

O.A. 327/2019 (D.B.)

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

**Dated :** 22/01/2020.

Shri A.P. Sadavarte, Id .counsel for the  
applicant and Shri V.A. Kulkarni, Id. P.O. for R-1  
to 3. None for R-4 to 6.

At the request of Id. P.O., **S.O.**  
**04/02/2020** for filing reply.

**Member (J)**

**Vice-Chairman**

dnk.

O.A. St. 2649/2019 (D.B.)

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

**Dated : 22/01/2020.**

**C.A. 493/2019 -**

Shri A.S. Gadmade, Id. counsel holding  
for Shri V.A. Kothale, 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. after one  
week** for filing reply to the C.A.

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 1048/2019 (D.B.)

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

**Dated : 22/01/2020.**

Shri A.P. Sadavarte, 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. four weeks** for filing reply.

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 32/2020 (D.B.)**

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

**Dated : 22/01/2020.**

**C.A. 18/2020 -**

Heard Smt. K.N. Saboo, Id .counsel for the applicants and Shri M.I. Khan, Id. P.O. for the State.

2. The learned counsel for the applicants submitted that she will remove office objection during the course of day.

3. By this C.A., the applicants are seeking leave to sue jointly. For the reasons stated in the C.A., leave to sue jointly as prayed for is granted, subject to the applicants paying requisite court fees, if not already paid. C.A. stands disposed of accordingly.

**O.A. 32/2020 –**

Heard Smt. K.N. Saboo, Id .counsel for the applicants and Shri M.I. Khan, Id. P.O. for the State.

2. Issue notice to R-2, returnable **after four weeks.** Learned P.O. waives notice for R-1. Hamdast allowed.

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 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. Applicants are 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.

8. **S.O. after four weeks.**

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 879/2017 (D.B.)**

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

**Dated : 22/01/2020.**

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

2. The matter is partly heard. The learned counsel for the applicant submitted that he would file Circular dated 22<sup>nd</sup> April,1996 and G.R. dated 8<sup>th</sup> March, 2017 on record. Hence, the matter be kept tomorrow.

**S.O. 23/01/2020 (PH).**

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 812/2019 (D.B.)

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

**Dated : 22/01/2020.**

Shri S.A. Kalbande, Id .counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

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

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 959/2019 (D.B.)**

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

**Dated : 22/01/2020.**

Heard Shri S.P. Palshikar, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 and Smt. J.J. Alkari, Id. counsel for R-2.

2. The learned counsel for R-2 submits that three weeks time is required to file reply.

3. The learned counsel for the applicant submitted that similar O.A.11/2020 may be tagged along with this matter.

**S.O. three weeks.**

The O.A.11/2020 be tagged along with this matter.

**Member (J)**

**Vice-Chairman**

dnk.



**O.A. 821/2019 (D.B.)**

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

**Dated : 22/01/2020.**

Heard the applicant in person, Shri A.M. Ghogre, Id. P.O. for the respondents.

2. The learned P.O. submitted that he has received information and he will file reply within one week. He is permitted to do so.

3. The learned P.O. to supply copy of reply to the applicant before the date of hearing.

**S.O. 12/2/2020**

The O.A. No. 948/2018 (SB) be tagged along with this matter.

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 204/2019 with C.A.101/2019 (D.B.)**

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

**Dated : 22/01/2020.**

**C.A. 07/2020 -**

Heard Shri S.P. Palshikar, Id .counsel holding for Shri A.C. Dharmadhikari, Id. counsel for the applicants, Shri M.I. Khan, Id. P.O. for R-1, Shri B.G. Kulkarni, Id. special counsel for R-2 and Shri N.S. Khubalkar, Id. counsel for R-3 to 127.

2. Both the respondents have opposed the C.A. for amendment of the O.A., but after reading the application, it seems that due to subsequent event after filing the O.A, the situation has arose, therefore, in our opinion the amendment is necessary, therefore, the C.A. No. 07/2020 is allowed. The O.A. be amended within one week and copy of amended O.A. be supplied to the respondents.

3. The learned counsel for R-2 submitted if necessary he will file reply to the amended O.A.

**O.A. 204/2019 –**

**O.A. 04/02/2020.**

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 10/2014 (D.B.)

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

**Dated : 22/01/2020.**

Shri P.V. Joshi, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 2<sup>nd</sup> week of February, 2020.**

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 610/2018 (D.B.)**

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

**Dated : 22/01/2020.**

Heard Shri A.P. Sadavarte, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1 to 6. None for R-7.

2. The learned P.O. is directed to produce the Recruitment Rules framed by the Government for filling the posts on the establishment of Food & Civil Supply Department.

**S.O. 5/2/2020.**

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 561/2015 (D.B.)**

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

**Dated : 22/01/2020.**

Heard Shri DCR Mishra, Id .counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

2. We have perused the order dated 17/1/2019. As per this order direction was given that the applicant be examined by the Medical Board and the Medical Board shall report whether the applicant has capacity to do official table work using his hand and brain.

3. The learned P.O. has produced letter dated 14/1/2020 written by the Office Superintendent, Police Commissionerate, Nagpur City. In this letter, it is mentioned that in pursuance of the order dated 17/1/2019 the applicant was examined by the Medical Board, Government Medical College and Hospital, Nagpur on 16/3/2019 and the Medical Board has given opinion that the applicant is in condition to do table work in the office. In this situation, it was expected from the respondents to inform the applicant the place where he should work

and the table on which he has to discharge the duties. The respondents are directed to clarify this within two weeks.

**S.O. two weeks.**

Steno copy is granted...

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. Nos.243,244,245 & 246 of 2016 (D.B.)**

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

**Dated : 22/01/2020.**

Heard Shri I.N. Choudhari, Id. counsel for the applicants and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The respondents are directed to produce the letter received from Central Government No.15-5/2008 NTCA (Part-3), dated 9/1/2013 and the policy framed by the Government. The respondents are also directed to inform what decision is taken by the Government on the reference made by the office of respondent no.3. The order be complied within three weeks.

**S.O. three weeks.**

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 974/2017 (D.B.)**

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

**Dated : 22/01/2020.**

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

2. The matter was before the Single Bench  
and as the applicant amended the O.A. and  
claimed the relief of regularisation on the  
promotional post, therefore, matter came to be  
transferred to Division Bench. The Id. P.O.  
submitted that time be given to him to file reply  
to the amended O.A.

3. The respondents to file reply to the  
amended O.A.

**S.O. two weeks.**

**Member (J)**

**Vice-Chairman**

dnk.



O.A. 245/2018 (D.B.)

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

**Dated : 22/01/2020.**

Shri N.S. Warulkar, Id. counsel holding for shri M.R. Pillai, Id .counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1 to 4. None for R-5.

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

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 791/2018 (D.B.)

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

**Dated : 22/01/2020.**

Shri R.M. Tiwari, Id .counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1 to 3. None for R-4&5.

At the request of Id. counsel for the applicant, **S.O. 2<sup>nd</sup> week of February,2020**

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 157/2019 (D.B.)

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

**Dated : 22/01/2020.**

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

The learned P.O. submitted that record of the inquiry is yet not received. At his request, **S.O. 12/2/2020** to produce necessary record.

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 150/2019 (D.B.)**

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

**Dated : 22/01/2020.**

Shri S.P. Palshikar, Id. counsel for the applicant and shri A.P. Potnis, Id. P.O. for the respondents.

2. The learned counsel for the applicant has produced document at page no.28, Annex-A-6 wherein it appears that SRPF Battalion no.3 communicated to the I.G. and I.G. has permitted to take candidate from waiting list at Battalion no.12, Hingoli.

3. By this document, it appears that I.G. SRPF has power to permit for taking any candidate in waiting list of recruitment process of any Battalion to other Battalion. In the present O.A. the issue is related to similar where it appears that the applicant is in the waiting list of recruitment process of Battalion no.15 (A-1, P-16) and seeking appointment in Battalion no.4 since he is at Sr.No.1 in the waiting list. In this situation, the learned P.O. is directed to seek instructions from the respondents whether respondents can utilize the power of the IG and provide relief to the applicant.

3. The respondents have not given answer to the specific questions raised during hearing on 27/9/2019.

**S.O. 12/2/2020.**

Steno copy is granted to P.O...

**Member (J)**

**Vice-Chairman**

dnk.

(D.B.)

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

**Dated : 22/01/2020.**

**O.A.Nos. 507,508,509,510,530,531,532,533,  
482 & 753 of 2019**

None for the applicants (in O.As.507 to 510 of 2019 & 482/2019), Shri S.S. Bhende, Id. counsel holding for Shri S.K. Bhandarkar, Id. counsel for the applicants (in O.As. 530 to 533 of 2019) and Shri A.P. Sadavarte, Id. counsel for the applicant (in O.A.753 of 2019). Shri M.I. Khan, Id. P.O. for the respondents (in O.As. 507 to 509 of 2019) and for R-1 (in O.As. 510,530,531,532,533,482 & 753 of 2019). Shri A.M. Kukday, Id .counsel for R-2 (in O.As. 510,530,531,532,533,482 of 2019). Shri P.S. Chawhan, Id. counsel for R-3 to 10 (in O.As. 530 to 533 of 2019). Shri N.S. Warulkar, Id .counsel for R-3 to 9 (in O.A.482 of 2019). Shri H.D. Marathe, Id .counsel for R-2&3 (in O.A.753 of 2019).

2. The learned P.O. and Shri A.M. Kukday, learned counsel for R-2 in the respective O.As. seeks four weeks time to file reply. At their requests, **S.O. four weeks**.

Put up the matters along with O.As.  
686,704 & 888 of 2018.

**Member (J)**

**Vice-Chairman**

dnk.

**O.As. 686, 704 & 888 of 2018 (D.B.)**

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

**Dated : 22/01/2020.**

Shri A.M. Borkar, Id. counsel for the applicants, Shri M.I. Khan, Id. P.O. for R-1 & 3 and Shri H.D. Marathe, Id. counsel for R-2 and none for other respondents.

**S.O. four weeks.**

Put up along with O.A.Nos. 507,508,509,510,530,531,532,533. 482 & 753 of 2019

**Member (J)**

**Vice-Chairman**

dnk.  
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**O.A.895/2019 (S.B.)**

**Coram: Shri A.D. Karanjkar, Member (J)**  
**Dated : 22/01/2020.**

Heard Shri S.P. Palshikar, the Id. Counsel for the Applicant, Shri H.K. Pande, the Id. P.O. for the respondents 1 & 2 and Shri N.S. Dambhale, the Id. Counsel for Respondent No.3.

2. At the request of learned P.O, S.O. to one week for filing reply.

**Member (J)**

skw

**O.A.1016/2019 (S.B.)**

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

**Dated : 22/01/2020.**

None for the Applicant and Heard Shri S.A. Sanas, the Id. P.O. for the respondents.

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

**Member (J)**

skw

**C.A.20/20 in O.A.1050/2019** (S.B.)

**Coram: Shri A.D. Karanjkar, Member (J)**  
**Dated : 22/01/2020.**

Heard Shri B.L. Meshram, the Id. Counsel for the Applicant and Shri S.A. Sanas, the Id. P.O. for the respondents.

2. The learned Counsel for the Applicant submitted that the Applicant is retired in the year 2009 but till today, the provisional pension is not paid to him. In this situation, the Respondents are directed to pay provisional pension to the Applicant along with arrears within three weeks from the date of order or to show cause why the Applicant is not entitled to receive even the provisional pension.

3. S.O. to two weeks. Steno-copy be supplied.

**Member (J)**

skw

**O.As.1057 to 1061/2019 (S.B.)**

**Coram: Shri A.D. Karanjkar, Member (J)**  
**Dated : 22/01/2020.**

Heard Mr. N.R. Saboo, the Id. Counsel for the Applicants and Shri A.M. Ghogare, the Id. P.O. for the respondents.

2. At the request of learned P.O, S.O. to one week for filing reply.

**Member (J)**

skw

**O.As.445 to 447/2015** (S.B.)

**Coram: Shri A.D. Karanjkar, Member (J)**  
**Dated : 22/01/ 2020.**

Heard Shri Arpit Gajbhiye holding for Shri N.B. Bargat, the Id. Counsel for the Applicants, Shri A.M. Ghogare, the Id. P.O. for the respondents 1 to 3 & 5, Shri M. Bute, the Id. Counsel for Respondent No.4 in O.A.445/15 and Shri B.N. Jaipurkar, the Id. Counsel for Respondent No.4 in O.As.446 & 447/15.

2. It is brought to my notice that similar applications were decided by this Bench and the said orders are challenged by filing Review Application and it is fixed for hearing on 4<sup>th</sup> March, 2020.

3. In view of this, the applications be kept for hearing along with other matters, which are fixed on 4<sup>th</sup> March, 2020.

4. S.O. to 4<sup>th</sup> March, 2020.

**Member (J)**

skw

**O.A.720/2017**

**(S.B.)**

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

**Dated : 22/01/2020.**

Heard Shri Rinkesh Sable holding for Shri V.R. Choudhari, the Id. Counsel for the Applicant and Shri A.M. Ghogare, the Id. P.O. for the respondents.

2. At the request of learned Counsel, S.O. to two weeks.

**Member (J)**

skw

**O.A.748/2019**

**(S.B.)**

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

**Dated : 22/01/2020.**

Heard Shri N.R. Saboo holding for A.P. Tathod, the Id. Counsel for the Applicant and Shri A.P. Potnis, the Id. P.O. for the respondents.

2. At the request of learned Counsel for the Applicant, S.O. to next week.

**Member (J)**

skw

**O.A.923/2017 (S.B.)**

**Coram: Shri A.D. Karanjkar, Member (J)**  
**Dated : 22/01/2020.**

Mr. Kelele holding for Ms. S.S. Dhone, the Id. Counsel for the Applicant, Shri A.P. Potnis, the Id. P.O. for the respondents 1 & 2 and Shri S.S. Majid, the Id. Counsel for Respondent Nos.3 & 4.

2. At the request of learned Counsel for the Applicant, S.O. to 28.01.2020.

**Member (J)**

skw



**O.A.146/2019**

**(S.B.)**

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

**Dated : 22/01/2020.**

Heard Shri S.M. Khan, the Id. Counsel for the Applicant and Shri S.A. Sanas, the Id. P.O. for the respondents.

2. It is submitted that the Applicant was on maternity leave from 1<sup>st</sup> November, 2013 to 29<sup>th</sup> April, 2014. The Respondents have committed breach of the directions in the G.R. dated 8<sup>th</sup> March, 2010 and rectified G.R. dated 25<sup>th</sup> March, 2013. The G.R. dated 25<sup>th</sup> March, 2013 was issued to clarify that the condition no.4 in G.R. dated 8<sup>th</sup> March, 2010 was violating the principles' of equality and social justice so far as ladies were concerned, and consequently, the condition no.4 was withdrawn. It appears that though the Applicant was entitled for the benefit of G.R. dated 8<sup>th</sup> March, 2010 and she was entitled for maternity leave, the Respondents have not paid the salary of this period to the Applicant. Therefore, in my opinion, the action of the Respondents is illegal. Hence the following order.

**ORDER**

(A) The Respondents do pay the salary of maternity leave period from 01.11.2013 to

29.04.2013 to the Applicant within a period of sixty days from the date of this order.

(B) The Applicant is permitted to file afresh O.A. so far as relief claimed in Para 7(ii) is concerned.

(C) No order as to costs.

**Member (J)**

skw

**O.As.368 to 371/2019** (S.B.)

**Coram: Shri A.D. Karanjkar, Member (J)**  
**Dated : 22/01/2020.**

Heard Shri P.P. Khaparde, the Id. Counsel for the Applicants, Shri S.A. Sanas, the Id. P.O. for the respondents 1 to 5. None for remaining Respondents.

2. The learned Counsel appearing for the Applicants submitted that he is intending to file Rejoinder and he would file it during the course of the day. The matter be taken up on Board tomorrow.

3. S.O. to 23.01.2020.

**Member (J)**

skw

**O.A.No.382/2017 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :22/01/ 2020.**

None for the applicant. Shri V.A.Kulkarni, the  
Id. P.O. for the respondent nos. 1 to 3. Await service  
of respondent no. 4.

2. As per the order dated 07/01/2020,  
amendment not carried out. **S.O. three weeks.**

**Vice Chairman**

**Date:-22/01/2020.**  
aps.

**O.A.No.835/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :22/01/ 2020.**

Heard Shri R.M.Fating, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. The Id. P.O. has filed reply for respondent nos. 1 & 2. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the matter.

3. Matter is **admitted** and kept for final hearing.

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

5. **S.O. 2<sup>nd</sup> Week of February, 2020.**

**Vice Chairman**

**Date:-22/01/2020.**

aps.

**O.A.No.739/2016 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :22/01/ 2020.**

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

2. The applicant joined in service in the year 1985 as per O.A. para no. 4, P.B., Pg. No. 3 and applicant was retired on 30.06.2013 by order dated 21.06.2013. The impugned order of punishment awarded to applicant is dated 21.06.2016 (Annexure-A-1, P.B., Pg. No. 18). Aggrieved with this order applicant has approached to this Tribunal on 21.09.2016. Till now respondents have not filed the reply, it is now more than three years. It appears that respondents have no ground to file any reply.

3. However, Id. P.O. submits that he requires three weeks time finally to submit the reply. In view of submission of the Id. P.O., three weeks time is granted and if reply is not filed till next date, matter be heard on the merit.

**4. S.O. 13.02.2020.**

**5. Steno copy is granted.**

**Vice Chairman**

**Date:-22/01/2020.**  
aps.

**O.A.No.642/2018 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :22/01/ 2020.**

**C.A.No.19/2020:-**

Heard Shri V.S.Pandey, 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 has filed **C.A. No. 19/20 for early hearing the same is allowed and disposed of.**

3. As submitted by Id. P.O., earlier also the Id. counsel for the applicant has filed application for early hearing and today also matter is listed after circulation and again the Id. counsel for the applicant is requesting for time. It is made clear to the Id. counsel for the applicant that in next date of hearing if he is not ready to advance his pleadings, the matter will be dismissed.

4. **S.O. 10.02.2020.**

**Vice Chairman**

**Date:-22/01/2020.**

aps.



**O.A.Nos.198,199,200,201/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :22/01/ 2020.**

Heard Shri N.R.Saboo, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

2. At the request of Id. counsel for the applicant, issue fresh notices to the respondent nos. 2 & 3.

3. Issue fresh notice to R-2 & 3, returnable on 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.

7. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of

compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

8. 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.

9. **S.O. three weeks.**

**Vice Chairman**

**Date:-22/01/2020.**

aps.

**O.A.No.860/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :22/01/ 2020.**

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

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

**Vice Chairman**

**Date:-22/01/2020.**  
aps.

O.A.No.1046/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :22/01/ 2020.**

None for the applicant. Shri M.I.Khan, the Id. P.O. for the State. Await service of respondent nos. 2, 3 & 5. Shri V.D.Raut, the Id. counsel for the respondent no. 4 is going to file vakalatnama.

2. The Id. counsel for the respondent no. 4 desires time, **S.O. four weeks.**

**Vice Chairman**

**Date:-22/01/2020.**  
aps.

**O.A.No.702/2016 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :22/01/ 2020.**

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

2. At the request of Id. P.O., **S.O. two weeks.**

**Vice Chairman**

**Date:-22/01/2020.**  
aps.

**O.A.No.735/2016 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :22/01/ 2020.**

Heard Shri M.R.Rajgure, the Id. Counsel for the applicant, Shri M.I.Khan, the Id. P.O. for the respondent nos. 1 & 2 and Shri V.G.Wankhede, the Id. counsel for the respondent no. 3.

2. As per the order dated 15.01.2020, the Id. counsel for the respondent no. 3 i.e. Z.P., Washim has brought the service book of the applicant. The respondent no. 3 is directed to submit the service book with the office and same will be kept in the possession of the Deputy Registrar. The Id. counsel for the applicant is permitted to examine the service book in presence of Id. P.O. as well as Id. counsel for the respondent no. 3.

3. **S.O. three weeks.**

**Vice Chairman**

**Date:-22/01/2020.**

aps.

O.A.No.744/2016 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :22/01/ 2020.**

Heard Shri N.R.Saboo, the Id. Counsel for the applicant, Shri P.N.Warjekar, the Id. P.O. for the State. None for the respondent no. 2. Ms. Rupali Thanekar holding for Shri S.M.Bhagde, the Id. counsel for the respondent no. 4 and Shri P.D.Meghe, the Id. counsel for the respondent no. 5.

2. The Id. counsel for Zilla Parishad, Wardha submits that now he has received all the documents required by him from Z.P., Amravati, he has no issue with the Z.P., Amravati. The Id. counsel for the applicant has calculated dues of the applicant and placed it on record. Copy is supplied to the Z.P., Wardha.

3. The Id. counsel for the Z.P., Wardha has also made calculation of the applicant, he is directed to supply the copy of the same to the counsels. The Id. counsel for the Z.P., Wardha submits that they had submitted bill to Treasury, however Treasury has raised certain objections for which they are following. The Id. counsel for the Z.P., Wardha is directed that they should verify the calculation by the Id. counsel for the applicant and followed with the Treasury and **do the necessary payments within four weeks.**

4. S.O. four weeks.

Date:-22/01/2020.  
aps.

Vice Chairman



**O.A.No.268/2018 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :22/01/ 2020.**

Heard Shri A.H.Jamal, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

2. The Id. P.O. has filed document dated 22.01.2020 which is mark Exh.-X-1 for the purpose of identification along with this document, Id. P.O. has also filed final order. By placing the final order, it appears that applicant ASI/1807/Ramasare Chaturi Yadav and Police Constable/391, Nishikant Subhashchandra Tiwari they both have been dismissed from service from the date of issue of this order dated 04/08/2008 and there suspension period is from 07/10/2003 to dismissal date i.e. 04/08/2008 has been treated as suspension period only.

3. The Id. counsel for the applicant has relied upon the Judgment of Criminal Appeal No. 98/2008 (Annexure-A-3, P.B., Pg. No. 17) at Pg. No. 27 in para no. 14 which reads as under:-

*"The appeal is allowed and the Judgment and order dated 18/02/2008 passed in Special Case No. 04 of 2004 is quashed and set aside. The appellant no. 1 who is accused no. 1 is acquitted of the offence punishable under Section 7 of the Prevention of Corruption Act, 1988 and also of the offence punishable under section 13(2) read with 13(1)(d) of the Prevention of Corruption Act,*

*1988. The appellant no. 2, who is accused no. 2, is also acquitted of the offence punishable under Section 12 of the Prevention of Corruption Act, 1988. Fine Amount, if paid by both the appellants be refunded to the appellants. The bail bounds of the appellants stand discharged."*

4. As per the observations made in para no. 14 of the same Judgment, the Hon'ble High Court has observed that applicant nos. 1 & 2 both have been acquitted under Section 13 (2) R.W. 13 (1) (d) of prevention of corruption Act, 1920.

5. The Id. P.O. has mainly relied in para no. 12 of the same Judgment which is reproduced below:-

*"Since these two material witnesses of the prosecution have gone against the prosecution, i do not think that reading of evidence of other prosecution witnesses would be a meaningful exercise. The complaints and panchanamas are only corroborative pieces of evidence and sans substantive evidence they cannot be held to prove prosecution case beyond reasonable doubt"*

6. According to these paras, the witnesses have become hostile and hence applicants have been acquitted. However, as admitted by Id. P.O., no departmental enquiry has been done.

7. However, it is not understood that why department did not conduct departmental enquiry regarding these charges. It has been candidately admitted by Id. P.O. that department did not conduct any departmental enquiry about the charges against applicants. It has been subsequently mentioned in

last para of letter dated 22/01/2020 and it has been mentioned that the applicants have been convicted

in criminal proceedings and punishment has been given. However, that order is not filed on record. The Id. P.O. is directed to file said conviction order on record. The Id. P.O. submits that applicant have been convicted under CrPC Act. However, the said order copy has not been filed on record. The Id. P.O. is directed to file on record the same. The Id. counsel for the applicant pleads that the said court order has been challenged before Hon'ble High Court and Hon'ble High Court has stayed the order. These facts are mentioned by applicant in their letter dated 09/07/2008 on first page in para no. 3 which is reproduced below:-

*"It is submitted that the above Judgment has been challenged by the undersigned before the Hon'ble High Court vide Criminal Appeal No. 98/2008 which has been admitted by the Hon. High Court and the sentence awarded is suspended under section 389 of Criminal Procedure Code. Copy of said order is filed as Document-1."*

The Id. counsel for the applicant is directed to file on record Hon'ble High Court order copy.

8. After filing all the documents on record. **S.O. after two weeks.**

**Date:-22/01/2020.**  
aps.

**Vice Chairman**

**O.A.No.771/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :22/01/ 2020.**

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

2. At the request of Id. P.O. for submitting review committee report, **S.O. 24.01.2020.**

**Vice Chairman**

**Date:-22/01/2020.**

aps.

**O.A.No.631/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :22/01/ 2020.**

Heard Shri R.M.Fating, the Id. Counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the respondents and Shri Sanjay Raut, Sr. Clerk of Adiwasi Dept., Nagpur personally present.

2. The Id. counsel for the applicant pointed out that the matter was listed from last five times as mentioned in order dated 02.01.2020 and today also but still reply has not been filed by the respondents.

3. However, the Id. counsel for the applicant submitted that file is under process at the Mantralaya level.

4. In view of this, respondents are directed to issue order before 06.02.2020.

5. **S.O. 10.02.2020.**

6. **Steno copy is granted.**

**Vice Chairman**

**Date:-22/01/2020.**

aps.

**O.A.No.529/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :22/01/ 2020.**

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

2. **S.O. two weeks.**

**Vice Chairman**

**Date:-22/01/2020.**  
aps.