. 04.07.2019.**

Member(J)
Chairman
Date:-02/07/2019.
aps.

Vice

O.A.No.126/2019 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated: 02nd July 2019.**

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

2. The Id. P.O. submits that he require one more week time to file reply on record. As per his request, **S.O. one week.**

**Member(J)
Chairman
Date:-02/07/2019.
aps.**

Vice

O.A.No.1025/2018

(D.B.)

**Coram: Shri Shree Bhagwan,
Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated : 02nd July 2019.**

Heard Shri N.T.Gwalwansh, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondent nos. 1 & 2. None for the respondent no. 3. Shri A.Parchure, the Id. counsel for the respondent no. 4.

2. The Id. P.O. submits that he require two weeks time to file reply on record. As per his request, **S.O. two weeks as a last chance.**

**Member(J)
Chairman
Date:-02/07/2019.
aps.**

Vice

O.A.No.26/2019 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated: 02nd July 2019.**

C.P.19/2019 in C.A.212/2019:-

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant submits that he desires time to file Rejoinder against the documents filed by the respondents. At his request, **S.O. 10/07/2019.**

3. *Put up this matter along with the O.A.No.26/2019 with C.A. No. 176/2019.*

**Member(J)
Chairman
Date:-02/07/2019.
aps.**

Vice

O.A.No.26/2019 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated: 02nd July 2019.**

C.A.No.176/2019:-

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

2. At the request of Id. counsel for the applicant, **S.O. 10/07/2019.**

3. *Put up this matter along with the C.P.No.19/2019 in O.A.No.26/2019 with C.A. No. 212/2019.*

**Member(J)
Chairman
Date:-02/07/2019.
aps.**

Vice

O.A.No.625/2018 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated: 02nd July 2019.**

Heard Shri S.P.Palshikar, the Id.
Counsel for the applicant and Shri
A.M.Ghogre, the Id. P.O. for the
respondents.

2. Closed for orders.

**Member(J)
Chairman
Date:-02/07/2019.
aps.**

Vice

O.A.No.960/2018 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated: 02nd July 2019.**

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

2. As per the request of both the counsels, **S.O. 09.07.2019.**

**Member(J)
Chairman
Date:-02/07/2019.
aps.**

Vice

O.A.No.204/2019 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated: 02nd July 2019.**

C.A.No.101/2019:-

Heard Shri A.C.Dharmadikari, the Id. Counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the respondent nos. 1 & 2 and Shri N.S.Khubalkar, Id. counsel for the respondent nos. 3 to 127.

2. The Id. counsel for the respondent nos. 3 to 127 is directed to file pursis that who are the candidates whose promotion lists is at P.B., Pg. No. 147 (Annexure-A-12) dated 08.03.2019, who have been relieved and not able to joined. He is directed to file a pursis to that affect that the names of the candidates and their Sr. Nos. in the O.A. at the respondents lists.

3. The Id. counsel for the applicant file a document written by Commissioner, Animal Husbandry. It is marked Exh-X for the purpose of identification. The same is taken on record. Copies are served to the other sides.

4. S.O. 10/07/2019.

Member(J)
Chairman
Date:-02/07/2019.
aps.

Vice

O.A.No.709/2018 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated: 02nd July 2019.**

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondents.

2. Matter was heard on 09.10.2018, 25.02.2019, 05.03.2019, 19.03.2019 & 24.06.2019 i.e. much time has been given to the respondents to finalize the representation of the applicant.

3. However, by record it appears that, respondents are not paying attention and finally today also Id. P.O. has submitted two letters bearing no. U; k; ki z 1618@i z d z 61@i z k&3] f n u k d 28-06-2019 mentioned as X-1 and one more letter bearing no. U; k; ki z 1618@i z d z 61@i z k&3] f n u k d 28-06-2019 mentioned as X-2, issued by Deputy Secretary, Government of Maharashtra. The Deputy Secretary who has issued the letter bearing no. U; k; ki z 1618@i z d z 61@i z k&3] f n u k d 28-06-2019 mentioned as X-2, by which four

documents mentioned in the letter are not traceable as such what action has been taken against the responsible persons who were responsible to keep their documents by the authority. It appears that, still they are not able to trace out the service book and record. Though the Id. P.O. still wants three months time to comply the Tribunal order dated 24/06/2019, it appears that this will not solve the problem and respondents are just passing the time.

4. Hence, the Deputy Secretary who has issued letters bearing no. U; k; ki z 1618@i z d:61@i z k&3] f n u k d 28-06-2019 mentioned as X-1 and one more letter bearing no. U; k; ki z 1618@i z d:61@i z k&3] f n u k d 28-06-2019 mentioned as X-2, should personally be present before this Tribunal and explain that why action should not be taken against him for not complying the Tribunal's order dated 24/06/2019.

5. **S.O. 16/07/2019.**

6. *Steno copy is granted.*

**Member(J)
Chairman
Date:-02/07/2019.**

Vice

aps.