

O.A.206/2016 (DB)

**Coram : Hon. Shri Shree Bhagwan,  
Member (A).**

**Dated : 11.10.2018**

**C.A.291/2018 -**

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

2. It appears that the applicant has filed the C.A.No.291/2010 to withdraw the O.A. on 03/10/2018. The learned P.O. has no objection for the same.

3. In view thereof, the C.A. for withdrawal of the O.A. is allowed.

**O.A.206/2016 –**

The O.A. stands disposed of as withdrawn accordingly with no order as to costs.

**Member (A).**

dnk.

O.A.190/2017 (DB)

**Coram : Hon. Shri Shree Bhagwan,  
Member (A).**

**Dated : 11.10.2018**

None for the applicant. Shri S.A. Deo, Id. CPO for R-1. Await service of R-2 to 4.

2. The learned CPO points out that the selection process is of the year 2011 and selection was never challenged and therefore, the O.A. needs to be dismissed.

3. In view of this, the matter be kept before regular Division Bench **on 24/10/2018.**

**Member (A).**

dnk.

O.A.402/2017 (DB)

**Coram : Hon. Shri Shree Bhagwan,  
Member (A).**

**Dated : 11.10.2018**

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

2. The learned P.O. submits that on the last so many occasions the applicant or his counsel has not appeared.

3. On the last occasion i.e. on 08/11/2017 it was mentioned that the applicant may not be interested in prosecuting the matter and therefore the matter was kept for dismissal. However, it was kept after four weeks. Today also none appeared for the applicant.

4. In view of this, the matter be kept before regular Division Bench **on 24/10/2018** for dismissal.

**Member (A).**

dnk.

O.A.473/2017 (DB)

**Coram : Hon. Shri Shree Bhagwan,  
Member (A).**

**Dated : 11.10.2018**

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

2. The learned counsel for the applicant submits that he received the parawise comments and he will file reply-affidavit before the next date and for that purpose he seeks two weeks time.

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

**Member (A).**

dnk.

O.A.513/2017 (DB)

**Coram : Hon. Shri Shree Bhagwan,  
Member (A).**

**Dated : 11.10.2018**

None for the applicant. Shri S.A. Deo, Id. CPO for the respondents.

2. As pointed out in the order dated 30/04/2016, the objection has been raised on the point of limitation. Hence, the matter be kept before regular Division Bench .

**Member (A).**

dnk.

O.A.520/2017 (DB)

**Coram : Hon. Shri Shree Bhagwan,  
Member (A).**

**Dated : 11.10.2018**

Shri D. Karnik, Id. counsel for the applicant and Shri S.A. Sanis, Id. P.O. for R-1. None for R-2&3.

2. The reply of R-2&3 has already been filed.

3. The learned P.O. seeks time to file reply on behalf of R-1 and 4. At his request, **S.O. two weeks** for filing reply.

**Member (A).**

dnk.

O.A.472/2017 (DB)

**Coram : Hon. Shri Shree Bhagwan,  
Member (A).**

**Dated : 11.10.2018**

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

2. The learned P.O. files reply-affidavit on behalf of R-2&3. It is taken on record. Copy is served on the applicant. However, in the array of respondents' list, it seems that the Joint Commissioner of Police (Admn.), Mumbai as respondent no.2 and the Deputy Commissioner of Police, Head Quarter-2, Mumbai as respondent no.3 have been wrongly made as party respondents. Because the applicant comes from the Washim District and the said district is not come under the jurisdiction of Commissioner of Police, Mumbai.

3. The learned counsel for the applicant wants to take instructions in this regard and for that purpose he seeks time. At his request, **S.O. two weeks.**

**Member (A).**

dnk.

O.A.700/2017 (DB)

**Coram : Hon. Shri Shree Bhagwan,  
Member (A).**

**Dated : 11.10.2018**

None for the applicant.

Shri A.M. Ghogre, Id. P.O. for the respondents.

The learned P.O. files reply-affidavit of respondent no.2. It is taken on record. He submits that the reply of respondent no.2 is suffice.

**S.O. two weeks.**

**Member (A).**

dnk.



O.A.767/2017 (DB)

**Coram : Hon. Shri Shree Bhagwan,  
Member (A).**

**Dated : 11.10.2018**

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

The learned P.O. files reply on behalf of R-1,2&3. It is taken on record. Copy is served on the learned counsel for the applicant. The Id. counsel for the applicant submits that he does not want to file rejoinder.

The matter be kept **after two weeks.**

**Member (A).**

dnk.

O.A.773/2017 (DB)

**Coram : Hon. Shri Shree Bhagwan,  
Member (A).**

**Dated : 11.10.2018**

Shri G.K. Bhusari, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

The learned P.O. files reply on behalf of R-1&2. It is taken on record. Copy is served on the applicant.

Since the pleadings are complete, the matter is admitted and be kept for final hearing.

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

**S.O. two weeks.**

**Member (A).**

dnk.

O.A.798/2017 (DB)

**Coram : Hon. Shri Shree Bhagwan,  
Member (A).**

**Dated : 11.10.2018**

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

2. The learned counsel for the applicant desires to withdraw the O.A. He is permitted to do so.

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

**Member (A).**

dnk.

O.A.800/2018 (DB)

**Coram : Hon. Shri Shree Bhagwan,  
Member (A).**

**Dated : 11.10.2018**

Heard Shri S.E. Raghorte, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the State.

2. Issue notice to R-2 to 5, returnable in **three weeks**. Learned P.O. waives notice for R-1. Hamdast allowed.

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

4. 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.

5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as

limitation and alternate remedy are kept open.

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

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

8. **S.O. three weeks.**

**Member (A).**

dnk.

**O.A.No.676/2018 (S.B.)**

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 11.10.2018.**

Shri Vishal Anand, the Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the State.

The Id. counsel for the applicant desires for early hearing. However, the affidavit-in-reply is yet to be filed. The Id. P.O. seeks four weeks time to file reply.

**S.O. four weeks.**

**Member (A)**

aps.

**O.A.No.651/2018 (S.B.)**

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 11.10.2018.**

None for the applicant. Shri S.A.Deo,  
Id. C.P.O. for the State.

The Id. C.P.O. seeks four weeks time  
to file reply. At his request, **S.O. four  
weeks.**

**Member (A)**

aps.

**O.A.No.699/2018 (S.B.)**

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 11.10.2018.**

Shri Manoj Jaiswal holding for Shri N.R.Saboo, the Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the State. Await service of respondent nos. 2 & 3.

The Id. counsel for the applicant seeks two weeks time to file service affidavit. At his request, **S.O. two weeks.**

**Member (A)**

aps.



**O.A.No.923/2017 (S.B.)**

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 11.10.2018.**

**C.A.No.296/2018:-**

Ms. S.S.Dhone, the Id. counsel for the applicant, Shri A.M.Khadatkar, Id. P.O. for the respondent nos. 1 & 2 and Shri S.S.Majid, the Id. counsel for the respondent nos. 3 & 4.

The basic O.A. is related to the transfer. The amendment proposed by C.A. 296/2018 is opposed by the Id. P.O. So, the amendment is not allowed.

The Id. counsel for the applicant, if so desires regarding payment and other issue, she can file separate O.A. However, the C.A. 296/2018 for amendment application is disposed of.

The Id. counsel for the applicant submits that her senior is appearing in this case. In view of this, **S.O. one week.**

**Member**

**(A)**

aps.

**O.A.No.496/2018 (S.B.)**

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 11.10.2018.**

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

The matter was heard on 09/10/2018, in which it was pointed out that, the Id. counsel for the applicant placed reliance on the Judgment in O.A.35/2018, from the Principal Bench of this Tribunal delivered on 11/09/2018. In view of that, the Id. P.O. was requested to take instructions from the department. However, till today no instructions or any clear reasoning orders has been passed by the department.

In view of this, the respondents are directed to take action as per the orders in O.A. 35/2018 delivered by Principal Bench

of this Tribunal delivered on 11/09/2018 **within two weeks** from the date of this order regarding revocation of suspension and communicate the same to the applicant.

If the respondents fail to comply this order within stipulated time given i.e. within two weeks from the date of this order. Then the impugned order No. ifols 6618@i:d:89@vklFM&2] dated 29/06/2018 will deemed to be revoked.

**With the above directions, the O.A. is disposed of.**

*Steno copy is allowed.*

**Member**

**(A)**

aps.

**O.A.No.802/2018 (S.B.)**

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 11.10.2018.**

Shri N.B.Bargat, the Id. counsel for the applicant and Shri M.I,Khan, Id. P.O. for the State.

2. Issue notice to R-2 & 3, returnable on two weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

4. 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.

5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as

limitation and alternate remedy are kept open.

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

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

8. **S.O. two weeks**

9. *The status quo is maintained till filing of the reply.*

10. *Steno copy is granted.*

**Member**

**(A)**

aps.

**O.A.No.803, 804 & 805/2018 (S.B.)**

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 11.10.2018.**

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

2. Issue notice to R-2 & 3, returnable  
on two weeks. Learned P.O. waives notice  
for R-1. Hamdast allowed.

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

4. 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.

5. This intimation / notice is ordered  
under Rule 11 of the Maharashtra  
Administrative Tribunal (Procedure)  
Rules,1988, and the questions such as

limitation and alternate remedy are kept open.

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

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

8. **S.O. two weeks**

9. *The status quo is maintained till filing of the reply.*

10. *Steno copy is granted.*

**Member**

**(A)**

aps.



**O.A.No.796/2018 (S.B.)**

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 11.10.2018.**

Shri G.G.Bade, the Id. counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the State.

By record it appears that the applicant was suspended vide letter no. d{&1@vILF&v@fuyzcu@i7dz-----@1259@2017&18] ukxiij] fnukd 15@11@2017- Till now, almost 23 months are over.

The Id. counsel for the applicant has pointed out the representation of applicant dated 31/07/2018. *In his letter applicant has invited attention to The Hon'ble Supreme Court Judgment in the case of Ajay Kumar Choudhary Vs. Union of India & Ors., (2015) 7 SCC 291.*

The Principal Bench of this Tribunal has delivered one Judgment in O.A.

35/2018 dated 11/09/2018 by Hon'ble Chairman, M.A.T. Mumbai, the following observations are made in para no. 23 of the Judgment:-

*23. This Tribunal took a view in Shri Naresh Alwandar Polani Vs. State of Maharashtra, O.A.611 of 2017, by order dated 23/10/2017, relying on the Judgment of Hon'ble Supreme Court in the case of Ajay Kumar Choudhary Vs. Union of India & Ors., (2015) 7 SCC 291 and also in view of observations contained in Dr. Narendra Omprakash Bansal Vs. The State of Maharashtra & Ors., W.P.11987/2015 as follows:-*

*"9. It is now well settled by virtue of Judgment in Ajay Kumar Choudhary (supra) that notwithstanding the language as may have been employed in the conditions of service, now it is not open to the Government to continue the suspension beyond three months as a mandatory rule of precedent."*

In para nos. 24 & 25 of the said Judgment following observations have been made:-

24. *Learned advocate for the applicant has in addition placed reliance on the Judgment of Hon'ble Supreme Court in State of Tamil Nadu Vs. Pramod Kumar IPS & Anr., Civil Appeal No. 8427-8428 of 2018, wherein it is held as follows:-*

*"23. This Court in Ajay Kumar Choudhary Vs. 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....."*

25. *Thus, now the ratio laid down in Ajay Kumar Choudhary's case is reiterated in case of State of Tamil Nadu Vs. Pramod Kumar Supra and the view taken by this Tribunal in Shri*

*N.A.Polani's case (O.A.611/2017) is required to be followed without making an exception, being based on a mandatory precedent.*

*Para No. 23 of the Judgment dated 21/08/2018 passed by the Hon'ble Apex Court in Civil Appeal No. 8427/8428 of 2018 in State of Tamil Nadu Vs. Pramod Kumar IPS & Another it is held as under-*

*"This Court in Ajay Kumar Choudhary Vs. 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".*

In view of the Hon'ble Supreme Court above Judgment and Principal Bench,

MAT Judgment in O.A. 35/2018 delivered on 11/09/2018. The respondent nos. 2 & 3 are directed to dispose of the representation of applicant dated 31/07/2018, as per the observations/decision in above three cases within two weeks from the date of this order .

With the above directions, **the O.A. stands disposed of with no order as to costs.**

**Member**

**(A)**

aps.

**O.A.No.801/2018 (S.B.)**

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 11.10.2018.**

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

As pointed out by the Id. counsel for the applicant, the applicant is due for transfer and the details are mentioned in para no. 2 of transfer order. It seems that, procedures have been also followed. However, applicant has some personal problem and he had made the representation dated 01/10/2018 to Deputy Conservator of Forest, Gondia Division, Gondia i.e. respondent no. 3.

Hence, the respondent no. 3 is directed to consider the representation of the applicant dated 01/10/2018 within

two weeks from the date of this order and  
communicate the applicant.

*Till the decision of the representation  
of applicant by the respondent no. 3, status-  
quo is granted.*

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

**Member**

**(A)**

aps.

**O.A.No.978/2017 (S.B.)**

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 11.10.2018.**

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

The matter is regarding assured progress scheme with G.R. No. oru & 1111@iz d:8@l d&3 dated 09/12/2016 on P.B., Pg.No. 10 (Annexure-A-1). The applicant retired on 30/06/2007 and he was due for second assured progress scheme in October, 2006. However, it seems that because of some wrong entry in the service book regarding first assured progress scheme, he has been denied to get the second time benefit of that scheme.

The respondents are directed to re-examine in the light of the G.R. No. oru & 1111@iz d:8@l d&3 dated 09/12/2016 and



grant second assured progress scheme benefit to the applicant in relation to his pensionary benefits. The decision should be **within four weeks** from the date of this order and same should be communicated to the applicant.

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

**Member**

**(A)**

aps.

**O.A.No.806/2018 (S.B.)**

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 11.10.2018.**

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

The applicant has been suspended vide letter no. dk-vk-82@vklFk@mi i ti d@pne18@tk-dz1849] dated 03/05/2018 for more than 150 days are over. Considering the directions given in *Judgment of Hon'ble Supreme Court in the case of Ajay Kumar Choudhary Vs. Union of India in Civil Appeal No. 1912 of 2015 arising out of SLP No.31761 of 2013 dated 16/02/2015 and Judgment of MAT, Principal Bench, Mumbai in O.A.No.35/2018 delivered on 11/09/2018.*

The respondents are directed to decide the representation of the applicant

dated 03/09/2018 and 13/08/2018 within  
ten days from the date of this order.

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

**Member**

**(A)**

aps.

**O.A.No.658/2018 (S.B.)**

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 11.10.2018.**

Shri P.V.Thakre, the Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the Respondents.

The Id. counsel for the applicant pointed out that suspension order was not communicated to the higher authority i.e. Government of Maharashtra who is appointing authority for Range Forest Officer. However, the matter was kept at the end of the board, at the end of the board the matter was again taken and the Id. P.O. has placed on record letter no. vkrns/1 dated 212 dated 02/08/2018, vide Deputy Conservator of Forest Pandarkauda. The same is taken on record. Copy is served to the other side. By which it appears that, it has been communicated to the Secretary,

Forest i.e. Government of Maharashtra and order copy has been also attached with the letter. However, with the record, it appears that the applicant has not exhausted his opportunity before the Appellate Authority regarding his grievances.

The Id. counsel for the applicant is requested to ask the applicant and he is at liberty to approach before the Appellate Authority for his grievances **within fifteen days from the date of this order.**

If the applicant is aggrieved by Appellate Authority order he is at liberty to appear before this Tribunal.

**With this directions, the O.A. is disposed of with no order as to costs.**

**Member**

**(A)**

aps.