

O.A.No.656/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 03/11/ 2020.**

Heard Shri M.V.Bute, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the State.

2. The service condition of the applicant has been changed by order dated 24.12.2019 without giving any chance to the applicant and applicant has been put on 11 months on supernumerary post; in similar matters this Bench has granted interim relief till filing of the reply. In the interest of Justice and equity the **order dated 24.12.2019 (Annexure-A-3, P.B., Pg. No. 23) be stayed till filing of the reply.**

3. Issue notice to Respondents, returnable on 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.

9. **S.O. four weeks.**

**Vice Chairman**

**Date:-03/11/2020.**

aps.

**O.A.No.710/2020 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 03/11/ 2020.**

Heard Shri M.V.Bute, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

2. The service condition of the applicant has been changed by order dated 24.12.2019 without giving any chance to the applicant and applicant has been put on 11 months on supernumerary post; in similar matters this Bench has granted interim relief till filing of the reply. In the interest of Justice and equity the **order dated 24.12.2019 (Annexure-A-3, P.B., Pg. No. 22) be stayed till filing of the reply.**

3. Issue notice to Respondents, returnable on six 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. six weeks.**

**Vice Chairman**

**Date:-03/11/2020.**

aps.

**O.A.No.724/2020 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 03/11/ 2020.**

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

2. The service condition of the applicant has been changed by order dated 20.02.2020 without giving any chance to the applicant and applicant has been put on 11 months on supernumerary post; in similar matters this Bench has granted interim relief till filing of the reply. In the interest of Justice and equity the **order dated 20.02.2020 (Annexure-A-8, P.B., Pg. No. 51) be stayed till filing of the reply.**

3. Issue notice to Respondents, returnable on six 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. six weeks.**

**Vice Chairman**

**Date:-03/11/2020.**

aps.

**O.A.No.725/2020 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 03/11/ 2020.**

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

2. The service condition of the applicant has been changed by order dated 27.01.2020 without giving any chance to the applicant and applicant has been put on 11 months on supernumerary post; in similar matters this Bench has granted interim relief till filing of the reply. In the interest of Justice and equity the **order dated 27.01.2020 (Annexure-A-5, P.B., Pg. No. 37) be stayed till filing of the reply.**

3. Issue notice to Respondents, returnable on six 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. six weeks.**

**Vice Chairman**

**Date:-03/11/2020.**

aps.



**O.A.No.726/2020 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 03/11/ 2020.**

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

2. The service condition of the applicant has been changed by order dated 27.01.2020 without giving any chance to the applicant and applicant has been put on 11 months on supernumerary post; in similar matters this Bench has granted interim relief till filing of the reply. In the interest of Justice and equity the **order dated 27.01.2020 (Annexure-A-4, P.B., Pg. No. 37) be stayed till filing of the reply.**

3. Issue notice to Respondents, returnable on six 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. six weeks.**

**Vice Chairman**

**Date:-03/11/2020.**

aps.

**C.P.No.35/2019inO.A.No.859/2012 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 03/11/ 2020.**

Heard Shri B.D.Pandit, 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 has filed Rejoinder. It is taken on record. Copy is supplied to the other side.

3. The original order of this Tribunal was passed on 19.12.2018; till date respondents have not decided the issue. Today also Id. P.O. submits that he desires to take instructions from the department.

4. It is also observed that when Government took the decision after Tribunal's order dated 19.12.2018; It was presumed that applicant should have been given all the pensionary benefits as per the persons who were promoted at that date and given pensionary benefits except back wages to applicant as per the Judgment including exercise of option by applicant. In view of this situation, it appears that the order issued by Government of Maharashtra, G.R. dated 24.02.2020 (Annexure-A, P.B., Pg. No. 67) in para no. 3 it has been mentioned that Director Accounts and Treasury, Mumbai was authorised to take further action about fixation of Salary and other benefits. In view of this, Director, Accounts and Treasury, Mumbai is directed to personally present during the next date of hearing

and file on affidavit the reason for delay and what decision has been taken.

**5. S.O. 26.11.2020.**

**6. Steno copy is granted.**

**Date:-03/11/2020.**  
aps.

**Vice Chairman**

**O.A. 732/2020 (D.B.)**

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

**Dated : 03/11/2020.**

Heard Shri Ram Karode, Id. counsel for the applicants and Shri S.A. Sainis, Id. P.O. for the State.

2. The service condition of the applicant has been changed by the impugned order dated 04/02/2020 (A-4,P-31) without giving any chance to the applicant and applicant has been put on 11 months on supernumerary post. In similar matters, this Bench has granted interim relief till filing of the reply. In the interest of Justice and equity **the impugned order dated 04/02/2020 (A-4,P-31) be stayed till filing of the reply.**

3. Issue notice to the respondents returnable **after four weeks**. Learned P.O. waives notice for State. 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. after four weeks.**

Steno copy is granted.

**Vice-Chairman**

dnk.

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

**Dated : 03/11/2020.**

Heard Shri S.N. Gaikwad, Id. counsel for the applicants and Shri S.A. Sainis, Id. P.O. for the State.

2. The applicant is in the rank of Police Inspector and is aggrieved with the immature transfer order dated 30/10/2020 (A-3,P-11) and approached to this Tribunal. The learned counsel for the applicant has pointed out order dated 4/7/2019 (A-1,P-9) by which the applicant's name appears at sr.no.3 and he was transferred from Control Room, Akola to Thanedar, Police Station, Civil Lines on administrative ground. Before completion of normal tenure, the applicant has been transferred vide impugned order dated 30/10/2020 (A-3,P-11) without following the provisions of Section 4 (4) & (5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (In short "Transfers Act,2005").

3. In view of this, **the impugned order dated 30/10/2020 (A-3,P-11) is stayed to the extent of applicant only** till filing of the reply by the respondents. Along with the reply the respondents are directed to file minutes of the Civil Services Board meeting and report of Department also.

4. Issue notice to the respondents returnable **after four weeks**. Learned P.O. waives notice for State. 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 four weeks.**

Steno copy is granted.

**Vice-Chairman**

dnk.

**O.A. 730/2020 (S.B.)**



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

**Dated : 03/11/2020.**

Heard Shri D.M. Kakani, Id. counsel for the applicants and Shri S.A. Sainis, Id. P.O. for the State.

2. The applicant is of the rank of Naib Tahsildar and vide impugned transfer order dated 20/10/2020 (A-1,P-14) the applicant's name appears at sr.no.10 wherein he has been transferred from Tahsil Office, Samudrapur, District Wardha to Naib Tahsildar (Election), Tahsil Office, Chimur, District Chandrapur.

3. The learned counsel for the applicant further pointed out the order dated 25/2/2019 (A-3,P-19) by which the applicant was posted as Naib Tahsildar, Tahsil Office, Samudrapur, District Wardha. The applicant is aggrieved by the impugned transfer order dated 20/10/2020 (A-1,P-14). However, in the impugned transfer order dated 20/10/2020 (A-1,P-14) it is mentioned that Section 4 (4) & 4 (5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (In short "Transfers Act,2005") has been followed, but nothing reasons have been recorded.

4. In this situation, **the impugned transfer order dated 20/10/2020 (A-1,P-14) is stayed**

**to the extent of applicant only** till filing of the reply by the respondents. The respondents are directed to file cogent reasons for transferring the applicant before completion of the tenure and along with the reply to file proceedings of Civil Services Board Meeting and recommendation of the Department also.

5. Issue notice to the respondents returnable **after four weeks**. Learned P.O. waives notice for State. Hamdast allowed.

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

7. 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.

8. 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.

9. 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.

10. 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 four weeks.**

Steno copy is granted.

**Vice-Chairman**

dnk.

**O.A. 733/2020 (S.B.)**

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

**Dated : 03/11/2020.**

Heard Shri D.M. Kakani, Id. counsel for the applicants and Shri S.A. Sainis, Id. P.O. for the State.

2. The learned counsel for the applicant has pointed out that the applicant is working as Resident Naib Tahsildar, Tahsil Office, Chikhli, District Buldhana and vide impugned transfer order dated 20/10/2020 (A-1,P-17) one Shri Hemant G. Patil, Naib Tahsildar, Tahsil Office, Lonar, District Buldhana (R/4) has been posted against the applicant. The learned counsel for the applicant further pointed out the order dated 5/8/2020 (A-3,P-22) the applicant's name appears at sr.no.2 and he was posted vide that order to Chikhli, District Buldhana from Tahsil office, Sindhkhed Raja. As the applicant joined at Chikhil on 5/8/2020 and impugned transfer order is passed on 20/10/2020 within a period of two and half months only. Though in impugned transfer order dated 20/10/2020 the respondents have mentioned that Section 4 (4) & (5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (In short "Transfers Act,2005") has been followed, but no cogent reasons are mentioned.

3. In view of this situation, the impugned transfer order dated 20/10/2020 (A-1,P-17) **is stayed to the extent of applicant and respondent no.4 only** till filing of the reply by the respondents. The respondents are directed to file report of Civil Services Board Meeting and recommendation of the Department also.

4. Issue notice to the respondents returnable **after four weeks**. Learned P.O. waives notice for State. 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 four weeks.**

Steno copy is granted.

**Vice-Chairman**

dnk.

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**O.A.No.222/2020 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :03/11/ 2020.**

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

2. At the request of Id. P.O., **S.O. after Diwali Vacation for reply.**

**Date:-03/11/2020.**  
aps.

**Vice Chairman**

**O.A.No.223/2020 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :03/11/ 2020.**

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

2. The Id. P.O. is directed to file reply before next date of hearing. **S.O. 23.11.2020 as a last chance.**

**Vice Chairman**

**Date:-03/11/2020.**  
aps.



O.A.No.224/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :03/11/ 2020.**

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

2. The Id. P.O. has filed reply for respondent nos. 3 & 4. It is taken on record. Copy is served to the other side. He further submits that the same reply is sufficient to decide the O.A..

3. In view of this, O.A. is **admitted** and kept for final hearing.

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

5. However, the Id. counsel for the applicant is at liberty to file Rejoinder before next date of hearing.

6. I.R. granted in order dated 27.04.2020, para no. 2 is continued till filing of the reply.

7. **S.O. four weeks.**

**Vice Chairman**

**Date:-03/11/2020.**

aps.

O.A.No.483/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :03/11/ 2020.**

**C.A.No.278/2020:-**

Heard Shri N.R.Saboo, 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 has filed C.A. No. 278/2020 for Interim Relief and his prayer is mentioned below:-

*"(i) It is therefore prayed that this Hon'ble Tribunal be pleased to direct respondents to resume applicant at Deori or alternatively direct the Respondents to post applicant at any post as per representations 27.02.2020, 20.07.2020 & 15.08.2020 at Annexure-A-2, A-4 & A-8."*

3. The Id. counsel for the applicant has further invited my attention to order dated 03.09.2020; in order dated 03.09.2020 in para no. 2; specific directions has been given which is represented below:-

*"It is case of the applicant that he worked in naxalite area since Sept. 2015 and without considering his representation, he is again posted in the naxalite area. It is violation of the Government Policy and it has caused injustice. It is submitted that the applicant is not yet relieved and no one is posted on his post. In view of this, the respondents are directed not to*

*relieve the applicant till filing of the reply. In the meantime, the respondents are also directed to decide the representation made by the applicant vide Annexure-A-8."*

4. In view of these facts, respondents are directed to take the decision about applicant to either resume him at Deori or decide the applicant's representation dated 27.02.2020 (Annexure-A-2, P.B., Pg. No. 15) **within fifteen days** from the date of this order. **Hence, C.A. No. 278/2020 is allowed and disposed of.**

**O.A. NO.:-483/2020:-**

1. **S.O. 25.11.2020 for Reply on O.A..**

**Vice Chairman**

**Date:-03/11/2020.**  
aps.

**O.A.No.532/2020 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :03/11/ 2020.**

Heard Shri A.R.Fule, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. **S.O. 19.11.2020 for reply.**

**Vice Chairman**

**Date:-03/11/2020.**

aps.

O.A.No.629/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :03/11/ 2020.**

**C.A.No.279/2020:-**

Heard Shri B.J.Lonare, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant has filed C.A. for amendment but it was not signed by applicant. The Id. counsel for the applicant submitted that applicant is Handicapped and he could not travel. As suggested by Id. P.O., documents be notarised by the applicant and if not possible than file affidavit. Hence, **C.A.No.279/2020 for amendment is allowed and disposed of.** The Id. counsel for the applicant is directed to carry out the amendment within one week. The Id. counsel for the applicant is further directed to supply the copy of the same to the Id. P.O..

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

**Vice Chairman**

**Date:-03/11/2020.**

aps.

O.A.No.709/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :03/11/ 2020.**

Heard Shri R.L.Kadu, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the State.

2. A per the Id. counsel for the applicant, the applicant is a Senior Clerk and right now posted at Morshi. He is going to superannuate on 21.01.2021. The Id. counsel for the applicant has relied upon G.R. dated 09.04.2018 (Annexure-A-4, P.B., Pg. No. 16). In this G.R. at P.B., Pg. No. 21 in para no. 6 following observations have been made:-

6. T; k depl&; kpsfn- 31 esi kl u l okfuORrhI 1 o"l3f'KYyd vlgsv'kk depl&; kph i zkkI dh; cnyh dj.; kr ; m u; j rFkfi I c&/kr depljh I okfuORrhI 1 o"kk&kk deh dkyko/h f'KYyd vl rhuK I oZkkj.k cnyhl i k= vl Y; kl o R; kusR; kP; k i l arfP; k fBdk.kh cnyh elfxryhvl Y; kl R; kl i k/ku; ns; kr ; kos

3. Since applicant is going to superannuate within less than three months only. It is also clear that applicant has made several representations, the last representation is at P.B., Pg. No. 32 dated 21.07.2020. In his representation, he has submitted in last para that he should be posted at Central Jail, Nagpur. He has also submitted that three Senior Clerk posts are vacant at Nagpur, Central Jail. In view of this situation, respondents are directed to decide the representation of the applicant dated 21.07.2020 (P.B., Pg. No. 32) **within three weeks** from the date of this order as per G.R. dated 09.04.2018 and its

Annexure at para 6 on P.B., Pg. No. 21. After taking decision respondents communicate to the applicant and to this Tribunal too through Id. P.O..

4. Issue notice to Respondents, returnable on 26.11.2020. Learned P.O. waives notice for R-1. Hamdast allowed.

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

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

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

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

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

10. S.O. 26.11.2020.

**Date:-03/11/2020.**  
aps.

**Vice Chairman**



**O.A.No.723/2020 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :03/11/ 2020.**

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State.

2. The applicant is a Talathi and applicant was transferred to Brahmapuri vide order dated 23.07.2018 (Annexure-A-1, P.B., Pg. No. 9). However, as per impugned order dated 30.07.2020 (Annexure-A-2, P.B., Pg. No. 10) applicant has been again transferred to D.B.A., Tahsil Office, Lonar i.e. before completion of tenure. There is nothing mentioned in the order about Section 4 (4) and Section 4 (5) of Maharashtra Government Servant Regulation of transfer and prevention of delay in discharge of official duties, 2005 (hereafter referred as transfer act, 2005). However, the Id. P.O. submits that the person who is posted at the place of applicant has joined. Actually the applicant had to approach this Tribunal in the month of July/August, 2020 only. However, the O.A. is filed in the month of Nov., 2020. In between i.e. July to November several changes might have taken place. In view of this situation, any order at this stage may create further confusion in the Administration.

3. Issue notice to Respondents, returnable on 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 on 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. four weeks.**

**Vice Chairman**

**Date:-03/11/2020.**

aps.

O.A.No.367/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :03/11/ 2020.**

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

2. The matter was heard and closed for order on 22.10.2020. However, since preliminary enquiry report was not on record. The matter was kept on board for rehearing today; today the Id. P.O. placed on record the preliminary enquiry report. It is supplied to the other side.

3. After going through the preliminary enquiry report, it is seen that in the last para; Enquiry Officer i.e. Sub-Divisional Police Officer, Dharwa has mentioned **that conduct of the applicant was enough to malign the image of Police Force in the eyes of public.** Based on this preliminary report, impugned order of suspension dated 15.03.2020 (P.B., Pg. No. 32) was issued.

4. Respondents have also filed reply on 28.09.2020; they have also filed Review Committee Report dated 14.06.2019 (Annexure-R-2, P.B., Pg. No. 21) along with this they have attached a chart of minutes of meeting dated 08.06.2020 (Annexure-R-3, P.B., Pg. No. 23) and the name of the applicant is at Sr. No. 05 and in the last column of this chart, it is mentioned that "*Three months yet to be completed*". Since the order is dated 15.03.2020, so three months

time was completed on 15.06.2020. The Id. counsel for the applicant submits that till now chargesheet has not been served to the applicant. The Id. P.O. also agreed that the chargesheet should have been served within 90 days as per the Government of Maharashtra decision in G.R. dated 09.07.2019 in para 1 (ii) which is below:-

(ii) fuyfcr 'kkI dh; I dcll; k T; k idj.kh 3 efgU; kpk dkyko/khr foHkxh; pksI'kh I q d: u nkskjk i = ct.ko.; kr vkysukgh] v'kk idj.kh ek- I okp U; k; ky; kps vknsk i kgrk] fuy:u I ekR dj.; k'kok; vU; i; k; jgr ulgh- R; keqs fuyfcr 'kkI dh; I dcll; khr foHkxh; pksI'kph dk; bgh I q d: u nkskjk i = ct.ko.; kph dk; bk; h fuy:uki kI u 90 fnoI l; k vkr dklVdij i .ksdyh tkby ; kph n{krk@ [kcnkj h ?s; kr ; koh-

5. In view of this, it is very clear that when chargesheet was not served within 90 days means directions given in above G.R. was not followed by Respondents. So, it was mandatory on the part of the respondents to revoke the suspension order as per Government direction in above G.R.. Now, It is crystal clear that in this case though suspension order was issued on 15.03.2020 but since chargesheet was not served within 90 days as per the G.R. dated 09.07.2019 guidelines. Respondents have no choice but to revoke the suspension order. Hence the following order:-

### ORDER

- A. The respondents are directed to revoke the suspension order dated 15.03.2020 **within three weeks from the date of this order.**

- B.** Respondents are at liberty to continue D.E. as per existing rules and regulations.
- C.** With the above directions, O.A. stands disposed of with no order as to costs.

**Vice Chairman**

**Date:-03/11/2020.**

aps.

**O.A.No.278/2020 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :03/11/ 2020.**

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

2. The suspension order is of dated 14.05.2020 (Annexure-A-12, P.B., Pg. No. 30). The Id. counsel for the applicant has placed reliance on the Judgment of the Hon'ble 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.*

3. Respondents have also filed reply on dated 10.08.2020 in reply also respondents have not mentioned about serving of chargesheet or any case in court of law. These two provisions have been violated by the respondents as it has been given in G.O.M., G.A.D., G.R. dated 09.07.2019 in pursuance to Hon'ble 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 the said G.R. dated 09.07.2019 in para no. 1 (ii) following facts have been mentioned below:-

(ii) fuyfcr 'kkI dh; I dcll; k T; k izlj.kh 3 efgU; kpk dkyko/khr foHkxh; pkd'kh l q d: u nskjki i = ct.ko.; kr vksukgh] v'kk izlj.kh ek- l okp U; k; ky; kps vksk i kgrk] fuy:u l ekr dj.; k'kok; vU; i; k; jkgr ukh- R; keGs fuyfcr 'kkI dh; I dcll;cr foHkxh; pkd'kph dk; bgh l q d: u nskjki i = ct.ko.; kph dk; bk; h fuy:uki kl u 90 fnol k; k vkr dklVdij i .ksdyh tkby; ; kph n{krk@ [kcjnkjh ?s; kr ; koh-

4. Now, it is crystal clear that these provisions of G.R. have not been followed by respondents and respondents have no right to violate the Government decision or not to follow guidelines given by Government of Maharashtra G.R.. In view of these, following order is passed:-

## **ORDER**

1. The respondents are directed to revoke the suspension order dated 14.05.2020 (Annexure-A-12, P.B., Pg. No. 30) **within three weeks** from the date of this order.
2. However, respondents are at liberty to continue with departmental enquiry and other case as per existing rules and regulations.
3. With the above directions, **O.A. is disposed of with no order as to costs.**

**Vice Chairman**

**Date:-03/11/2020.**  
aps.