

O.A. No. 445/2015 **(SB)**

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

Dated : 03.07.2019

Shri Arpit Gajbhiye, the learned counsel holding for Shri N.B. Bargat, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1 to 3&5 and none for R-4.

At the request of Id. counsel for the applicant, **S.O. 3rd week of July,2019** along with O.As.446 & 447 of 2015.

Member (J)

dnk.

O.A. No. 446/2015 **(SB)**

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

Dated : 03.07.2019

Shri Arpit Gajbhiye, the learned counsel holding for Shri N.B. Bargat, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1 to 3&5 and none for R-4.

At the request of Id. counsel for the applicant, **S.O. 3rd week of July,2019** along with O.As.445 & 447 of 2015.

Member (J)

dnk.

O.A. No. 447/2015 **(SB)**

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

Dated : 03.07.2019

Shri Arpit Gajbhiye, the learned counsel holding for Shri N.B. Bargat, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1 to 3&5 and none for R-4.

At the request of Id. counsel for the applicant, **S.O. 3rd week of July,2019** along with O.As.445 & 446 of 2015.

Member (J)

dnk.

O.A. No. 197/2018 (SB)

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

Dated : 03.07.2019

Shri S.N. Gaikwad, Id. counsel for
the applicant and Shri H.K. Pande, Id.
P.O. for the respondents.

At the request of Id. P.O., **S.O.**
09/07/2019.

Member (J)

dnk.

O.A. No. 934/2017 (SB)

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

Dated : 03.07.2019

Shri S.N. Gaikwad, 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.**
09/07/2019.

Member (J)

dnk.

O.A. No. 881/2018 **(SB)**

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

Dated : 03.07.2019

The applicant in person present.
Shri A.P. Potnis, Id. P.O. for R-1. None
for R-2 to 5.

2. At the request of Id. P.O., **S.O.**
three weeks for filing reply as a last
chance.

Member (J)

dnk.

O.A. No. 923/2018 **(SB)**

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

Dated : 03.07.2019

Shri M.V. Joshi, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. one week** for filing reply as a last chance.

Member (J)

dnk.

Rev. A. 22/19 in O.A. No. 165/19 **(SB)**

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

Dated : 03.07.2019

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

Closed for orders.

Member (J)

dnk.

O.A. No. 63/2019 **(SB)**

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

Dated : 03.07.2019

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

The Id. P.O. files reply on behalf of R-2 to 4. It is taken on record. Copy is served on the applicant.

Heard. Admit.

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

In the meantime the applicant is at liberty to file rejoinder, if any.

S.O. In due course.

Member (J)

dnk.

O.A. No. 83/2019 **(SB)**

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

Dated : 03.07.2019

Shri S.P. Palshikar, Id. counsel for
the applicant and Shri V.A. Kulkarni, Id.
P.O. for the respondents.

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

Member (J)

dnk.

O.A. No. 128/2019 **(SB)**

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

Dated : 03.07.2019

Shri S.A. Marathe, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

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

Member (J)

dnk.

O.A. No. 187/2019 (SB)

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

Dated : 03.07.2019

Smt. Saboo, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1. Await service of R-2&3,

The Id. counsel for the applicant submits that the respondents are served and he will file service affidavit to that effect.

The Id. P.O. seeks three weeks time for filing reply on behalf of the respondents. At his request, **S.O. three weeks.**

Member (J)

dnk.

O.A. No. 189/2019 (SB)

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

Dated : 03.07.2019

Shri S.U. Bhuyar, Id. counsel holding for Shri S.G. Jagtap, Id .counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

The learned counsel for the applicant submitted that service affidavit of the respondents is already handed over to the office, but it is not placed on record. It be taken on record.

S.O. one week.

Member (J)

dnk.

O.A. No. 473/2018 **(SB)**

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

Dated : 03.07.2019

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

At the request of Id. counsel for the
applicant, **S.O. two weeks** for filing
rejoinder.

Member (J)

dnk.

O.A. No. 936/2019 **(SB)**

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

Dated : 03.07.2019

Shri U.K. Bisen, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1&2. None for R-3.

At the request of Id. P.O., **S.O.**
17/07/2019 for filing reply as a last chance.

Member (J)

dnk.

O.A. No. 395/2019 (SB)

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

Dated : 03.07.2019

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

2. The learned counsel for the applicant submitted that the applicant has made representation to the Transferring Authority who is respondent no.2 and submitted that the posts of Deputy Superintendent of Land Record are vacant at Balapur, Murtizapur and Buldhana and shown willingness to work on those posts. The learned P.O. to make inquiry with the Department as to what happened on the representation.

S.O. two weeks.

Steno copy is granted.

Member (J)

dnk.

O.A. No. 139/2018 **(SB)**

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

Dated : 03.07.2019

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

Closed for orders.

Member (J)

dnk.

O.A. No. 499/2019 (SB)

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

Dated : 03.07.2019

Heard Shri V.G. Wankhede, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the State.

2. The learned P.O. is directed to clear whether the applicant is relieved or not relieved and what happened to the representation dated 4/6/2019 submitted by the applicant.

3. In the meantime, issue notice to R-2 to 4, returnable **in one week**. Learned P.O. waives notice for R-1. Hamdast allowed.

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

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

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

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

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

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

S.O. one week.

Member (J)

dnk.

O.A. No. 503/2019 (SB)

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

Dated : 03.07.2019

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the State.

2. It is submitted that the applicant was working at Dongar Khandala Circle, Buldhana Wild Life Range since 01/08/2018 and he was not due for transfer. It is submitted that the applicant did not make any representation for transfer, but all of a sudden he is transferred from Dongar Khandala and posted in Jalgaon, Jalgaon Jamod Circle, Buldhana Forest Division. It is submitted that the applicant is not yet relieved. The transfer order is in violation of Section 4 (4) & (5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (In short "Transfers Act, 2005"). In this situation, I have perused the impugned order of transfer dated 28/06/2019. So far as the

applicant is concerned nothing is mentioned what were the special reasons for transferring the applicant before expiry of normal tenure. In this situation, so far as the applicant is concerned his transfer be stayed till filing of the reply by the respondents.

3. In the meantime, issue notice to R-2 to 6, returnable **in three weeks**. Learned P.O. waives notice for R-1. Hamdast allowed.

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

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

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

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

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

S.O. three weeks.

Member (J)

dnk.

O.A. No. 374/2018 **(SB)**

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

Dated : 03.07.2019

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

The respondent no.2 to make clarification whether deputation allowance is paid to the applicant or not.

S.O. two weeks.

Member (J)

dnk.

O.A. No. 504/2019 **(SB)**

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

Dated : 03.07.2019

Heard Shri S.A. Marathe, Id.
counsel for the applicant and Shri M.I.
Khan, Id. P.O. for the State.

2. The applicant is challenging

Member (J)

dnk.

O.A. No. 504/2019 (SB)

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

Dated : 03.07.2019

Heard Shri S.A. Marathe, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the State.

2. The applicant is challenging his transfer order from Allapalli, District Gadchiroli to Sironcha, District Gadchiroli. It is submission of the applicant that he is yet not relieved from the duty, his options were not considered, he is posted at remote place, his daughter has medical problems and therefore case is made out to grant interim stay.

3. I have perused Page No.23 it seems that the applicant is posted at Allapalli since 5/7/2013. The applicant worked in Allapalli Division since 7/5/2013 and therefore the applicant is transferred. It seems that the applicant has completed six years tenure at Allapalli. The Section 3 of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (In short "Transfers Act, 2005") says that the Government servant who has completed two normal tenures on post shall be transferred.

Under these circumstances, if any interim relief is granted it will be violation to the statute.

4. The learned counsel for the applicant submitted that the applicant has made representations dated 6/5/2019 (P-30) and dated 10/06/2019 (P-31) and his representations were recommended by the Deputy Conservator of Forests, Allapalli.

5. In view of this, the respondents are directed to decide the representations of the applicant within three weeks from the date of this order.

6. In the meantime, issue notice to R-2 and 3, returnable **in three weeks**. Learned P.O. waives notice for R-1. Hamdast allowed.

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

8. 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.

9. 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.

10. 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.

11. 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.545/2008.

(D.B.)

Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar, Member (J)
Dated : 3rd July 2019.

MCA No. 52/2019.

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

MCA No.52/2019 is allowed and disposed of.

Member (J)
Chairman

Vice-

Dt. 3.7.2019.

Pdg

O.A. No.10/2017.

(D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar, Member (J)
Dated : 3rd July 2019.**

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

Matter is admitted and kept for final hearing.

Shri H.K. Pande, the learned P.O. waives notice for the respondents.

S.O. 29th July 2019.

Interim relief to continue till then.

Member (J)
Chairman

Vice-

Dt. 3.7.2019.

Pdg

O.A. No.975/2018.

(D.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar, Member (J)
Dated : 3rd July 2019.

None for the applicant. Shri M.I. Khan, the learned P.O. for the respondents.

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

Member (J)
Chairman

Vice-

Dt. 3.7.2019.

Pdg

O.A. No.64/2019.

(D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar, Member (J)
Dated : 3rd July 2019.**

C.A. No. 158/2019.

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

At the request of Ld. P.O., S.O. **three weeks** for filing reply to the C.A. and O.A.

Member (J)
Chairman

Vice-

Dt. 3.7.2019.

Pdg

O.A. No.65/2019.

(D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar, Member (J)
Dated : 3rd July 2019.**

C.A. No. 159/2019.

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

At the request of Ld. P.O., S.O.
three weeks for filing reply to the C.A.
and O.A.

Member (J)
Chairman

Vice-

Dt. 3.7.2019.

Pdg

O.A. No.142/2019.

(D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar, Member (J)
Dated : 3rd July 2019.**

Heqard Shri A.D. Girdekar, Ld.
counsel for the applicants and Shri S.A.

Sainis, the learned P.O. for the respondents.

S.O. **one week.**

Member (J)
Chairman

Vice-

Dt. 3.7.2019.

Pdg

O.A. No.706/2015.

(D.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar, Member (J)
Dated : 3rd July 2019.

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

At the request of the Ld. counsel for the applicant. S.O. **8th July 2019.**

Member (J)
Chairman

Vice-

Dt. 3.7.2019.

Pdg

O.A. No.313/2018.

(D.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar, Member (J)
Dated : 3rd July 2019.

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

At the request of the Ld. counsel for the applicant. S.O. **8th July 2019.**

Member (J)
Chairman

Vice-

Dt. 3.7.2019.

Pdg

O.A. No.554/2016.

(D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar, Member (J)
Dated : 3rd July 2019.**

C.A. No. 386/2017.

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

Closed for orders.

Member (J)
Chairman

Vice-

Dt. 3.7.2019.

Pdg

O.A. No.687/2015.

(D.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar, Member (J)
Dated : 3rd July 2019.

Heard Shri S.C. Malode, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents 1 to 3. None for R. 4 to 6.

The Ld. counsel for the applicant submits that he is filing some documents and the matter be taken up in the next week.

S.O. **19th July 2019.**

Member (J)
Chairman

Vice-

Dt. 3.7.2019.

Pdg

O.A. No.431/2018.

(D.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar, Member (J)
Dated : 3rd July 2019.

Heard Shri G.G. Bade, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents 1 to 4. None for R.5.

The Ld. counsel for the applicant has pointed out that the applicant has filed an affidavit at page Nos. 40 to 42. It is taken on record. Ld. P.O. desires to take instructions from the department.

S.O. **two weeks.**

Member (J)
Chairman

Vice-

Dt. 3.7.2019.

Pdg

O.A. No.42/2019.

(D.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar, Member (J)

Dated : 3rd July 2019.

C.A. 65/2019.

Heard Shri N.R. Saboo, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents.

Ld. CPO has submitted that he has filed elaborate reply and also give reply to the issue raised in CA. No.65/2019 by way of proposed

amendment. In view of this fact, for fair adjudication of the matter, CA. No.65/2019 is allowed. O.A. be amended within a period of one week.

The Ld. counsel for the applicant submits that he would effect the amendment within three days. Therefore, the matter is adjourned for final hearing on 17.7.2019.

S.O. 17th July 2019.

Member (J)
Chairman

Vice-

Dt. 3.7.2019.

Pdg

O.A. No.456/2019.

(S.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman

Dated : 3rd July 2019.

R.A. No. 25/2019.

Heard Shri S.U. Bhuyar, the Ld. counsel for the applicant and Shri A.M.

Ghogre, the learned P.O. for the respondents.

The Ld. counsel for the applicant has filed this Review Application against the order of this Tribunal dated 21.6.2019.

Review Application is allowed only to the extent of prayer clause (iii). The respondent No.3. is directed to decide applicant's representation dated 15.2.2019 within a period of four weeks from the date of this order. Review Application is disposed of.

Chairman Vice-

Dt. 3.7.2019.

Pdg