

O.A. 627/2018 (DB)

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

**Dated : 09.10.2018**

Shri Vishal Anand, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

The learned P.O. seeks time to file reply. At his request, **S.O. three weeks** for filing reply.

**Member (A).**

dnk.

O.A. 113/2015 (DB)

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

**Dated : 09.10.2018**

**C.A.281/2018 –**

Heard Shri P.S. Sahare, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. for the respondents.

For the reasons stated in the application, the C.A. for permission to file documents on record is allowed.

**O.A.113/2015 –**

**S.O. four weeks.**

**Member (A).**

dnk.

O.A. 151/2018 (DB)

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

**Dated : 09.10.2018**

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

At the request of Id. counsel for the  
applicant, **S.O. in due course** for filing  
rejoinders.

**Member (A).**

dnk.

O.A. 193/2018 (DB)

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

**Dated : 09.10.2018**

Shri A.P. Sadavarte, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 to 5 and Shri S.N. Gaikwad, Id. counsel for R-6 to 8.

2. The learned counsel for the applicant submits that the notice of respondent no.9 has been served and he will file service affidavit to that effect.

3. The Id. P.O. submits that he will file reply of R-2&3 during the course of day.

4. The Id. counsel for R-6 to 8 also seeks time to file reply.

5. At the request of Id. P.O. as well as Id. counsel for R-6 to 8, **S.O. three weeks.**

Put up along with O.A.194/2018.

**Member (A).**

dnk.

O.A. 194/2018 (DB)

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

**Dated : 09.10.2018**

Shri A.P. Sadavarte, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 to 5 and Shri S.N. Gaikwad, Id. counsel for R-6 to 8.

2. The learned counsel for the applicant submits that the notice of respondent no.9 has been served and he will file service affidavit to that effect.

3. The Id. P.O. files reply-affidavit of R-2&3. It is taken on record. Copy is served to the other side.

4. The Id. counsel for R-6 to 8 seeks time to file reply.

5. At the request of Id. counsel for R-6 to 8, **S.O. three weeks** for filing **reply.**

Put up along with O.A.193/2018.

**Member (A).**

dnk.

O.A. 420/2018 (DB)

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

**Dated : 09.10.2018**

**C.A. 231/2018 -**

Heard Ms. V.V. Tiwari, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

For the reasons stated in the application, the C.A. No.231/2018 for condonation of delay is allowed.

**C.A.232/2018 –**

For the reasons stated in the application, the C.A.No.232/2018 for amendment is allowed. Necessary amendment be carried out within one week.

**O.A.420/2018 –**

**S.O. three weeks.**

**Member (A).**

dnk.

O.A. 485/2018 (DB)

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

**Dated : 09.10.2018**

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

At the request of Id. P.O., **S.O. one week** for filing reply.

**Member (A).**

dnk.

O.A. 526/2018 (DB)

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

**Dated : 09.10.2018**

Shri B.Dafle, Id. counsel for the applicant, Shri A.P. Potnis, Id. P.O. for R-1 and Shri B.L. Lonare, Id. counsel for R-2.

At the request of Id. P.O. as well as Id. counsel for R-2, **S.O. two weeks** for filing reply.

**Member (A).**

dnk.



O.A. 700/2018 (DB)

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

**Dated : 09.10.2018**

None for the applicant.

Shri S.A. Deo, Id. CPO for the  
respondents.

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

**Member (A).**

dnk.

O.A. 709/2018 (DB)

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

**Dated : 09.10.2018**

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

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

**Member (A).**

dnk.

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

**Dated : 09.10.2018**

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the State.

2. The learned counsel for the applicant has pleaded the case of the applicant in detailed. However, cause of action is yet not arose. However, in view of the justice to the applicant and in view of the applicant's application dated 01/10/2018 (Annex-A-13,P-35) notices be issued to R-2 to 5..

3. In view thereof, issue notice to R-2 to 5, returnable **on 16/10/2018**. 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. 16/10/2018.**

**Member (A).**

dnk.



**O.A.No.380/2017 (S.B.)**

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

**Dated : 09.10.2018.**

Shri S.C.Deshmukh, the Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the respondents.

The Id. counsel for the applicant desires to file Rejoinder. At his request, **S.O. one week.**

**Member (A)**

aps.

**O.A.No.670/2017 (S.B.)**

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

**Dated : 09.10.2018.**

Smt. Saboo, the Id. counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the respondents.

The Id. P.O. seeks time to file affidavit-in-reply. At his request, **S.O. two weeks for reply.**

**Member (A)**

aps.

**O.A.No.222/2018 (S.B.)**

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

**Dated : 09.10.2018.**

Shri P.C.Marpakwar, the Id. counsel  
for the applicant and Shri M.I.Khan, Id. P.O.  
for the respondents.

The Id. P.O. seeks time to file  
affidavit-in-reply. At his request, **S.O. two  
weeks for reply as a last chance.**

**Member (A)**

aps.



**O.A.No.361/2018 (S.B.)**

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

**Dated : 09.10.2018.**

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

The Id. P.O. has placed on record a letter no. 14/2018/477/6107/09 dated 03/09/2018, which is marked Exh. X for the purposes of identification. The same is taken on record. Copy is served to the other side.

In view of the above said letter, it seems that the respondents had considered the grievances of the applicant. **Hence, the O.A. stands disposed of with no order as to costs.**

**Member (A)**

aps.

**O.A.No.447/2018 (S.B.)**

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

**Dated : 09.10.2018.**

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

The applicant was suspended by order no. d\vfui&i:d:293@5 vj fnukd 27@10@2016 at Annexure-A-1 at P.B., Pg. No. 08.

**Later on:-**

The Id. P.O. submits two documents one is covering letter which is marked Exh. "X" bearing number U; k; ki & 1618@%i z d: 1061%5 vj fnukd 09@10@2018 and another is Review Committee Minutes of Meeting which is marked Exh. "X-1" bearing date- 29/09/2018.

By the above two documents, it seems that the applicant has been reinstated. So, O.A. has become infructuous.

**Hence, O.A. is disposed of with no order as to costs.**

**Member (A)**

aps.

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

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

**Dated : 09.10.2018.**

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

The P.O. submits the affidavit-in-reply on behalf of the respondent no. 1. It is taken on the record. Copy is served to the other side.

The Id. counsel for the applicant has pointed out the order no. efol s 6618@i z d z 89@vklFk&2] fnukd 29 tw] 2018 at P.B., Pg. No. 21 (Annexure-A-1). The applicant was suspended vide that order dated 29/06/2018. The Id. counsel for the applicant also placed reliance on the Judgement in O.A.No.35/2018 from the Principal Bench delivered on 11/09/2018.

In view of this, the Id. P.O. is requested to take instructions from the department. **S.O. 11/10/2018 at high on board.**

**Member (A)**

aps.

**O.A.No.533/2018 (S.B.)**

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

**Dated : 09.10.2018.**

Ms. A.K.Shah, the Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the respondents.

The P.O. submits the affidavit-in-reply on behalf of the respondent no. 3. It is taken on the record. Copy is served to the other side. He further submits that the respondent no. 3 is sufficient.

The Id. counsel for the applicant is interested to go through the reply and file Rejoinder if necessary. **S.O. two weeks.**

**Member (A)**

aps.

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

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

**Dated : 09.10.2018.**

Shri S.M.Khan, the Id. counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the State.

The Id. C.P.O. seeks four weeks time to file affidavit-in-reply. Since, the matter is listed for first time. At his request, **S.O. four weeks.**

**Member (A)**

aps.

**O.A.No.729/2018 (S.B.)**

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

**Dated : 09.10.2018.**

Shri R.V.Shiralkar, the Id. counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the State.

The Id. P.O. has placed on record the letter by Assistant Director, Vocational Education & Training, Regional Office, Nagpur bearing number 1461/U; ki@jrdj@2018@7529 dated 09/10/2018. By which, it appears that the applicant's leave has been sanctioned. It is observed that the department should decide the payment of leave period as early as possible.

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



**Member (A)**

**O.A.No.204/2018 (S.B.)**

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

**Dated : 09.10.2018.**

Shri S.N.Gaikwad, the Id. counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the respondent nos. 1 to 4. None for the respondent no. 5.

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

**Member (A)**

aps.

**O.A.No.338/2018 (S.B.)**

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

**Dated : 09.10.2018.**

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

The Id. counsel for the applicant pleads that applicant is constantly harassed by the transfer and enquiry report bearing number b, I Vh-112016@7656@dkv-133 on P.B., Pg. No. 80-82 (both inclusive) (Annexure-A-9). The same does not show any charges against the applicant.

However, the Id. P.O. submits the enquiry report letter No. b, I Vh 112018@MSEC/2018@6478@17@2&v&2 ¼Hkx&2½ dated 28/08/2018.

In view of this, the Id. P.O. is requested to place on record the said enquiry report and supply the copy of the

same to the other side. Meanwhile, department is at liberty to listen the grievances of the applicant and try to solve this problem.

*In order dated 05/06/2018 in para no. 2:-  
The impugned order of transfer dated 08/05/2018 (Annexure-A-1) to the extent of applicant only is stayed till the next date of hearing and the Commissioner of State Excise (R/2) is requested to consider the applicant's representation dated 09/05/2018 (Annexure-A-7, P-47) and his choice posting (Annexure-A-5, P-45).*

*The above order dated 05/06/2018 is continued till next date of hearing.*

**S.O. ten days for reply.**

**Member (A)**

aps.

**O.A.No.395/2018 (S.B.)**

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

**Dated : 09.10.2018.**

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

The Id. counsel for the applicant pointed out my attention on P.B., Pg. No. 20, where the applicant has requested for some personal reasons regarding his transfer. From record, it seems that letter no. ~~ikvHed{A4@vk-d-@ikvf/A@2017 fnukd~~ 19@12@2017 from the office of Superintendent of Police, Bhandara, the applicant was directed to appear before the respondent no. 2 and place his grievances considering the applicant personal problems as on P.B., Pg. No. 20 (Annexure-A-2).

The respondent no. 2 is directed to consider the applicant's transfer issue sympathetically **within one month from the date of this order**. In view of points mentioned on Pg. No. 2 (Annexure-A-2).

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

**Member (A)**

aps.

**O.A.No.327/2018 (S.B.)**

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

**Dated : 09.10.2018.**

Shri D.M.Kakani, the Id. counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the respondent nos. 1 & 2 and Shri S.N.Gaikwad, the Id. counsel for the respondent no. 3.

Since, the applicant was due for transfer and Government of Maharashtra order at P.B., Pg. No. 13 bearing no. cnyh&2018@i;d:148@b&9 (Annexure-A-1) and second order is at P.B., Pg. No. 14 bearing no. cnyh&2018@i;d:148@b&9 (Annexure-A-2) are as per transfer Act, 2005.

The applicant has completed his tenure and both these orders have been issued as per The Maharashtra Government Servants Regulations of

Transfers & Prevention of Delay in  
Discharge of Official Duties Act, 2005.

*The stay granted on dated  
04/06/2018 in para no. 2 is vacated.*

In view of the above facts & with the  
consents of Id. counsel for the respondent  
no. 3 and the Id. P.O., **the O.A. is dismissed  
with no order as to costs.**

**Member (A)**

aps.

**O.A.No.793/2018 (S.B.)**

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

**Dated : 09.10.2018.**

Heart Smt. Sirpurkar, the Id. counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the State in detailed.

2. The Id. counsel for the applicant has relied on the Judgment of Hon'ble Supreme Court in the case of **Capt. M. Paul Anthony Vs. Bharat Gold Mines Ltd. and Another, reported in AIR 1999 Supreme Court, 1416 & also upon 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** for the purposes of identifications the same are marked Exh. X and Exh. X-1.



3. The Id. counsel for the applicant has invited my attention at para no. 14 of the Exh. X Judgment, where it has been mentioned that the suspension period should be extended only if either memorandum of charges is served or reasoned order for continuation has been passed.

4. In this case, chargesheet has been served and reasoned order is only seen in suspension order as pointed out by the Id. C.P.O. However, the Id. counsel for the applicant has also pointed out that the only reason for suspension is that the applicant has taken action against some accused and based on their statement, the applicant has been harassed.

5. The department has given list of eight persons at P.B., Pg. No. 26 (Annexure-A-3) and departmental enquiry at P.B., Pg. No. 35. The Id. counsel for the applicant is

requested to file on record out of these eight people how many had

pointed out offence against the applicant and against whom the applicant had taken action.

6. Issue notice to R-2 to 4, returnable within two weeks. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

8. 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.

9. 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.

10. 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.

11. 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.

12. **S.O. two weeks.**

**Member (A)**

aps.

