

O.A. No. 724/2018 (DB)

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

Dated : 10.10.2019

Heard Shri S.S. Ghate, Id. counsel for the applicant, Shri A.P. Potnis, Id. P.O. for the respondents.

The learned P.O. files reply on behalf of R-4. It is taken on record. Copy is served on the applicant. It appears that reply of R-1 to 3 has already been filed.

The matter is admitted and it be kept for final hearing.

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

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

S.O. 22/11/2019.

Vice-Chairman.

dnk.

O.A. No. 197/2019 (DB)

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

Dated : 10.10.2019

C.A. 392/2019 -

Heard Shri D.T. Shinde, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1 and Shri S.A. Sahu, Id. counsel for R-2.

For the reasons stated in the application, the C.A. No.392/2019 is allowed. Necessary amendment be carried out within two weeks.

O.A.197/2019 –

S.O. 27/11/2019.

Vice-Chairman.

dnk.

*O.A. No. 813/2019 (DB)

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

Dated : 10.10.2019

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

2. It is pointed out by the learned counsel for the applicant as mentioned in the O.A. that the respondent no.2 is the Appointing Authority of the post of Warden in the Tribal Development Department.

3. The learned counsel for the applicant is directed to correct the post of respondent no.2 as the Appointing Authority of the post of Warden and place the relevant documents on record to that effect.

S.O. after two weeks.

Vice-Chairman.

dnk.

*O.A. No. 88/2016 (SB)

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

Dated : 10.10.2019

Heard Shri S.P. Palshikar, learned counsel for the applicants and Shri S.A. Deo, Id. CPO for the respondents.

2. The learned counsel for the applicants submitted that the Hon'ble High Court has also passed the order and he wants to place copy of that order on record. He also submitted that this issue is covered in the Judgment of this Tribunal in O.A. 165/2015.

S.O. 17/10/2019.

Vice-Chairman.

dnk.

O.A. Nos. 524,525 & 623 of 2016 **(SB)**

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

Dated : 10.10.2019

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

At the request of Id. counsel for the applicants, **S.O. Next week.**

Vice-Chairman.

dnk.

O.A. No. 823/2018 (SB)

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

Dated : 10.10.2019

Shri G.G. Bade, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

At the request of Id. counsel for the applicant, **S.O. After Vacation** for filing application for condonation of delay.

Vice-Chairman.

dnk.

O.A. No. 01/2019 (SB)

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

Dated : 10.10.2019

Shri G.K. Bhusari, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O for the respondents.

At the request of Id. P.O., **S.O. After Vacation** for filing reply.

Vice-Chairman.

dnk.

(SB)

***O.A.Nos. 288,289,290,291,292,293,294 & 295
of 2019**

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

Dated : 10.10.2019

Heard Shri G.G. Bade, learned counsel for the applicants and Shri A.M. Khasdatkar, Id. P.O. for the respondents.

2. The learned counsel for the applicants submitted that as per the order dated 04/10/2019 the applicants have submitted representations which are received by the Department on 07/10/2019. Same are taken on record and copies are supplied to the learned P.O.

3. The respondents are directed to decide the applicants' representations which are received on 07/10/2019 as per the direction of Hon'ble High Court in Writ Petition No.6294/2016 and as per acquiring educational qualification of the applicants for granting deemed date as per existing rules and regulations within four months.

4. In view of above direction, the O.As. stand disposed of. No order as to costs.

Vice-Chairman.

dnk.

O.A. No. 619/2019 (SB)

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

Dated : 10.10.2019

Shri A.B. Mirza, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1. Await service of R-2 to 6.

2. The learned counsel for the applicant submitted that the respondents are served and he will file service affidavit during the course of day.

3. The learned counsel for the applicant pointed out that the address of respondent no.4 is not correct and therefore he may be permitted to correct the same. He is permitted to do so.

S.O. After Vacation.

Vice-Chairman.

dnk.

O.A. No. 698/2019 (SB)

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

Dated : 10.10.2019

Ms. P. Agrawal, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

At the request of Id. CPO, **S.O. four weeks** for filing reply.

Vice-Chairman.

dnk.

Rev.A. 19/17 in O.A. No. 710/2014 **(SB)**

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

Dated : 10.10.2019

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

It is submitted that reply of R-4 has already been filed.

Heard. Admit.

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

S.O. 17/10/2019.

Vice-Chairman.

dnk.

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

Dated : 10.10.2019

Heard Shri S.P. Palshikar, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. As pointed out by the learned counsel for the applicant, the applicant was placed under suspension as per the order dated 29/4/2019 (A-1,P-13). The applicant has given representation dated 5/8/2019 (A-2, P-14) to grant relief as per the G.R. dated 9/7/2019 (A-4,P-16). The learned counsel for the applicant further submitted that as mentioned in para-1 (ii) of the said G.R. no charge sheet has been served on the applicant and therefore as per observations and decision taken by the Government vide G.R. dated 9/7/2019 the applicant's suspension needs to be revoked. However, the learned CPO seeks time to file reply.

3. Issue notice to R-2, returnable on **05/11/2019**. Learned C.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.

S.O. 05/11/2019.

Steno copy is granted....

Vice-Chairman.

dnk.

*O.A. No. 820/2019 (SB)

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

Dated : 10.10.2019

Heard Shri S.P. Palshikar, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The learned counsel for the applicant has pointed out that the suspension order dated 11/1/2019 (A-1,P-14) wherein in para-1 it is mentioned that applicant has been suspended w.e.f. 15/12/2018. Subsequently, the applicant has also given representation dated 19/8/2019 (A-2,P-16) for relief after 90 days as per the G.R. dated 9/7/2019 (A-3, P-18). The learned CPO seeks time to file reply.

3. Issue notice to R-2, returnable on **05/11/2019**. Learned C.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.

S.O. 05/11/2019.

Steno copy is granted...

Vice-Chairman.

dnk.

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

Dated : 10.10.2019

Heard Shri S.P. Palshikar, Id. counsel holding for Shri A.C. Dharmadhikari, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1&2. None for R-3.

2. As per the order dated 30/9/2019 the learned P.O. has filed additional affidavit on behalf of the Collector, Wardha (R/2). In the said reply in para-4 details for C.Rs. have been given and remarks for the year 2004-05 to 2005-06 were B- i.e. Average. The learned P.O. has also submitted that vide letter dated 27/6/2012 (P-90) the gradation of C.R. for the period from 1/4/2004 to 31/7/2004 and 14/9/2004 to 31/3/2005 has been communicated to the applicant and again by letter dated 27/6/2012 the gradation of C.R. for the period from 1/4/2005 to 26/10/2005 i.e. part C.R. for the said year has been communicated to the applicant. The gradation in both the C.Rs. was B- "Average" and adverse C.R.

3. In view these facts, it is clear that adverse C.R. of the period 2004-05 & 2005-06 was communicated to the applicant. Nothing on record is shown that whether

applicant made any representation against that communication or not.

4. The learned counsel for the applicant submitted that Shri A.C. Dharmadhikari, learned counsel for the applicant is busy today in the High Court therefore matter be taken in the next week.

5. At the request of learned counsel for the applicant, **S.O. one week.**

Vice-Chairman.

dnk.

*O.A. No. 250/2019 (SB)

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

Dated : 10.10.2019

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

2. The learned counsel for the applicant submitted that the applicant's grievances in this O.A. has been redressed.

3. So far as promotion order of applicant is concerned, it was issued by the DGP (MS), Mumbai vide order dated 28/7/2017 (A-6,P-49) and subsequently it has been cancelled by the Director General of Police only vide order dated 3/10/2019 (P-68).

4. In view of this, the learned counsel for the applicant is at liberty to file separate O.A. regarding promotion order and related issue to promotion..

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

Vice-Chairman.

dnk.

O.A. Nos. 107 & 108 of 2018 **(SB)**

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

Dated : 10.10.2019

Shri A.P. Adhe, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. for the respondents.

The learned counsel for the applicants filed written notes of arguments in both the O.As. Copies of the same are taken on record and also supplied to the learned P.O.

S.O. 17/10/2019.

Vice-Chairman.

dnk.

O.A. No. 642/2018 (SB)

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

Dated : 10.10.2019

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

S.O. in due course.

Vice-Chairman.

dnk.

O.A. No. 917/2018 (SB)

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

Dated : 10.10.2019

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

2. The learned counsel for the applicant submitted that he is unable to contact with his client therefore some time is required.

3. The learned P.O. has pointed out that whether any junior is promoted above the applicant, unless this fact is brought before the Tribunal, relief clause cannot be considered. The Id. P.O. as well as learned counsel for the applicant are directed to clarify whether any junior of the applicant is promoted.

S.O. 13/11/2019.

Vice-Chairman.

dnk.

O.A. No. 366/2017 (SB)

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

Dated : 10.10.2019

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

S.O. in due course.

Vice-Chairman.

dnk.

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

Dated : 10.10.2019

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

2. The learned counsel for the applicant pointed out on page no.9 in para-9 in which he has claimed relief 9 (A) and 9 (B). He further submits that there was no departmental inquiry and without departmental inquiry the applicant was dismissed and his suspension period has been treated as suspension.

3. In view of above facts, while filing reply by the respondents it has not been mentioned about the departmental inquiry and report of Inquiry Officer. In para-4 of the reply. The learned P.O. is directed to get the final report of the departmental inquiry and recommendations of Inquiry Officer and final show cause notice to the applicant after departmental inquiry and the learned counsel for the applicant is directed to produce if any reply submitted after final show cause notice.

S.O. After Vacation (PH).

Steno copy is granted....

Vice-Chairman.

O.A. No. 696/2019 (SB)

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

Dated : 10.10.2019

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

2. The learned P.O. pointed out Minutes of Review Committee Meeting (date is not mentioned). However, the respondent no.2, the Superintendent of Police, Gondia has put signature in remarks column and signed on 22/8/2019. As per the remark suspension has been continued.

3. However, the learned counsel for the applicant has brought to the notice that the departmental inquiry is completed and the applicant has submitted final submission on 5th September,2019. In this background, it is pointed out that as under -

“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."

4. With the above observations as mentioned by the Hon'ble Apex Court, I do not see any reason that same ratio cannot be adopted by the respondents for the applicant. The respondents are directed to take decision on revocation of the applicant's suspension within two weeks from the date of this order as per observations of Hon'ble Apex Court.

S.O. 23/10/2019 (PH)

Steno copy is granted...

Vice-Chairman.

dnk.
