

O.A.No.185/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman

Dated :17/12/ 2019.

Heard Shri R.Shiralkar, 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., **S.O. after winter vacation for reply.**

Vice Chairman

Date:-17/12/2019.

aps.

O.A.No.231/2016 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman

Dated :17/12/ 2019.

Heard Shri R.Shiralkar holding for Shri A.C.Dharmadhikari, 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. after winter vacation for reply.**

Vice Chairman

Date:-17/12/2019.

aps.

O.A.No.266/2016 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman

Dated :17/12/ 2019.

Heard Shri M.R.Khan, 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. after winter vacation for reply.**

Vice Chairman

Date:-17/12/2019.

aps.

O.A.No.639/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :17/12/ 2019.

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

2. The Id. P.O. filed reply on behalf of the respondent no. 2. It is taken on record. Copy is served to the other side.

3. Matter is related to special allowance of Naxalite area. The Id. counsel for the applicant has pointed out that in similar matter Government has filed reply. The Id. P.O. is directed to take instructions whether same reply is adopted in the same matter?

4. **S.O. after winter vacation.**

Vice Chairman

Date:-17/12/2019.
aps.

O.A.No.545/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :17/12/ 2019.

Heard Shri D.S.Sawarkar, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. The Id. P.O. filed reply on behalf of the respondent nos. 1, 2 & 4. It is taken on record. Copy is served to the other side. He further submits that it is sufficient.

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

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

5. **S.O. in due course.**

Vice Chairman

Date:-17/12/2019.

aps.

O.A.No.760/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :17/12/ 2019.

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

2. The O.A. was admitted on 08/07/2019 but advertently the Id. counsel for the applicant has received the reply copy today only.

3. **S.O. 3rd week of January, 2020.**

Vice Chairman

Date:-17/12/2019.
aps.

O.A.No.760/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman

Dated :17/12/2019.

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

2. The O.A. was admitted on 08/07/2019 but advertently the Id. counsel for the applicant has received the reply copy today only.

3. **S.O. 3rd week of January, 2020.**

Vice Chairman

Date:-17/12/2019.

aps.

O.A.No.173/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :17/12/ 2019.

Heard Shri N.D.Thombre, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

2. The applicant was suspended vide order dated 30/10/2017 (Annexure-A-1, P.B., Pg. No. 22) and he was reinstated by order dated 04/10/2018 (Annexure-A-3, P.B., Pg. No. 32). The Departmental Enquiry is going against the applicant. The Id. counsel for the applicant submits that applicant suspension period after 90 days should be considered as duty period. Since D.E. is in progress, it should not be proper to interfere. Respondents are directed to complete the D.E. **within six months** and decide suspension and punishment as per law.

3. **S.O. four months.**

Vice Chairman

Date:-17/12/2019.
aps.

O.A.No.760/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :17/12/ 2019.

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

2. The Id. P.O. has pointed out detailed order passed on 24/09/2019, as per the order respondents has appointed 107 persons till 31/08/2015 and till that time applicant didn't get the chance to be appointed. After that applicant completed the age of 45 years and as per the provisions of Government G.R., after attaining the age of 45 years applicant is not eligible for Government Service.

3. With this direction, **O.A. is dismissed with no order as to costs.**

Vice Chairman

Date:-17/12/2019.
aps.

O.A.No.45/2016 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :17/12/ 2019.

Heard Shri N.R.Saboo, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. The Id. P.O. has filed Government G.R. dated 18/07/2019 bearing no. 11/11/2013@i:dz797@l d&1 from Government of Maharashtra, Medical and Health Services, Doctor, Group-B (B.A.M.S.) absorption from temporary services. By the said G.R. applicant has been absorbed from 11/01/2009. It is taken on record. The copy of the said G.R. is supplied to the Id. counsel for the applicant too.

3. The Id. counsel for the applicant pointed out that now his only grievance is deemed date of seniority and benefits, for that applicant is at liberty to submit representation to the appropriate authority and respondents are directed to decide the said representation **within two months** from the date of his representation.

4. With the above direction, **O.A. is disposed of with no order as to costs.**

Vice Chairman

Date:-17/12/2019.
aps.

O.A.No.603/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman

Dated :17/12/2019.

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

2. The Id. P.O. has filed reply on behalf of the respondent no. 2. It is taken on record. Copy is served to the other side.

3. **S.O. 06/01/2020.**

Vice Chairman

Date:-17/12/2019.

aps.

O.A.No.271/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman

Dated :17/12/ 2019.

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

2. **S.O. after winter vacation.**

Vice Chairman

Date:-17/12/2019.

aps.

O.A.No.539/2016 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :17/12/ 2019.

Heard Ms. Aditi Pardhi holding for Shri P.V.Thakre, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

2. The Id. P.O. has placed on record minutes of meeting of D.P.C. at P.B., Pg. No. 77, dated 13/03/2018 by Resident Deputy Collector. In the said meeting, applicant C.R. is reproduced from 2001-2002 to 2011-2012. The applicant was due for second time bound promotion during the year 2006-2007 and hence C.R. upto 31/03/2006 was valid. D.P.C. meeting has shown following C.Rs.:-

01.04.2001 to 31.03.2002 – B

01.04.2002 to 19.07.2002 - B }
20.07.2002 to 31.03.2003 - B+ }

01.04.2003 to 31.03.2004 – B+

01.04.2004 to 31.05.2004 – Certificate }
01.06.2004 to 31.03.2005 - B }

01.04.2005 to 31.03.2006 – B

3. In view of gradations of these C.Rs., D.P.C. has not found fit for second time bound promotion since as per Government G.R., five years average C.Rs. should be B+. In D.P.C. meeting it is very clearly explained in last two paras.

4. In view of these facts, **O.A. is dismissed with no order as costs.**

Date:-17/12/2019.
aps.

Vice Chairman

O.A.No.965/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :17/12/ 2019.

Shri J.B.Yadav, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the State.

2. The applicant is claiming appointment on compassionate ground (Zilla Parishad). The Id. P.O. pointed out that since Zilla Parishad employees are not covered under the Tribunal.

3. Hence, **O.A. is dismissed** at this stage only. The Id. counsel for the applicant is at liberty to file application before appropriate legal forum.

Vice Chairman

Date:-17/12/2019.
aps.

O.A.Nos.1007 & 1008/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :17/12/ 2019.

C.A.Nos.466 & 467/2019:-

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

2. C.A. Nos. 466 & 467/2019 for Jt. O.A. are allowed as agreed by both the counsels.

3. As grievances are same and redressal are also same. Hence all these O.As. will be heard together.

4. Issue notice to R-2, returnable on 03-01-2020. 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.

10. **S.O. 03rd January, 2020.**

11. *Put up this matter along with the O.A. Nos. 1005 & 1006/2019.*

Vice Chairman

Date:-17/12/2019.

aps.

O.A.Nos.1005 & 1006/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :17/12/ 2019.

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

2. As grievances are same and redressal are also same. Hence all these O.As. will be heard together.

3. Issue notice to R-2, returnable on 03-01-2020. 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. 03rd January, 2020.**

10. *Put up this matter along with the O.A. Nos. 1007 & 1008/2019.*

Vice Chairman

Date:-17/12/2019.
aps.

O.A.No.681/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :17/12/ 2019.

Heard Shri S.M.Khan, 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 will file reply before 2nd week of January, 2020; matter will be heard on 2nd week of January, 2020. If reply is not file till next date of hearing then matter will be heard on merit.

3. **S.O. 19/01/2020.**

Vice Chairman

Date:-17/12/2019.
aps.

O.A.No.817/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :17/12/ 2019.

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

2. The Id. counsel for the applicant submits that there were three D.Es. on applicant. He has replied to the show cause notice dated 15/12/2015 on 20/01/2016. However, that reply copy is not filed. The Id. counsel for the applicant is directed to file a tabular chart of three D.Es., punishment in the same and reply is submitted as per final show cause notice dated 15/12/2015 on record or not?

3. The Id. P.O. is directed to file reply **within two weeks** time and if reply is not file then matter will be heard on merit.

4. **S.O. 20.01.2020.**

Vice Chairman

Date:-17/12/2019.
aps.

O.A. No. 412/2019(SB)

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

Dated : 17.12.2019.

Heard Shri S.N. Gaikwad, learned counsel for the applicant and Shri A.M. Ghogare, learned Presenting Officer for respondent Nos. 1 to 3. None present for respondent No. 4.

2. At the request of learned Advocate for the applicant, **S.O. after vacation.**

Member (J)

kpb.

O.A. No. 550/2019(SB)

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

Dated : 17.12.2019.

Heard Shri S.N. Gaikwad, learned counsel for the applicant and Shri S.A. Sainis, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, **S.O. after vacation.**

Member (J)

kpb.

O.A. No. 180/2019(SB)

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

Dated : 17.12.2019.

Heard Shri R. Wasnik, learned counsel for the applicant, Shri A.M. Khadatkar, learned Presenting Officer for respondent Nos. 1 to 3 and Shri K.C. Deogade, learned counsel for respondent No. 4.

2. At the request of learned Advocate for the applicant, **S.O. after vacation.**

Member (J)

kpb.

O.A. No. 641/2019(SB)

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

Dated : 17.12.2019.

Heard Shri G.K. Bhusari, learned counsel for the applicant, Shri M.I. Khan, learned Presenting Officer for respondent Nos. 1 to 3 and Ms. R. Pande, learned counsel for respondent No. 4.

2. Learned Advocate for the applicant has filed rejoinder affidavit. Same is taken on record and copy thereof has been served on the other side.

3. The present matter be kept for hearing **after vacation**.

Member (J)

kpb.

O.A. No. 574/2018(SB)

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

Dated : 17.12.2019.

Heard Shri R.V. Shiralkar, learned counsel for the applicant and Shri V.A. Kulkarni, learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer, as a last chance, S.O. **after vacation** for filing affidavit in reply of respondent Nos. 2 and 3.

Member (J)

kpb.

O.A. No. 183/2019(SB)

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

Dated : 17.12.2019.

None for the applicant. Shri V.A. Kulkarni, learned Presenting Officer for respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 2 and 3 and submitted that it is sufficient to decide the present O.A. Same is taken on record.

3. The present matter is admitted and it be kept for final hearing in due course.

Member (J)

kpb.

O.A. No. 564/2019(SB)

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

Dated : 17.12.2019.

None for the applicant. Shri A.P. Potnis, learned Presenting Officer for respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 3 and submitted that the reply of respondent Nos. 1 and 2 is not necessary. Same is taken on record.

3. The present matter is admitted and it be kept for final hearing in due course.

Member (J)

kpb.

O.A. No. 638/2019(SB)

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

Dated : 17.12.2019.

Heard Shri Vikas Kulsange, learned counsel for the applicant and Shri H.K. Pande, learned Presenting Officer for respondents.

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondents. Time granted.

3. **S.O. after vacation.**

Member (J)

kpb.

O.A. No. 686/2019(SB)

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

Dated : 17.12.2019.

Heard Shri R.V. Shiralkar, learned counsel for the applicant and Shri A.M. Ghogre, learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer for the respondents, matter be kept on **19.12.2019**.

Member (J)

kpb.

O.A. No. 791/2019(SB)

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

Dated : 17.12.2019.

Heard Shri N.D. Thombre, learned counsel for the applicant and Shri V.A. Kulkarni, learned Presenting Officer for respondents.

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondents. Time granted.

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

Member (J)

kpb.

O.A. No. 832/2019(SB)

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

Dated : 17.12.2019.

Heard Shri N.D. Thombre, learned counsel for the applicant and Shri A.P. Potnis, learned Presenting Officer for respondents.

2. Learned Presenting Officer seeks time for filing affidavit in reply on behalf of respondents. Time granted.

3. **S.O. four weeks.**

Member (J)

kpb.

O.A. No. 410/2019(SB)

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

Dated : 17.12.2019.

Heard Shri G.K. Bhusari, learned counsel for the applicant and Shri M.I. Khan, learned Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, **S.O. after vacation.**

Member (J)

kpb.

O.A. No. 489/2019(SB)

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

Dated : 17.12.2019.

Heard Shri S.M. Pande, learned counsel for the applicant, Shri P.N. Warjurkar, learned Presenting Officer for respondents.

2. Learned Presenting Officer has submitted that the rejoinder affidavit is filed by the applicant and time is required.

3. **S.O. after vacation.**

Member (J)

kpb.

O.A. No. 838/2018(SB)

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

Dated : 17.12.2019.

Heard Shri S. Wahane, learned counsel for the applicant and Shri H.K. Pande, learned Presenting Officer for respondents.

2. Learned Presenting Officer to seek instruction whether the amounts of Rs. 20,768/- and 11,770/- on account of traveling allowances are paid to the applicant.

3. **S.O. to 13.01.2020.**

Member (J)

kpb.

O.A. No. 1009/2019(SB)

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

Dated : 17.12.2019.

Heard Smt. Aarti Singh, learned Advocate holding for Shri P.D. Meghe, learned counsel for the applicant and Shri A.M. Ghogre, learned Presenting Officer for respondent No. 1.

2. The orders dated 04.09.2018 and 16.11.2019 are passed by the respondents without hearing the applicant, therefore, the order dated 16.11.2019 is hereby stayed till filing of the affidavit in reply by the respondents.

3. Issue notice the respondents, returnable after **four weeks**. 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. after four weeks.**

Member (J)

kpb.

O.A. No. 24/2018(SB)

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

Dated : 17.12.2019.

Heard Smt. R.S. Sirpurkar, learned counsel for the applicant and Shri A.M. Khadatkar, learned Presenting Officer for respondents.

2. It is grievance of the applicant that till today the provisional pension is not released and other retirement benefits are also not released. So far as the full pension, gratuity and leave encashment are concerned, at this stage such direction cannot be given to the respondents, as the D.E. is pending. But as per the law, the respondents are under obligation to pay the provisional pension, amount of G.I.S. and amount of G.P.F. to the applicant.

3. In view of this, the respondents are directed to pay the provisional pension, amount of G.I.S. and amount of G.P.F., if not paid to the applicant within a period of two months from the date of this order.

4. The present matter be taken up for hearing after **two months**.

5. Steno copy allowed.

Member (J)

kpb.

O.A. 579/2017 (D.B.)

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

Dated : 17/12/2019.

Shri S.P. Palshikar, 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. After Vacation.**

Member (J)

Vice-Chairman

dnk.

O.A. 962/2018 (D.B.)

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

Dated : 17/12/2019.

Shri A.A. Syed, 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. 08/01/2020.**

I.R. to continue till then.

Member (J)

Vice-Chairman

dnk.

O.A. 264/2019 (D.B.)

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

Dated : 17/12/2019.

Ms. A.M. Kshirsagar, 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. 19/12/2019.**

Member (J)

Vice-Chairman

dnk.

O.A. 1004/19 (D.B.)

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

Dated : 17/12/2019.

Shri J.S. Wankhede, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the State.

At the request of Id. counsel for the applicants, **S.O. After Vacation.**

Member (J)

Vice-Chairman

dnk.

O.A. 287/2018 (D.B.)

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

Dated : 17/12/2019.

None for the applicant. Shri V.A. Kulkarni, Id. P.O. for the respondents.

The Id. P.O. files reply on behalf of R-1&2. It is taken on record. It is submitted that reply of R-1&2 is sufficient to decide the matter.

Heard. Admit.

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

S.O. in due course.

Member (J)

dnk.

Vice-Chairman

O.A. 997/2018 (D.B.)

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

Dated : 17/12/2019.

Shri Bharat Kulkarni, 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. It is taken on record. Copy is supplied on the applicant. It is submitted that reply of R-2 is sufficient to decide the matter.

Heard. Admit.

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

S.O. in due course.

Member (J)

Vice-Chairman

dnk.

O.A. 383/2019 (D.B.)

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

Dated : 17/12/2019.

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

2. We have perused the letter dated 30/05/2018 (A-3,P-50). In the letter it is cleared by the respondents that matter is pending for consideration before the Government. It is in relation to the Alfonso Mango sample. It is also mentioned in the letter that so far as the promotion of the applicant is concerned, action will be taken as per the rules. The learned counsel for the applicant was unable to point out that there was any DPC in which the applicant was not considered for the promotion. As the respondents have cleared that they will follow the rules for promoting the applicant, therefore, unless it is shown by the applicant that the respondents have violated the rules, the applicant has no locus standi to proceed with this application.

3. In view thereof, the O.A. stands disposed of. No order as to costs.

Member (J)

Vice-Chairman

dnk.

O.A. 766/2019 (D.B.)

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

Dated : 17/12/2019.

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

2. The learned counsel for the applicant objected the request of the Id. P.O. to grant time to file reply. It is grievance of the applicant that if the posts are filled, then prejudice will cause to the applicant as he has a good case. In view of the matter, it is made clear that if any appointments are made which shall be subject to the final outcome of the O.A.

S.O. After Vacation.

Member (J)

Vice-Chairman

dnk.

O.A. 96/2019 with C.A. 81/2019 (D.B.)

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

Dated : 17/12/2019.

Heard Shri S.A. Marathe, Id .counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1 to 4. Await service of R-5.

2. The Id. counsel for the applicant submitted that the respondent no.5 refused to accept the notice and the applicant would file the affidavit in support of it. The Id. P.O. has already filed reply on behalf of R-1 to 3.

S.O. three weeks for filing rejoinder, if any.

Member (J)

Vice-Chairman

dnk.

O.A. 556/2019 with C.A. 300/2019 (D.B.)

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

Dated : 17/12/2019.

Shri S.N. Gaikwad, Id .counsel for the
applicant and Shri H.K. Pande, Id .P.O. for R-1.
Await service of R-2&3.

S.O. four weeks for fling reply.

Member (J)

Vice-Chairman

dnk.

O.A. 556/19 with C.A. 300/19 (D.B.)

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

Dated : 17/12/2019.

Shri S.N. Gaikwad, Id .counsel for the
applicant and Shri H.K. Pande, Id. P.O. for R-1.
Await service of R-2&3.

S.O. four weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 557/2019 (D.B.)

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

Dated : 17/12/2019.

None for the applicant. Shri H.K. Pande,
Id. P.O. for R-1. Shri A.Y. Kapagate, Id .counsel
for R-3&4. Await service of R-2.

S.O. four weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 298/2018 (D.B.)

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

Dated : 17/12/2019.

Heard Shri J.S. Wankhede, Id. counsel
for the applicant and Shri A.P. Potnis, Id. P.O.
for the respondents.

Heard. Admit.

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

S.O. After Vacation.

Member (J)

Vice-Chairman

dnk.

O.A. 707/2015 with C.A. 469/19 (D.B.)

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

Dated : 17/12/2019.

Heard Shri Bharat Kulkarni, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the respondents.

2. The Id. P.O. has filed Government letter dated 7th September, 2012. It is taken on record. Copy is supplied to the learned counsel for the applicant. It is subsequent development. The learned counsel for the applicant may study this letter.

S.O. 1st week of January, 2020.

Member (J)

Vice-Chairman

dnk.

O.A. 688/2017 (D.B.)

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

Dated : 17/12/2019.

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

2. The learned P.O. has filed letter dated 16/12/2019 issued by the Revenue and Forest Department, Government of Maharashtra. It is taken on record. Copy is served to the learned counsel for the applicant. The proposal is submitted to the GAD as per the last para of the said letter.

S.O. after three weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 800/2017 (D.B.)

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

Dated : 17/12/2019.

Shri Bharat Kulkarni, Id. counsel holding
for Shri M.R. Rajgure, Id. counsel for the
applicant and Shri S.A. Sainis, Id. P.O. for
R-1&2. None for R-3.

At the request of learned counsel for the
applicant, **S.O. After Vacation.**

Member (J)

Vice-Chairman

dnk.

O.A. 689/2014 (D.B.)

Coram:Shri Shree Bhagwan,

**Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 17/12/2019.

Heard Ku. K.K. Pathak, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. As submitted by the learned counsel for the applicant, the respondent no.1 is directed to take decision as per the letter dated 21/01/2014 (A-11,P-54) submitted by the Additional Principal Chief Conservator of Forests (Administration), Nagpur within two months from the date of this order.

3. With this direction, the O.A. stands disposed of. No order as to costs.

Steno copy is granted to the Id. P.O...

Member (J)

Vice-Chairman

dnk.

O.A. 416/2017 (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and**

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

Dated : 17/12/2019.

Heard Shri S.S. Ghate, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1 to 4 and Shri B.J. Lonare, Id. counsel for R-5.

2. Our attention is invited to the order dated 21/7/2017 (A-11,P-68) by which 7 Medical Officers were absorbed in service subject to the conditions mentioned in that order. It is submission of the applicant that the applicant was not absorbed in service along with these 7 Medical Officers though he was fulfilling the requirements. In this situation, we direct the respondent nos.1&2 to consider the case of the applicant and absorb him in the service, if he fulfils the same requirements. The respondent nos.1&2 shall take decision within three months from the date of this order. The applicant shall not be entitled for the back wages. The learned counsel for the applicant submitted that the applicant is ready to give up the back wages.

3. In view thereof, the O.A. stands disposed of. No order as to costs.

Member (J)

Vice-Chairman

dnk.

O.A. 343/2019 (D.B.)

Coram:Shri Shree Bhagwan,

**Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 17/12/2019.

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

2. It is submitted that proposal is forwarded to the Government to extend the age of retirement of the Members of the applicant's Association to 60 years and it is yet not decided. The copy of the proposal is not before the Bench, therefore, the applicant is directed to produce the copy of the proposal forwarded to the Government for consideration within three weeks.

S.O. three weeks (PH).

Member (J)

Vice-Chairman

dnk.

O.A. 107/2015 (D.B.)

Coram:Shri Shree Bhagwan,

**Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 17/12/2019.

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

The learned P.O. files reply on behalf of R-3. It is taken on record. Copy is served to the learned counsel for the applicant. It is submitted that the reply of R-3 is sufficient to decide the matter.

S.O. After Vacation.

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 : 17/12/2019.

Heard Shri A.M. Borkar, Id. counsel for the applicants, Shri A.M. Ghogre, Id. P.O. for R-1&3, Shri H.D. Marathe, Id. counsel for R-2 and one for R-4.

2. The learned P.O. submitted that the same issue is involved in other similar matters, therefore, these matters may be kept along with those matters.

S.O. 20/01/2020.

Put up these matters along with O.A. Nos.531/2019, 510/2019 & 530/2019.

Member (J)

Vice-Chairman

dnk.

O.A. 175/2019 (D.B.)

Coram:Shri Shree Bhagwan,

**Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)**

Dated : 17/12/2019.

Heard Shri U.J. Deshpande, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. The facts are that on 29/3/2007 the charge sheet was served on the applicant alleging that while serving as Tahsildar, he acted illegally in the matter relation to the disbursement of the Kerosin and conduct of the applicant was amounting to misconduct. The applicant retired on 30/4/2008 on attaining the age of superannuation and the matter was kept idle. As per the letter dated 11/12/2018 (A-2, P-19), the Inquiry Officer was appointed and the Presenting Officer was appointed, but till today there is no progress of the inquiry.

3. It is grievance of the applicant that even after expiry of 12 years period after service of the charge sheet, the inquiry is pending and the applicant is deprived of the Pension and Gratuity etc., therefore, the act of the respondents is malafidy and contrary to the principles laid down by the Hon'ble Apex Court.

4. Now legal position is settled that the disciplinary inquiry shall be completed within six months or as an outer limit in one year. It seems from the facts and circumstances that even after appointment of the Inquiry Officer on

11/12/2018, the period of one year is expired, but inquiry is yet not completed. The learned P.O. was unable to inform what is progress of the inquiry. In this situation, we think it suitable to direct the respondents to complete the inquiry in all respects within six months from the date of this order and on failure of the respondents to do so, the applicant would stand exonerated.

5. In view thereof, the O.A. stands disposed of. No order as to costs.

Member (J)

Vice-Chairman

dnk.

O.A. 589/2019 (D.B.)

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

Dated : 17/12/2019.

Heard Shri V.D. Awchat, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The applicant is challenging the impugned order of dismissal passed by the Superintendent of Police (S.P.), Washim on 19/3/2019 (A-1,P-12). It is submitted that the applicant is summarily dismissed from the service without conducting disciplinary inquiry as provided in the Service Rules. It is submitted that the impugned order is passed by the Disciplinary Authority, the respondent no.2 exercising the powers under Article 311 (2) (b) of the Constitution of India. It is grievance of the applicant that there was no reason for dispensing with the disciplinary inquiry and without giving the proper reasons, the impugned order is passed, therefore, it is bad in law.

3. We have gone through the impugned order which is at Annex-A-1. In this order it was alleged that on 17/3/2019 fraud was practiced by

the applicant and other Police Constables and complainant was defrauded. It was also alleged that the applicant and others camped after receiving the amount Rs. 12,00,000/-. The respondent no.2 has observed in the impugned order that the applicant was posted at Police Station, Mangrupir and he left the head quarter without seeking permission, the applicant was connected with the criminals and he was involved in serious criminal act which lowered the Police Department in the esteem of the Society, therefore, it was not suitable to keep the applicant in service of the Police Department.

4. After reading the Article 311 of the Constitution of India, it seems that the disciplinary inquiry is a rule and only in exceptional circumstances, the disciplinary inquiry can be dispensed with. As per the Article 311 (2) (b) the disciplinary authority is bound to record cogent reasons along with circumstances sufficient for dispensing with the inquiry. The circumstances and reasons must disclose that it is not reasonably practicable to conduct the inquiry. After reading the impugned order, it seems that no reason is mentioned by the respondent no.2 how it was not reasonably practicable to conduct the inquiry.

5. In view of this matter, we are compelled to say that the impugned order lacks reasons why it was necessary to dispense with the

inquiry, therefore, the impugned order cannot be sustained.

6. In the result, the impugned order dated 19/3/2019 dismissing the applicant from the service is hereby set aside. It is made clear that the respondent no.2 is at liberty to proceed against the applicant as per the Service Rules applicable. The respondent no.2 to take decision about the back wages. No order as to costs.

Member (J)

Vice-Chairman

dnk.

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ORIGINAL APPLICATION NO. 376 OF 2019

(Ravi Madhukar Mandhalkar Vs. State of Maharashtra & Ors.)

Coram :- Shri Anand Karanjkar, Member (J).

Dated :- 17th December, 2019.

ORAL - ORDER

1. Heard Shri J.H. Jumde, learned counsel for the applicant and Shri A.P. Potnis, learned P.O. for the respondent Nos. 1 to 5. None present for respondent No. 6.

2. The applicant is challenging his transfer from Amgaon, Dist. Gondia to Bhadravati, Dist. Chandrapur. The applicant was due for transfer and as per the procedure, his options were called. The applicant submitted options for his transfer. Thereafter, by the impugned order dated 31.05.2019 (Annexure A-1), the applicant was posted to Bhadravati, Dist. Chandrapur and respondent No. 6 was posted at Chandrapur.

3. It is contention of the applicant that his choice postings were not considered by the transferring authority, therefore, the impugned order is illegal. It is contention of the applicant that his mother is taking treatment for tongue and throat cancer since the year

2013 and as the applicant is posted at Bhadravati, which is not connected with Nagpur, therefore, this transfer is burdensome. It is submitted that as the applicant was posted in difficult area, it was naxalite area, therefore, choice posting should have been given to the applicant. It is submitted that the respondents have not followed the material guidelines given in the G.R. dated 09.04.2018 and therefore, the transfer order is mala-fide exercise of jurisdiction by the respondent Nos. 1 to 5 and therefore, the transfer order is to be quashed and set aside. The applicant is also claiming that the entire transfers of the department be set aside and choice posting be given to him.

4. The respondents have contended that there is no violation of statutory provisions while transferring the applicant. It is submitted that the options were submitted by the applicant vide Annexure A-4 (page No. 23) and district Chandrapur option was also given by the applicant. Similarly, the option Nagpur was at Sr. No. 7. It is contended that the Bhadravati town is adjoining to Nagpur - Chandrapur highway and therefore, it cannot be said that the transportation facility is not available to the applicant. It is submitted that there is no substance in the contentions of the applicant that

there is violation in the guidelines given in the G.R. dated 09.04.2018. It is submitted that after considering the choice postings given by the applicant and those officers who were due for transfer, the postings are made. It is submitted that merely because the applicant is not posted at Nagpur this cannot be a ground to label the transfer order as mala-fide. It is submitted that the G.R. dated 09.04.2018 is directory and the transferring authority is to consider the request of the Government servant at the time of transfer, whenever it is possible subject to availability of the posts. It is submitted that there is no specific allegation that there was any foul play in the transfer process and therefore, there is no reason to grant any relief to the applicant.

5. I have heard submissions of the learned counsel for the applicant and learned Presenting Officer for the respondent Nos. 1 to 5. I have perused the Annexure A-4 choice postings given by the applicant. The first choice posting is of the applicant is Tiroda, Aarmori, Chandrapur, Chandrapur, Rajura, Pulgaon, Nagpur, Ramtake, Savner and Katole. In this matter, it is undisputed fact that the applicant was at Amgaon, Dist. Gondia for a period about five years. He never requested for transfer to Nagpur on the ground of illness of his mother. On perusing Annexure A-4, it seems that the

first choice posting was Tiroda and second choice posting was Aarmori. In view of this, it can be said that only a ground is made out by the applicant to avoid transfer on the ground that his mother is suffering from cancer. Had it been a fact that the applicant was in dire need to stay at Nagpur, then the applicant would have given first choice posting at Nagpur, but it is not done. After reading G.R. dated 09.04.2018, it is clear that the guidelines in the G.R. are directory in nature and they are not mandatory. The transferring authority is suppose to consider the difficulties of each of the Government servant due for transfer, but it is not mandatory to give posting as claimed by each Government servant. It is cleared in the G.R. dated 09.04.2018 that whenever it is possible and the post is available, then choice posting be given to the Government servant. In the present case, on perusing the order of transfer dated 31.05.2019 (Annexure A-1), it seems that the respondent No. 6 is posted at Nagpur and this is a grievance of the applicant. In this regard, I would like to point out that the options submitted by the respondent No. 6 are not before the Bench. If the respondent No. 6 had given first choice of posting at Nagpur, then as first choice posting of Nagpur was not given by the applicant, therefore, it is not possible to say that the transfer order is mala fide.

In view of these facts, the transferring authority cannot be blamed for posting the respondent No. 6 at Nagpur. The applicant has joined the respondent No. 6 (Shri Vijay Kavalram Motghare) in this proceeding, but there is no specific allegation in the O.A. that any undue favour was shown to the respondent No. 6 by the transferring authority. The choice for Nagpur was given by the applicant and it was at Sr. No. 7 in the options form Annexure A-4. This was substantial reason to draw inference that it was not keen desire of the applicant to have transfer at Nagpur. It is important to note that at Tiroda, Aarmori, Rajura and Pulgaon the other choice postings given by the applicant, there is no medical facility or medical treatment to cancer patient. In the present O.A., it is contended that the applicant was daily commuting from Amgaon to Nagpur. It is nowhere cleared in the O.A. that the applicant was daily commuting from Amgaon to Nagpur after seeking permission to leave the headquarter. As per the Government Rules, every Government servant is bound to stay at the headquarter and if he is not intending to stay at headquarter, then he is required to seek permission of the competent authority.

6. Learned Presenting Officer has submitted that the town Bhadravati is in between Nagpur and Chandrapur adjoining to the

highway and therefore, there is no difficulty in visiting Nagpur from Bhadravati. It is submitted that no case is made out to accept that either transfer order is illegal or it is mala-fide, therefore, the present O.A. requires to be dismissed.

7. In view of all the circumstances, it is not possible to accept that the order of transfer is in violation of provisions of the Transfer Act, 2005. As there is no allegation of mala-fide exercise of power and showing undue favour to respondent No. 6, therefore, inference cannot be drawn that the transfer of respondent No. 6 is mala-fide exercise of jurisdiction. I have already observed that the provisions of G.R. dated 09.04.2018 are directory in nature and therefore, the transfer cannot be vitiated merely because the applicant is not transferred to Nagpur.

8. It is admitted position that the applicant has joined the duty at Bhadravati, Dist. Chandrapur, the applicant is at liberty to make fresh representation to consider him at the time of General Transfers of the year 2020 for posting at Nagpur. In view of this, I do not see any merit in the present O.A, hence it is dismissed. Liberty is given to the applicant to make fresh representation for transfer to

Nagpur at the time of General Transfers of the year 2020. There shall be no order as to costs.

(Anand Karanjkar)
Member(J).

Dated :- 17/12/2019.

KPB.