

O.A. No. 329/2019(SB)

**Coram : Hon'ble Shri Shri Bhagwan,  
Vice-Chairman**

**Dated : 25.09.2019**

Heard Shri N.D. Thombre, learned counsel for the applicant, Shri V.A. Kulkarni, learned Presenting Officer for respondent Nos. 1 to 4 and Shri S.C. Deshmukh, learned counsel for respondent No. 5.

2. The applicant was working with the respondent No. 5 i.e. the Zilla Parishad, Nagpur since 08.07.2018 till today. AS submitted by learned counsel for the applicant, he has not been paid salary from May, 2016 to June, 2018 by the respondent No. 4 i.e. the Civil Surgeon, Nagpur. As per the order dated 04.09.2019, the respondent No. 5 i.e. Zilla Parishad, Nagpur has produced documents i.e. letter dated 22.07.2019 written by the respondent No. 4 to respondent No. 5 and he has attached last pay certificate where at point no. 2, it is mentioned that the pay of the applicant up to 30.11.2013. Ideally, respondent No. 4 should have given last pay certificate i.e. till 30.06.2018 when the applicant was relieved from the establishment of respondent No. 4.

3. The respondent No. 4 i.e. Shri Paturkar, Civil Surgeon, Nagpur was present

personally in the Court. As per his submissions, he has recently joined the said post and he is not clear about the issue. He is suppose to pay the salary of the applicant from May 2016 to June 2018 and also sent last pay certificate of the applicant dated 30.06.2018 to the respondent No. 5 i.e. the Zilla Parishad, Nagpur.

4. Learned counsel for the respondent No. 5 submits that salary bill of the applicant for period from July, 2018 to September, 2018 has been submitted to the Treasury, Nagpur.

5. In view thereof, the Civil Surgeon, Nagpur is directed to make himself aware about the issue in detail and submit reply before this Tribunal tomorrow at 12.30 p.m. on following points:-

i) The salary bill of the applicant from May 2016 to June, 2018- whether it has been paid, if not paid to the applicant what is the stage of payment.

ii) Necessary last pay certificate dated 30.06.2018 has been supplied to the respondent No. 5 or not, for further regular payment.

6. S.O. to 26.09.2019 at 12.30 p.m.

**Vice Chairman**

kpb.

O.A. No. 273/2018(SB)

**Coram : Hon'ble Shri Shri Bhagwan,  
Vice-Chairman**

**Dated : 25.09.2019**

Heard Shri N.R. Saboo, learned counsel for the applicant and Shri M.I. Khan, learned Presenting Officer for respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondents. Same is taken on record and copy thereof has been served on the learned Advocate for the applicant.

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

**Vice Chairman**

kpb.

O.A. No. 278/2017(**SB**)

**Coram : Hon'ble Shri Shri Bhagwan,  
Vice-Chairman**

**Dated : 25.09.2019**

Heard Shri M.R. Rajgure, learned counsel for the applicant and Shri P.N. Warjurkar, learned Presenting Officer for respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent Nos. 1, 3 & 4. Same is taken on record and copy thereof has been served on the learned Advocate for the applicant.

3. At the request of learned Advocate for the applicant, **S.O. one week.**

**Vice Chairman**

kpb.

O.A. No. 544/2018(SB)

**Coram : Hon'ble Shri Shri Bhagwan,  
Vice-Chairman**

**Dated : 25.09.2019**

Heard Shri N.S. Ingole, learned Advocate holding for Shri M.V. Joshi, learned counsel for the applicant and Shri M.I. Khan, learned Presenting Officer for respondents.

2. Learned Presenting Officer has filed affidavit in reply on behalf of respondent No. 2. Same is taken on record and copy thereof has been served on the learned Advocate for the applicant.
3. The present matter is admitted and it be kept for final hearing in due course.

**Vice Chairman**

kpb.

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

**Coram : Hon'ble Shri Shri Bhagwan,  
Vice-Chairman**

**Dated : 25.09.2019**

Heard Shri S.C. Deshmukh, 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 as a last chance.

3. **S.O. to 03.10.2019.**

**Vice Chairman**

kpb.

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

**Coram : Hon'ble Shri Shri Bhagwan,  
Vice-Chairman**

**Dated : 25.09.2019**

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

2. At the request of learned Advocate for the applicant, **S.O. next week.**

**Vice Chairman**

kpb.

O.A. No. 11/2018(SB)

**Coram : Hon'ble Shri Shri Bhagwan,  
Vice-Chairman**

**Dated : 25.09.2019**

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

2. At the request of learned Advocate for the applicant, **S.O. next week.**

**Vice Chairman**

kpb.



O.A. No. 70/2018(SB)

**Coram : Hon'ble Shri Shri Bhagwan,  
Vice-Chairman**

**Dated : 25.09.2019**

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

2. At the request of learned Advocate for the applicant, **S.O. next week.**

**Vice Chairman**

kpb.

O.A. No. 61/2019(SB)

**Coram : Hon'ble Shri Shri Bhagwan,  
Vice-Chairman**

**Dated : 25.09.2019**

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

2. At the request of learned Advocate for the applicant, **S.O. next week.**

**Vice Chairman**

kpb.

O.A. No. 626 & 627 of 2019(SB)

**Coram : Hon'ble Shri Shri Bhagwan,  
Vice-Chairman**

**Dated : 25.09.2019**

Heard Shri N.R. Saboo, learned counsel for the applicants in both the O.As. and S/shri P.N. Warjurkar and A.M. Khadatkar, learned Presenting Officer for respondents.

2. Learned counsel for the applicant has submitted that he has newly added the Director, Account and Finance, Pay Verification Unit, Treasury Bhavan, Civil Line, Nagpur, as respondent No. 5, but the service of acknowledgment is awaited. He has submitted that he will file service affidavit of respondent No. 5 within a period of one week.

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

**Vice Chairman**

kpb.

O.A. No. 553/2019(SB)

**Coram : Hon'ble Shri Shri Bhagwan,  
Vice-Chairman**

**Dated : 25.09.2019**

Heard Smt. G.S. Kidambi, learned counsel for the applicant and Shri Shrikant Deo, learned Chief Presenting Officer for respondents.

2. At the request of learned Advocate for the applicant, **S.O. four week** for filing service affidavit of respondent Nos. 2 to 5.

**Vice Chairman**

kpb.

O.A. No. 475/2018(SB)

**Coram : Hon'ble Shri Shri Bhagwan,  
Vice-Chairman**

**Dated : 25.09.2019**

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

2. At the request of learned Presenting Officer for respondents, as a last chance, **S.O. to 07.10.2019** for filing affidavit in reply.

**Vice Chairman**

kpb.

O.A. No. 266/2019(SB)

**Coram : Hon'ble Shri Shri Bhagwan,  
Vice-Chairman**

**Dated : 25.09.2019**

Heard Shri M.K. Mishra, learned counsel for the applicant and Shri A.P. Potnis, learned Presenting Officer for respondents.

2. At the request of learned Presenting Officer for the respondents, **S.O. three weeks** for filing affidavit in reply.

**Vice Chairman**

kpb.

O.A. 771/2019 (SB)

**Coram : Hon'ble Shri Shri Bhagwan,  
Vice-Chairman**

**Dated : 25.09.2019**

Heard Mrs. J.A. Ghawde, learned Advocate for the applicant and Shri A.P. Potnis, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant has attracted my attention to the order dated 19.08.2019, Annexure A-12, (page book page nos. 66 and 67). She has submitted that the officer who are suspended the applicant is not the competent authority and he is not the appointing authority of the applicant. However, the applicant is not clear whether the post facto sanction has been recorded to this order.

3. Issue notices to the respondents, returnable within **four 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.

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

**Member (J)**  
kpb

**Vice Chairman**



Review 26/19 in O.A.  
1004/18(SB)

**Coram : Hon'ble Shri Shri Bhagwan,  
Vice-Chairman &  
Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 25.09.2019**

Heard Shri N. Majethia, learned Advocate for the applicant and Shri A.P. Potnis, learned Chief Presenting Officer for respondents.

2. The applicant has filed the present Review application for review the order dated 23.07.2019.

3. Issue notices to the respondents in Review Application, returnable within **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**

kpb

Review 27/19 in O.A.  
1005/18(SB)

**Coram : Hon'ble Shri Shri Bhagwan,  
Vice-Chairman &  
Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 24.09.2019**

Heard Shri N. Majethia, learned Advocate for the applicant and Shri A.P. Potnis, learned Chief Presenting Officer for respondents.

2. The applicant has filed the present Review application for review the order dated 23.07.2019.

3. Issue notices to the respondents in Review Application, returnable within **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**

kpb

Review 28/19 in O.A.  
1006/18(SB)

**Coram : Hon'ble Shri Shri Bhagwan,  
Vice-Chairman &  
Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 24.09.2019**

Heard Shri N. Majethia, learned Advocate for the applicant and Shri A.P. Potnis, learned Chief Presenting Officer for respondents.

2. The applicant has filed the present Review application for review the order dated 23.07.2019.

3. Issue notices to the respondents in Review Application, returnable within **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**

kpb

O.A. No. 501/2016(SB)

**Coram : Hon'ble Shri Shri Bhagwan,  
Vice-Chairman**

**Dated : 25.09.2019**

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

2. As none present for the applicant,  
**S.O. next week.**

**Vice Chairman**

kpb.

O.A. No. 539/2016(SB)

**Coram : Hon'ble Shri Shri Bhagwan,  
Vice-Chairman**

**Dated : 25.09.2019**

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

2. As none present for the applicant,  
**S.O. next week.**

**Vice Chairman**

kpb.



O.A. No. 551/2016(SB)

**Coram : Hon'ble Shri Shri Bhagwan,  
Vice-Chairman**

**Dated : 25.09.2019**

None for the applicant. Shri S.A. Sainis, learned Presenting Officer for respondents.

2. As none present for the applicant,  
**S.O. next week.**

**Vice Chairman**

kpb.

O.A. No. 698/2016(**SB**)

**Coram : Hon'ble Shri Shri Bhagwan,  
Vice-Chairman**

**Dated : 25.09.2019**

None for the applicant. Shri M.I. Khan,  
learned Presenting Officer for respondents.

2. As none present for the applicant,  
**S.O. next week.**

**Vice Chairman**

kpb.

O.A. No. 725/2016(SB)

**Coram : Hon'ble Shri Shri Bhagwan,  
Vice-Chairman**

**Dated : 25.09.2019**

None for the applicant. Shri H.K. Pande, learned Presenting Officer for respondents.

2. As none present for the applicant,  
**S.O. next week.**

**Vice Chairman**

kpb.

O.A. No. 832/2016(SB)

**Coram : Hon'ble Shri Shri Bhagwan,  
Vice-Chairman**

**Dated : 25.09.2019**

None for the applicant. Shri H.K. Pande, learned Presenting Officer for respondents.

2. As none present for the applicant,  
**S.O. next week.**

**Vice Chairman**

kpb.

O.A. No. 462/2016(SB)

**Coram : Hon'ble Shri Shri Bhagwan,  
Vice-Chairman**

**Dated : 25.09.2019**

None for the applicant. Shri A.M. Ghogre, learned Presenting Officer for respondents.

2. As none present for the applicant,  
**S.O. next week.**

**Vice Chairman**

kpb.

C.A. 179/19 with C.A. 370/2019  
in O.A. No. 334/2019(SB)

**Coram : Hon'ble Shri Shri Bhagwan,  
Vice-Chairman**

**Dated : 25.09.2019**

**C.A. 179/2019**

Heard Shri A.D. Ramteke, learned counsel for the applicant and Shri H.K. Pande, learned Presenting Officer for respondents.

2. As per the order dated 18.07.2019, the learned counsel for the applicant has filed documents about all the applicants and prima-facie, it appears that those documents have been prepared by the department itself, which shows that the applicants have completed the conditions prescribed in the G.R. bearing No. 'Wl u fu.k dē , y, oh 1095@i z dē 263@Q&9] dated 15.01.1996 for completion of 240 days service in each year preceding 01.09.1996. In view of this, all the applicants have similar grievance and similar redress. Therefore, the present C.A. No. 179/2019 for sue jointly is allowed.

**C.A. No. 370/2019**

The applicant has filed the present C.A. No. 370/2019 to join the Chief Conservator of Forest, Gadchiroli as respondent No. 11 by way of amendment in the O.A.

2. For the reason stated in the application, the C.A. is allowed and disposed of. The applicant is allowed to join the Chief Conservator of Forest, Gadchiroli as respondent No. 11 in the O.A. No. 334/2019. The applicant shall carry out the necessary amendment in the O.A. on or before the next date.

**O.A. 334/2019**

Learned P.O. is directed to take instructions from the respondents and study the matter and point out that who are the applicants who are not fulfilling the conditions as laid down in the G.R. bearing No. 'kkl u fu.kz dz , y, oh 1095@i:dz 263@Q&9] dated 15.01.1996.

2. The applicant is directed to file in a tabular chart for all the 42 applicants mentioning their date of birth, date of taken in the department and as per the G.R. bearing No. 'kkl u fu.kz dz , y, oh 1095@i:dz 263@Q&9] dated 15.01.1996 their completion of 240 days in each preceding five financial years and the applicants shall fulfil all the conditions laid down by the Government of Maharashtra in the said G.R.

3. S.O. three weeks.

**Vice Chairman**

kpb.

O.A. No. 195/2019(SB)

**Coram : Hon'ble Shri Shri Bhagwan,  
Vice-Chairman**

**Dated : 25.09.2019**

Heard Shri M.R. Rajgure, learned counsel for the applicant and Shri M.I. Khan, learned Presenting Officer for respondents.

2. Learned Advocate for the applicant has invited my attention to the suspension order dated 21.04.2018 (Annexure A-1, paper book page no. 20). Since the applicant was trapped under ACB, the suspension order was issued from back date i.e. from 14.04.2018.

3. The Apex Court in Civil Appeal No. 1912 of 2015 (arising out of SLP No.31761 of 2013) in the case of Ajay Kumar Chaudhary Vs. Union of India through its Secretary and another in its Judgment dated 16/02/2015 in para no. 14, it has observed that :-

*“14 We, therefore, direct that the currency of a Suspension Order should not extend beyond three months if within this period the Memorandum of Charges/Chargesheet is not served on the delinquent officer/employee; if the Memorandum of Charges/Chargesheet is served a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the concerned person to any Department in any of its offices within or*



*outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognize that previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time limits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a criminal investigation departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us.”*

4. The Hon'ble Apex Court in its Judgment in Civil Appeal No. 8427-8428 of 2018 (Arising out of S.L.P. (Civil) No. 12112-12113 of 2017) in the case of State of Tamil Nadu Vs. Pramod Kumar IPS and Anr. delivered on 21/08/2018 in its para no. 23 had observed as follows:-

*“23. This Court in Ajay Kumar Choudhary v. Union of India, (2015) 7 SCC 291 has frowned upon the practice of protracted suspension and held that suspension must necessarily be for a short duration. On the basis of the material on record, we are convinced that no useful purpose would be served by continuing the first Respondent under suspension any longer and that his reinstatement would not be a threat to a fair trial. We reiterate the observation of the High Court that the Appellant State has the liberty*

*to appoint the first Respondent in a non sensitive post. “*

5. The Principal Bench of Maharashtra Administrative Tribunal Mumbai Bench in O.A. No. 35/2018 Judgment delivered on 11/09/2018 has also rejected continuation of suspension beyond 90 days.

6. However, the learned Presenting Officer has submitted that he has not yet received any written instructions or confirmation as the proposal of the applicant has been submitted for revocation of suspension and therefore, he seeks time. Time granted.

7. At the request and by consent of both the parties, **S.O. to 04.10.2019.**

**Vice Chairman**

kpb.

O.A. No. 641/2018 (SB)

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

**Dated : 25.09.2019**

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

The learned P.O. files separate reply on behalf of R-2&4. Same are taken on record. It is submitted that reply is R-2 is necessary.

**Heard. Admit.**

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

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

**Member (J)**

dnk.

O.A. No. 788/2018 (SB)

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

**Dated : 25.09.2019**

Shri G.G. Bade, Id. counsel for the applicant and Shri A.P. Potnis, Id .P.O. for R-1. Await service of R-2 to 6.

**S.O. two weeks** for filing service affidavit.

**Member (J)**

dnk.

O.A. No. 418/2019 (SB)

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

**Dated : 25.09.2019**

Heard Shri Bharat Kulkarni, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

The Id. P.O. files separate reply on behalf of R-2&3 and R-4. Same are taken on record. Copies are supplied to the other side.

**Heard. Admit.**

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

**S.O. 4/10/2019.**

**Member (J)**

dnk.

O.A. No. 421/2019 (SB)

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

**Dated : 25.09.2019**

Heard Shri Bharat Kulkarni, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

The Id. P.O. files reply on behalf of R-3. It is taken on record. Copy is served on the applicant.

The learned P.O. submitted that on the basis of this reply the O.A. can be decided.

**Heard. Admit.**

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

**S.O. 15/10/2019.**

Interim relief to continue till next date.

**Member (J)**

dnk.

O.A. Nos. 713 & 714 of 2019 (SB)

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

**Dated : 25.09.2019**

Shri S.P. Chavhan, Id .counsel for the applicants and Shri A.M. Ghogre, 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. 715/2019 (SB)

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

**Dated : 25.09.2019**

Shri R.V. Shiralkar, Id. counsel for the applicant and Shri A.M. Ghogre, 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. 716/2019 (SB)

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

**Dated : 25.09.2019**

Shri R.V. Shiralkar, Id .counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1. Await service of R-2.

The learned counsel for the applicant submitted that he will file service report of R-2.

**S.O. three weeks.**

**Member (J)**

dnk.

O.A. No. 717/2019 (SB)

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

**Dated : 25.09.2019**

Shri R.V. Shiralkar, Id .counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1. Await service of R-2.

The learned counsel for the applicant submitted that he will file service report of R-2.

**S.O. three weeks.**

**Member (J)**

dnk.

**O.A.Nos.718,719,720,721,722,723,724,725  
728,729 & 730 of 2019 (SB)**

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

**Dated : 25.09.2019**

Shri N.R. Saboo, Id .counsel for the  
applicants and Shri A.M. Ghogre, Id. P.O. for  
the State

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

**Member (J)**

dnk.

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

**Dated : 25.09.2019**

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

2. The learned P.O. has submitted letter dated 25/09/2018 written by the Additional Commissioner, Tribal Development, Amravati. In the letter it is mentioned that the applicant was already relieved from the duty on 7/6/2009 and Smt. S.P. Tayade joined her duty on 10/6/2019. The fact is that at present the applicant is on maternity leave and there would be difficulties for drawing salary of two persons alleged to be working on one post.

3. Under these circumstances, the applicant is given liberty to make representation to the respondents to give her suitable posting.

**S.O. one week.**

**Member (J)**

dnk.

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

**Dated : 25.09.2019**

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

**S.O. 15/10/2019 (PH)**

**Member (J)**

dnk.

O.A. No. 410/2018 (SB)

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

**Dated : 25.09.2019**

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

2. The applicant was due for transfer. It is contention of the applicant that on the ground of insufficiency, the applicant was transferred to Nanded. On perusal of the transfer of the order, I do not see any merit in this contention. The second contention of the applicant is that the Transferring Authority did not consider seniority and transferred the applicant. In this regard, I would like to point out that the said transfers were made as per the recommendation of the Civil Services Board after considering each case individually. The applicant is on the verge or retirement and under these circumstances it is advisable that the applicant shall make representation for suitable posting to the respondents. In view of this, I direct that the applicant is at liberty to make representation to the respondents for suitable posting and if any such representation is made, the respondents shall decide such representation within three months from the date of receipt of the representation. The O.A. stand disposed of. No order as to costs.

**Member (J)**

dnk.

O.A. No. 11/2019 (SB)

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

**Dated : 25.09.2019**

Heard Shri S.N. Gaikwad, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

2. The Id. P.O. has submitted documents along with letter marked "X" It is submitted that there were special reasons for the mid-term transfer of the applicant and the matter was kept by the Transferring Authority before his higher authority and approval was given to the transfer. The learned counsel for the applicant submitted that one week time is required, therefore, **S.O. 4/10/2019**.

**Member (J)**

dnk.

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

**Dated : 25.09.2019**

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the State.

2. It is submitted that vide order dated 24/5/2017 the applicant was transferred and posted at Salori in Chandrapur Forest Division. It is submitted that before completion of the normal tenure, the applicant is again transferred from Salori to Sonegaon in Bramhapuri Forest Division. It is submitted that in the transfer order the cause to justify premature transfer in the mid-term is not mentioned and the applicant is not yet relieved from the post. The learned P.O. submitted that the applicant is not relieved from the post.

3. Under these circumstances, the respondents are directed not to relieve the applicant till filing of the reply.

4. Issue notice to R-2 &3, returnable **after three weeks**. Learned P.O. waives notice for R-1. Hamdast allowed.

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

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



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

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

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

**S.O. after three weeks.**

Steno copy is granted.

**Member (J)**

dnk.

O.A. No. 641/2018 (SB)

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

**Dated : 25.09.2019**

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

The learned P.O. files separate reply on behalf of R-2&4. Same are taken on record. It is submitted that reply is R-2 is necessary.

**Heard. Admit.**

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

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

**Member (J)**

dnk.

O.A. No. 777/2019 (SB)

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

**Dated : 25.09.2019**

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the State.

2. The applicant is challenging his transfer from Bhisi to Kolsa on the ground that earlier the applicant worked in Wildlife Project Division. The applicant was due for transfer. On perusal of the letter dated 20/9/2019 (Annex-A-2) it seems that Shri Ankush Pravesh More, who is transferred to Bhisi on the post of applicant, has resumed duty on 20/9/2019, consequently, the Range Forest Officer, Forest Range, Chimur called upon the applicant by this letter to hand over charge and join at Kolsa. In view of these facts and considering the latches of 3½ months in approaching this Tribunal for challenging the transfer, in my opinion it is not a case to grant interim relief. I am therefore of the view that this is a suitable case in which the applicant should resume the duty at Kolsa and from Kolsa he may forward his representation expressing his grievances along with suitable post for his transfer. In case the representation is made by the applicant, the respondents shall decide the representation in view of G.R. dated 22/5/2017 within a period of three months

from the date of receipt of the representation.  
Accordingly, the O.A. stands disposed of. No  
order as to costs.

**Member (J)**

dnk.

**O.A.No.697/2019**  
**(D.B.)**

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

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

**Dated :25<sup>th</sup> Sep. 2019.**

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

2. The Id. counsel for the applicant submits that being senior he is working under his Juniors i.e. respondent nos. 4 & 5 which are at Sr. Nos. 16 & 17 at P.B., Pg. No. 25 (Annexure-A-4).

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

**Member(J)**  
**Chairman**  
**Date:-25/09/2019.**  
aps.

**Vice**

Rev.Appl.No.20/19  
O.A.Nos.02&03/13(D.B.)

in

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

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

**Dated :25<sup>th</sup> Sep. 2019.**

Heard Shri D.T.Shinde, 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. next week at 03.00 p.m..**

**Member(J)  
Chairman  
Date:-25/09/2019.  
aps.**

**Vice**

O.A.No.58/2014 (D.B.)

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

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

**Dated :25<sup>th</sup> Sep. 2019.**

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

2. **S.O. three weeks.**

**Member(J)  
Chairman**

**Date:-25/09/2019.  
aps.**

**Vice**

**O.A.Nos.224,226,227,471,537,546,547/16**

**D.B.**

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

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

**Dated :25<sup>th</sup> Sep. 2019.**

There is a leave note of the Id. counsel for the applicant. Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. The Id. P.O. submitted that reply have already been filed in O.A. Nos. 471, 537, 546 & 547/2016. The Id. P.O. is directed to submit the pursis to that effect.

3. The Id. P.O. further submits that he will file the reply along with the pursis in O.A. Nos. 224, 226, 227/2016. **S.O. three weeks.**

**Member(J)  
Chairman**

**Date:-25/09/2019.**

aps.

**Vice**



**O.A.No.858/2018 (D.B.)**

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

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

**Dated :25<sup>th</sup> Sep. 2019.**

There is a leave note of the Id. counsel for the applicant. Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. **S.O. three weeks.**

**Member(J)  
Chairman**

**Date:-25/09/2019.**

aps.

**Vice**

O.A.No.687/2019 (D.B.)

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

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

**Dated :25<sup>th</sup> Sep. 2019.**

None for the applicant. Shri A.P.Potnis,  
the Id. P.O. for the State. Await service of  
respondent nos. 2 to 7.

2. **S.O. three weeks.**

**Member(J)**

**Chairman**

**Date:-25/09/2019.**

aps.

**Vice**

O.A.No.135/2017 (D.B.)

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

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

**Dated :25<sup>th</sup> Sep. 2019.**

None for the applicant. Shri H.K.Pande,  
the Id. P.O. for the respondents.

2. **S.O. three weeks.**

**Member(J)**

**Chairman**

**Date:-25/09/2019.**

aps.

**Vice**

O.A.No.724/2014 (D.B.)

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

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

**Dated :25<sup>th</sup> Sep. 2019.**

Shri S.D.Malke, 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 is relying on G.R. No. 'kl u fu.ł deld ,y, ih 1094@izdt 252@Q&1] fnukd 31-01-1996 (Annexure-A-3, P.B., Pg. No. 29). The Id. counsel for the applicant is directed to file in a chart format that for five years how many days are completed?

3. **S.O. 04/10/2019.**

**Member(J)  
Chairman**

**Date:-25/09/2019.**

aps.

**Vice**

O.A.No.10/2014 (D.B.)

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

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

**Dated :25<sup>th</sup> Sep. 2019.**

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

2. **Closed for orders.**

**Member(J)**

**Chairman**

**Date:-25/09/2019.**

aps.

**Vice**

**O.A.Nos.07,08&09/2017 (D.B.)**

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

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

**Dated :25<sup>th</sup> Sep. 2019.**

**C.A.Nos.241 & 304/2017:-**

None for the applicant. Shri A.M.Khadatkar, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent no. 4.

2. The Id. P.O. filed the affidavit-in-reply on behalf of the respondent nos. 1 to 3. It is taken on record. He submits that he will serve the copy to the other side.

3. **S.O. two weeks.**

**Member(J)  
Chairman**

**Date:-25/09/2019.**

aps.

**Vice**

O.A.No.96/2019 (D.B.)

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

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

**Dated :25<sup>th</sup> Sep. 2019.**

**C.A.No.81/2019:-**

Heard Shri S.A.Marathe, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State. Await service of respondent nos. 2 to 4.

2. The Id. counsel for the applicant submits that amendment has been carried out. Registry is directed to issue notices to the newly added party i.e. respondent no. 5.

3. Notice on C.A. to R-5 be issued returnable in **three weeks**.

4. Shri A.M.Khadatkar the learned P.O. waives notice for respondent no.1. Hamdast granted.

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 the O.A.

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 an affidavit of compliance in the Registry as far as possible once week before the date fixed by this Tribunal. 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. three weeks.**

**Member(J)**  
**Chairman**  
**Date:-25/09/2019.**  
aps.

**Vice**



O.A.Nos.26/19withC.A.176/19 with  
C.A.212/19

withC.P.19/19inO.A.26/19 (D.B.)

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

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

**Dated :25<sup>th</sup> Sep. 2019.**

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

2. The Id. P.O. filed the letter from Government of Maharashtra bearing No. d; ; kfpdk&2019@i:dz34@ntk&5] fnukd 17-09-2019 along with the G.R. No. d; ; kfpdk&2019@i:dz34@ntk&2%Å t&5] fnukd 09-09-2019 . By this letters it appears that committee was found by Under Secretary, G.A.D., Government of Maharashtra. It was only for a week time as submitted that meeting has taken place and their decision is expected within two weeks.

3. However, respondents are given one week time to communicate the decision of the committee irrespective of code of conduct.

**4. S.O. 04/10/2019.**

5. *Steno copy is granted.*

**Member(J)**  
**Chairman**  
**Date:-25/09/2019.**  
aps.

**Vice**

O.A.No.1025/2018 (D.B.)

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

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

**Dated :25<sup>th</sup> Sep. 2019.**

Heard Shri N.B.Rathod, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondent nos. 1 & 2. None for the respondent nos. 3 & 4.

2. The Id. P.O. filed the affidavit-in-reply of respondent no. 3. It is taken on record. Copy is served to the other side.

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

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

5. As submitted by Id. P.O., being an expert, the respondent no. 3 will personally present in the next hearing.

6. **S.O. 14/10/2019.**

**Member(J)  
Chairman**

**Date:-25/09/2019.**

aps.

**Vice**

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

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

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

**Dated :25<sup>th</sup> Sep. 2019.**

**C.A.No.101/2019:-**

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

2. The Id. counsel for the applicant has filed the additional affidavit. It is taken on record. Copy are supplied to the other sides.

3. As agreed by both the counsels, **S.O.**  
**04.10.2019 at 03:00 p.m..**

**Member(J)**

**Chairman**

**Date:-25/09/2019.**

aps.

**Vice**

O.A.No.446/2019 (D.B.)

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

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

**Dated :25<sup>th</sup> Sep. 2019.**

Heard Ms. A.R.Manhare, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

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

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

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

5. **S.O. 04/10/2019.**

**Member(J)**

**Chairman**

**Date:-25/09/2019.**

aps.

**Vice**

O.A.No.159/2013 (D.B.)

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

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

**Dated :25<sup>th</sup> Sep. 2019.**

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

2. At the request of Id. counsel for the  
applicant, **S.O. 03/10/2019.**

**Member(J)**

**Chairman**

**Date:-25/09/2019.**

aps.

**Vice**

O.A.No.314/2014 (D.B.)

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

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

**Dated :25<sup>th</sup> Sep. 2019.**

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

2. At the request of Id. counsel for the  
applicant, **S.O. one week.**

**Member(J)**

**Chairman**

**Date:-25/09/2019.**

aps.

**Vice**

O.A.No.455/2013 (D.B.)

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

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

**Dated :25<sup>th</sup> Sep. 2019.**

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

2. The Id. counsel for the applicant submits that the applicant wants to withdraw the O.A.. At his request, **S.O. Monday i.e. 30.09.2019.**

**Member(J)  
Chairman  
Date:-25/09/2019.  
aps.**

**Vice**



**MAHARASHTRA ADMINISTRATIVE TRIBUNAL**  
**NAGPUR BENCH NAGPUR**

**O.A. No. 746/2019**

(Madhuri D/o. Murari Madavi Vs. the State of Maharashtra and Ors. )

---

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

**Date : - 25.09.2019.**

---

**ORDER**

1. Heard Shri N.R. Saboo, learned counsel for the applicant and Shri A.P. Potnis, learned P.O. for the respondents.

2. As submitted by learned counsel for the applicant, the applicant was appointed through the Maharashtra Public Service Commission vide G.R. dated 11.11.2008 (paper book page No. 32) on the post of Chief Officer Group-B. On 23.07.2019, the applicant was transferred and posted as Assistant Director (Group-B) in the office of Divisional Commissioner, as well as, Regional Director of Municipal Administration i.e. the respondent No. 2. While working there, the applicant carried out work of Assistant Director (Group-B) Subsequently, the applicant was charge sheeted under Rule 10 vide order dated 27.04.2016 (paper book page No. 36) and the following charges were levelled, which runs as under:-

" **dlc dz 1 % uxji fj "kncdMsmi yC/k uLrhph i kFkfed r i kl .kh dyyh vl rk ukxjh nfy r oLrh ; kst usv r x r % l u 2013&14% fl e v d k d h j k M P ; k d k e l p h i u j k o R r h % Duplication % > k y ; k p s f n l u u v k y s t l s g k l d h f c Y M h a x r s v k l k j k e d l c G P ; k ? k j k i ; i r P ; k d k e k p s : - 14]44]056% p s i k d y u v l n s k d z 675] f n - 03-03-2014 u d k j d k ; k h s k f n y s r n e a r j i u g k l n j P ; k j L R ; k p s i d y u v l n s k d z 675] f n - 03-03-2014 u d k j d k ; k h s k f n y s r n e a r j i u g k l n j P ; k**

jLR; kps : - 6]59]432@& gh i kdyu vlns k dz 671] fn- 03-03-2014 uq kj dk; khs k ns; kr vkys , dlp dkekps nksuoGk dk; khs k ns; kr vkys gh vfu; ferrk >kyh vkgs

fn- 03-03-2014 jksth dk; khs k dz 675 uq kj fnsy; k dkekoj : - 12]53]185@& brdk [kpz>kyk 1MB No. 261/1 Page No. 65½o I njpsns d fn- 13-05-2014 jksth vnk dj.; kr vkys fn- 03-03-2014 jksth dk; khs k dz 671 uq kj fnsy; k dkekoj : - 5]86]789@& brdk [kpz>kyk 1MB No. 261/2 Page No. 58½ o I njpsns d vki ysekQr fn- 02-08-2014 jksth vnk dj.; kr vkys I njpsns d vnk djrluk vki .k , dp dkekpsnku dk; khs k ns; kr vkys vkgs o ; ki phi I njpsns d vnk dj.; kr vkysgsu rikl rk ns d vnk dsys gh vfu; ferrk >kyh vkgs ; kckcr vki .k 'kkI dh; jdepsupl ku dsysvli uu rsol uu ik= vkgs vki .k e-uk-I s %orZhd½fu; e 1979P; k fu; e 3 pk Hkx dsk vl Y; keGsvki .k f'kLrHkxkph dk; bkgil ik= vkgsr-

3. Subsequently, the applicant was issued charge-sheet vide letter/communication dated 07.06.2016 (paper book page No. 35). Subsequently, the applicant has submitted his resignation vide application dated 29.07.2019. The applicants' resignation letter has been forwarded by the Divisional Commissioner, Amravati vide letter dated 02.08.2019 (paper book page no. 28, Annexure A-5) to the respondent No. 1 for necessary action. In this letter, no information was given about pending D.E. or proposed D.E.. However, the applicant's resignation has been rejected vide impugned letter No. , e]l v]k&2019@i z dz 171@ufo-14@] fnukd 11 I Iv;c]j] 2019 and reason has been given that the D.E. is pending.

4. As per the show cause notice dated 07.06.2016, punishment proposed is recovery to the tune of Rs. 5,86,789/- against the applicant. As per the submissions of the learned counsel for the applicant nothing in the

appointment letter is mentioned regarding tenure of compulsory service to be rendered by the said employees before resignation from the Government service.

5. Learned counsel for the applicant has also relied upon the G.R. dated 02.12.1997 and the relevant paragraph No. 9 of the said G.R. is reproduced as below :-

"¼½ 'kkI dhi; vf/kdk&; kpk@deþk&; kpk jkthukek i klr >kY; kuajj] R; kP; kfo: /n foHkkxh; pkd'lh i Lrkfor vFkok iyacr vl Y; kl ] rI p R; kP; kdlMu 'kkI ukl dgh ; s;s vl Y; kl ] rRI adkhp I foLrj ri 'khy I ad/kr dk; ky; kP; k vkLFki uk vf/kdk&; kus jkthukek i= LohdrhI kbh I {ke ikf/kdk&; kdMs ikBforkuk |kok v'kk vf/kdk&; kP; k@deþk&; kP; k jkthukek i=koj fopkj dj.; kr ; s vl u R; koj fu.k ?ks; kl 1 efgU; ki \$kk tLr vo/kh ykx.kkj vl Y; kl ] jkthukek nskk&; k vf/kdk&; kl @deþk&; kl rI sy[th Lo: i kr dGfo.; kr ; kosvlf.k rI sdGforkuk] 'R; kP; k jkthukek Lohdrh I mHkkthy fu.k 'kkI ukdlMu i klr gkb;  vki.k 'kkI u I os vl Y; kph ukn ?s; kckrgth' R; kau dGfo.; kr ; koj vU; Fkk RRRI adkkr Hkfo"; kr mnHko.kk&; k i fj.kkelp tckcnkjh I ad/kr vkLFki uk vf/kdk&; kph jkghy]"

6. Learned Presenting Officer for the respondents relied upon the judgment of this Tribunal in O.A. No. 463/2014 with C.A. No. 338/2014 in case of Devrao Madjuji Holi Vs. The State of Maharashtra and Ors. delivered on 28.10.2014. However, the facts of that O.A. were different. Subsequently, learned Presenting Office has also relied upon the para No. 10 (page no. 18) of the G.R. dated 02.12.2007, which reads as follows:-

"10- 'kkI dhi; vf/kdkjh@deþkjh fuyæuk/thu vl rkuk fadok R; kP; kfo: /n foHkkxh; pkd'lh iyacr@iLrkfor vl rkuk R; kusfnysyk jkthukek Lohdkj.; kr ; m u; s v'kk idj.kh] foHkkxh; pkd'lh fu; e i [Lrdk] pkd'lh vkoRrh] 1991 e/khy idj.k 2 P; k i fjPNn 2]4 o idj.k 3 P; k i fjPNn 3-22 e/khy rjrqhuq kj dk; bkgb dj.; kr ; koh-ojhyiæ.k.kstjh i fjfLFkrh vl yh rjh ns[khy foHkkxh; pkd'lhph dk; bkgb i wkz g;s; kl Qkjp foyæ ykx.kkj vl sy vlf.k nks[kjki kps Lo: i ] i jkoj bR; knh y{kr ?kmu foHkkxh; pkd'lh pkywBoY; kl ] foHkkxh; pkd'lhP; k fu.k kvrth I ad/kr

'kkI dh; vf/kdk&; kl @dePkk&; kl "cMrQh'"] "I sruu dk<u Vkd.k's"] bR; knh v' th t c j f' k {kk gkskkj ukgh vkf.k R; keG's I cfi/kr 'kkI dh; vf/kdk&; kfo: /n@dePkk&; kfo: /n foHkkxh; pkd' kph dkjokbz dj.; k, s th R; kpk jkthukek Lohdkj.k.s vf/kd I ks hLdj Bjsy v' th I {ke i kf/kdk&; kph [kk=h i VY; kl ] v'kk i dj.k.kh I cfi/kr 'kkI dh; vf/kdk&; kpk@dePkk&; kpk jkthukek Lohdkj.; kr ; kok- rI sdjruk "iLr i dj.k.kh I cfi/kr 'kkI fd; vf/kdkjh@dePkk&; kfo: /n foHkkxh; pkd' kph dkjokbz dj.; k, s th R; kpk jkthukek Lohdkj.k.svf/kd mfr gkbZ- ; kckcr I {ke i kf/kdk&; kph [kk=h vI Y; kpk" Li "V mYyq[k jkthukek LohdrP; k iLrkokr djkok"

7. In is contention of the learned counsel for the applicant that clause 4 of the Government Resolution dated 02.12.1997 is mandatory in nature and if default committed by the Government in not accepting or rejecting the resignation within a period of one month, from the date of receipt of resignation, then it amounts to deemed acceptance of the resignation.

In this regard, we would like to point that the Hon'ble Bombay High Court in case of **Narayan Dinbaji Jambhule Vs. Deorao Madguji Holi and Others** reported in **2017(2) Mh.L.J. page 807** has examined the similar situation. In that case, the facts were that the respondent No. 5 had given notice dated 19.08.2013 disclosing his intention to resign from the post of Medical Officer w.e.f. 30.10.2013. The issuance of notice dated 19.08.2013 and the receipt of it by the Additional Chief Secretary, Public Health Department, Mantralaya Mumbai was not disputed. It was contention of the respondent No. 5 that the notice given by him became effective from 19.09.2013 and he ceased in the employment w.e.f. 19.09.2013. The respondent No. 5 placed reliance on clause 4 of the Government Resolution dated 02.12.1997 to substantiate the above contention. The Hon'ble High Court has examined the said contention in

paragraph Nos. 30, 31 & 32 and the reasons are recorded by the Hon'ble High Court as to why the contention of the respondent No. 5 was not legally correct.

8. In paragraph No. 31 following observations are made by the Hon'ble High Court :-

31. In my view, it would be hazardous to read clause 4 of the Government Resolution dated 2nd December, 1997 to mean that it confers an absolute right on the Government employee to walk out if 31. In my view, it would be hazardous to read clause 4 of the Government Resolution dated 2nd December, 1997 to mean that it confers an absolute right on the Government employee to walk out if there is some default on the part of the competent authority in informing him that his resignation is not accepted for some reason. Clause 4 of the Government Resolution dated 2nd December, 1997 cannot be interpreted in such a manner, overlooking the other aspects relevant in Service Jurisprudence which are required to be considered before the employee-employer relationship is treated to have been terminated by the act of the employee of submitting resignation. As referred earlier, Rule 28 to 31 of the Maharashtra Civil Services (General Conditions of Services) Rules, 1981 provide for the mechanism for handing over of charge by the outgoing government employee. If clause 4 of the Government Resolution dated 2nd December, 1997 is interpreted to mean that it confers absolute right on the employee to walk out if the competent authority fails to intimate within one month that the resignation is not accepted then the Government employee would not be liable to handover the charge and to account for the property of the Government which may be in his custody/ possession and the outgoing employee will not be liable to make good the loss if caused by him to the Government.

9. In order to remove the doubt, as to the terms and conditions in the appointment order of the applicant, We have perused the appointment order of the applicant, which is at page no. 32 of paper book. In the appointment order dated 11.11.2008, clause- A is as under:-

"v½ R; kpk e[; kf/kdkjh] Jskh&2 ¼xV&c½ ; k i nokjhy I oP; k 'krh] egkjk"Vª uxjifj"knk] uxji pk; rh o vK] kfxd ukxjh vf/kfu; e] 1965 P; k dye 75¼v½ o R; k[kyhr; kj dj.; kr vkyŸ; k egkjk"Vª jkT; uxjilkfydk e[; kf/kdkjh I oK ¼Hkjr h o I oP; k 'krh½ fu; e] 1983 o R; ke/; soGtoGh dj.; kr ; skk&; k nq LR; k ; kl v/thu jkgu fofu; fed dj.; kr ; rhy-"

After reading clause –A, it is crystal clear that the terms and conditions of the services were to be governed by the Maharashtra Municipal Council, Nagar Panchayati and Industrial City Act, 1965 as per the provisions under Section 75 (A) and as per the rules framed by the Government their under in the year 1983.

10. In the present case, it is submission of the learned counsel for the applicant that the impugned order rejecting resignation be stayed. The impugned order is Annexure (page no. 24 of paper book) which is dated 11.09.2019. It is submissions of the learned counsel for the applicant that as the resignation was submitted on 29.07.2019, consequently, the respondents were under obligation to pass the order on the resignation within a period of one month and as it was not done, therefore, rejection of the resignation after expiry of one month has no meaning in law. Therefore, the applicant deemed to have been relieved from the post after expiry of one month. Here we would like to point out that as per the law laid down by the Hon'ble High Court in case of **Narayan Dinbaji Jambhule Vs. Deorao Madguji Holi and Others** there appears no substance in the contentions of the applicant. In this regard, we would like to point out that in this case, it is also material to examine what were the terms and conditions of the services of the applicant, which were binding on her in view of Section 75 (A) of the Maharashtra Municipal Council, Nagar Panchayati and Industrial City Act, 1965 and the Maharashtra State Municipal Council Chief Officer Services (Recruitment and Service Conditions) Rules, 1983.

At this moment, this material is not made available to us, therefore, we are of the affirm view that without examining the terms and conditions of the services of the Chief Officer of the Municipal Council it is not suitable to grant any interim relief. Hence, we do not see any merit in the submission that strong case is made out for granting interim relief without giving opportunity to the respondents to submit their reply. Hence, the interim relief is rejected.

11. At the request of learned Presenting Officer for the respondents, **S.O. two weeks** for filing affidavit in reply.

**Member(J).**

O.A. No. 746/2019 **kpb**

**Vice-Chairman.**