

C.P.02/20inO.A.621/19withC.P.03/20in

O.A.623/19withC.P.04/20inO.A.625/19 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated :05/03/ 2020.**

Heard Shri G.K.Bhusari, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

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

3. The Id. counsel for the applicant submits that respondent nos. 1 & 2 are duly served and during the course of the day he will file service report.

4. **S.O. two weeks.**

Member(J)
Date:-05/03/2020.
aps.

Vice Chairman

C.P.07/2020inO.A.961/2018 (D.B.)

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

Dated :05/03/ 2020.

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

2. We have perused the reply of respondent no. 1, excuse is shown by the respondent no. 1 for non-compliance of the order on the ground that in O.A. No. 204/2019 order is passed to maintained the status-quo. The respondent no. 1 has placed copy of the order, it is Annexure-A-3; after reading this order we clarify that in that matter in-violation of Section 30 of the Act. The respondent no. 3 were permitted 127 candidate to discharged the duty of Live-Stock-Development-Officer, Grade-I, though they were not possessing the educational qualification to hold and, therefore, in that matter direction to maintained status-quo was given.

3. We clarify that the order passed in that matter has no relation with the contempt petition in hand and we hope that the respondent no. 1 will comply the order immediately.

4. **S.O. two weeks.**

Member(J)
Date:-05/03/2020.
aps.

Vice Chairman

O.A.No.28/2020 (D.B.)

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

Dated :05/03/ 2020.

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

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

Member(J)
Date:-05/03/2020.
aps.

Vice Chairman

O.A.Nos.822,823,824,825,826,827&828/19D.B.

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

Dated :05/03/ 2020.

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

2. At the request of Id. P.O., **S.O. 19.03.2020 as a last chance.**

Member(J)
Date:-05/03/2020.
aps.

Vice Chairman

O.A.No.05/2020 (D.B.)

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

Dated :05/03/ 2020.

C.A.Nos.76&77/2020:-

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant, Shri S.A.Sainis, the Id. P.O. for the respondents and Shri S.N.Gaikwad, the Id. counsel for the Intervenor.

2. C.A. No. 76/2020 for Intervention is allowed.

3. The Id. P.O. is directed to file reply to C.A. No. 77/2020 and give information as to what action is taken for revaluation of the papers as per direction given in letter dated 17/10/2019.

4. S.O. three weeks.

5. Steno copy is granted.

Member(J)
Date:-05/03/2020.
aps.

Vice Chairman

O.A.No.161/2020 (D.B.)

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

Dated :05/03/ 2020.

C.A.No.75/2020:-

Heard Shri P.V.Thakre, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. P.O. for the State.

2. C.A. No. 75/2020 for permission to file Jt. O.A. is allowed.

3. Issue notice to R-2 & 3, returnable on four weeks. 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.

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

Member(J)
Date:-05/03/2020.
aps.

Vice Chairman

O.A.No.400/2018 (D.B.)

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

Dated :05/03/ 2020.

C.A.No.435/2019 in Rev.30/2019:-

Heard Shri D.N.Mathur, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. We have perused the order dated 27/08/2019; this Bench dismissed the original application, observing that the chargesheet was served on the applicant before the date of his retirement. While deciding the original application; the Bench did not examine the issue raised by the applicant, whether the departmental proceedings can be continued even after retirement of the Government Servant? It is submitted by the Id. counsel for the applicant that in W.P. No. 9099/2014 decided on 01/08/2016, it is laid down that the disciplinary proceedings though initiated when the Government Servant is in service, it cannot be continued in the absence of provisions in the Service Rules, this question of Law was not examined by the Bench, therefore, we accept that the case is made out by the applicant to allow the review application. **Hence, review application is allowed.**

3. Original application be taken up on board for final hearing on 20.03.2020. We make it clear that the contention raised in C.A. will be considered while

hearing the O.A. ; accordingly, **the C.A. is disposed of.**

4. **S.O. 20.03.2020.**

Member(J)
Date:-05/03/2020.
aps.

Vice Chairman

O.A.No.914/2012 (D.B.)

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

Dated :05/03/ 2020.

Heard Smt. Sood, the applicant in person and
Shri P.N.Warjekar, the Id. P.O. for the respondent
nos. 1 to 5. None for the respondent no. 6.

2. The applicant submitted that she has filed
writ petition and it is pending before the Hon'ble
High Court and she is intending to file same order
passed in that matter.

3. **S.O. Sine Die.**

4. *Put up this matter along with the C.P.01/14in
O.A. 914/2012 and C.P. 02/16 in O.A. 914/2012.*

Member(J)
Date:-05/03/2020.
aps.

Vice Chairman

C.P.No.01/14inO.A.No.914/2012 (D.B.)

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

Dated :05/03/ 2020.

Heard Shri P.N.Warjekar, the Id. P.O. for the respondents and Mrs.P.D.Sood for the contemnor.

2. **S.O. Sine Die.**

3. *Put up this matter along with the O.A. 914/2012 and C.P. 02/16 in O.A. 914/2012.*

Member(J)
Date:-05/03/2020.
aps.

Vice Chairman

C.P.No.02/16inO.A.No.914/2012 (D.B.)

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

Dated :05/03/ 2020.

Heard Shri P.N.Warjekar, the Id. P.O. for the applicants (original respondents) and Mrs.P.D.Sood, the applicant for the contemnor.

2. **S.O. Sine Die.**

3. *Put up this matter along with the O.A. 914/2012 and C.P. 01/16 in O.A. 914/2012.*

Member(J)
Date:-05/03/2020.
aps.

Vice Chairman

C.P.23/19inO.A.317/16withC.P.24/19in

**O.A.317/16withC.P.25/19inO.A.317/16with
C.P.26/19inO.A.804/16withC.P.27/19in
O.A.602/03withC.P.28/19inO.A.317/16 (D.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated :05/03/ 2020.**

Heard Shri G.N.Khanzode, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. We have perused the order passed in the original application and direction was issued to comply the G.Rs. dated 01.12.1995 and 21.04.1999. The Id. P.O. submitted that this order is complied, therefore, contempt is not committed by the respondents. The Id. counsel for the applicant submitted that in later Judgment it is heeded by MAT, Mumbai and Hon'ble Apex Court that the M.A. are entitled for after retiral benefits. In this regard, we would like to point out that our jurisdiction in this contempt is very limited, we can't enlarge the scope of the order passed in the original application. If the applicant intending to claim the reliefs not given, then he is at liberty to file fresh original application.

3. It appears that order passed by this Tribunal in O.A. No. 316/2016 dated 05/07/2016 has complied. Hence, **C.Ps. are disposed of.**

Member(J)
Date:-05/03/2020.
aps.

Vice Chairman

C.P.40/19inO.A.No.590/2017 (D.B.)

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

Dated :05/03/ 2020.

Heard Shri A.R.Ingole, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant desires to file excess post affidavit on record. **S.O. two weeks.**

Member(J)
Date:-05/03/2020.
aps.

Vice Chairman

C.P.48/19inO.A.No.586/2018 (D.B.)

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

Dated :05/03/ 2020.

Heard Smt. A.Muley, the Id. counsel for the applicant and Shri A.P.Muley, the Id. P.O. for the respondents.

2. The Id. P.O. submitted that he will file the list of the candidates who were considered for the promotion.

3. **S.O. 12.03.2020.**

Member(J)
Date:-05/03/2020.
aps.

Vice Chairman

O.A.Nos.970,991&992/2018 (D.B.)

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

Dated :05/03/ 2020.

Heard Shri Humne, 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 copy of the circular dated 16.03.2001. It is taken on record. He is directed to supply the copy to the other side.

3. **S.O. one week.**

Member(J)
Date:-05/03/2020.
aps.

Vice Chairman

O.A.No.972/2019 (D.B.)

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

Dated :05/03/ 2020.

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

2. **Closed for orders.**

Member(J)
Date:-05/03/2020.
aps.

Vice Chairman

O.A.No.159/2015 (D.B.)

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

Dated :05/03/ 2020.

Heard Shri V.Anand, the Id. counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the respondent nos. 1 to 5 and Shri C.F.Bhagwani, the Id. counsel for the respondent no. 6.

2. There is no dispute about the fact, that the seniority of applicant no. 2 is revised and he is placed above the respondent no. 6. The respondent no. 6 is already promoted in the year 2015. It is also undisputed that after 2015 till today no promotion orders are issued. The Id. P.O. submitted that whenever there would be promotion; the applicant no. 2 would be considered.

3. It is submitted that the applicant nos. 1 & 3 are already promoted; now nothing survives in this O.A. Hence, **C.A. along with the O.A. are disposed of with no order as to costs.**

4. *The applicant nos. 3 & 5 are permitted to agitate the issue in event if any junior to them is promoted in future.*

Member(J)
Date:-05/03/2020.
aps.

Vice Chairman

O.A.No.487/2018 (D.B.)

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

Dated :05/03/ 2020.

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

2. As per the order dated 18/12/2019, the Id. P.O. filed certain documents during the course of the day. The Id. counsel for the applicant submitted that he will file relevant documents as per order dated 18/12/2019 within a week time.

3. **S.O. 18.03.2020.**

Member(J)
Date:-05/03/2020.
aps.

Vice Chairman

O.A.No.42/2019 (D.B.)

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

Dated :05/03/ 2020.

Heard Shri N.R.Saboo, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the respondents.

2. At the request of Id. counsel for the applicant, **S.O. 13.03.2020.**

Member(J)
Date:-05/03/2020.
aps.

Vice Chairman

O.A.No.357/2019withC.A.417/19 (D.B.)

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

Dated :05/03/ 2020.

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

2. The Id. P.O. has filed reply on behalf of the respondent no. 5. It is taken on record. Copy is served to the other side.

3. The Id. counsel for the applicant desires to go through it. **S.O. 19.03.2020.**

Member(J)
Date:-05/03/2020.
aps.

Vice Chairman

O.A.No.785/2014 (D.B.)

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

Dated :05/03/ 2020.

C.A.No.89/2020:-

Heard Shri K.A.Patil, the Id. counsel for the applicant, Shri S.A.Sainis, the Id. P.O. for the respondent nos. 1 to 3 and Shri V.C.Pal, the Id. counsel for the respondent nos. 4 to 51.

2. The Civil Application is moved for amending the O.A.. It is in pursuance of the order passed by the Hon'ble High Court in the W.P., therefore, the **Civil Application no. 89/2020 is allowed.** The O.A. be amended within one week and the newly added respondents shall file their reply as per the time which is fixed by the Hon'ble High Court.

3. The matter be taken up on board on 15.04.2020. **S.O. 15.04.2020.**

Member(J)
Date:-05/03/2020.
aps.

Vice Chairman

O.A.No.991/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :05/03/ 2020.**

Heard Shri S.D.Borkute, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. **S.O. four weeks.**

Vice Chairman

Date:-05/03/2020.
aps.

O.A.No.27/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :05/03/ 2020.**

Heard Shri B.Kulkarni, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the respondents.

2. **S.O. four weeks.**

Date:-05/03/2020.
aps.

Vice Chairman

O.A.No.74/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :05/03/ 2020.**

Heard Shri B.Kulkarni, the Id. Counsel for the applicant and Shri B.Kulkarni, the Id. P.O. for the respondents.

2. **S.O. four weeks.**

Vice Chairman

Date:-05/03/2020.
aps.

O.A.No.88/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :05/03/ 2020.

Heard Shri G.N.Khazode, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. The Id. P.O. has filed reply for the respondent nos. 3 & 4. It is taken on record. Copy is served to the other side.

3. Hence, O.A. is **admitted** and kept for final hearing.

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

5. **S.O. 12.03.2020.**

Vice Chairman

Date:-05/03/2020.
aps.

O.A.No.89/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :05/03/ 2020.**

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

2. At the request of Id. counsel for the applicant, **S.O. 07.04.2020.**

Vice Chairman

Date:-05/03/2020.

aps.

Rev.03/20inO.A.No.84/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :05/03/ 2020.**

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

2. **S.O. 13.03.2020.**

Vice Chairman

Date:-05/03/2020.
aps.

O.A.No.792/2016 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :05/03/ 2020.**

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

2. **S.O. two weeks.**

Vice Chairman

Date:-05/03/2020.
aps.

Rev.19/17inO.A.710/14withO.A.13/20(S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :05/03/ 2020.**

Heard Shri G.G.Bade, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

2. **S.O. 19.03.2020.**

Vice Chairman

Date:-05/03/2020.
aps.

O.A.No.739/2016 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :05/03/ 2020.

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

2. As submitted by the Id. counsel for the applicant, the record of Departmental Proceedings should be called from department by Id. P.O. and placed before the Tribunal.

3. S.O. 18.03.2020.

4. Steno copy is granted.

Vice Chairman

Date:-05/03/2020.
aps.

O.A.No.351/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :05/03/ 2020.

Heard Shri A.S.Dhore, the Id. Counsel for the applicant, Shri S.A.Sainis, the Id. P.O. for the respondent nos. 1 to 3 and Shri M.M.Chaudhari, the Id. counsel for the respondent no. 4.

2. **S.O. two weeks.**

Vice Chairman

Date:-05/03/2020.

aps.

O.A.No.731/2019 (S.B.)

Coram:Shri A.D.Karanjkar, Member (J)
Dated :05/03/ 2020.

Heard Shri N.D.Thombre, the Id. Counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the respondent nos. 1 to 3 and Shri W.G.Paunikar, the Id. counsel for the respondent no. 4.

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

Date:-05/03/2020.
aps.

Member (J)

O.A.No.768/2019 (S.B.)

Coram:Shri A.D.Karanjkar, Member (J)
Dated :05/03/ 2020.

Heard Shri A.P.Sadavarte, the Id. Counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent nos. 4 & 5.

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

3. Hence, O.A. is **admitted** and kept for final hearing.

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

5. **S.O. 19.03.2020.**

6. *The Id. counsel for the applicant is at liberty to file Rejoinder, if any.*

Member (J)

Date:-05/03/2020.
aps.

O.A.No.21/2020 (S.B.)

Coram:Shri A.D.Karanjkar, Member (J)
Dated :05/03/ 2020.

Heard Shri S.Pande, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the respondents.

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

Member (J)

Date:-05/03/2020.
aps.

O.A.No.412/2017 (S.B.)

Coram:Shri A.D.Karanjkar, Member (J)
Dated :05/03/ 2020.

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent no. 4.

2. The applicant no. 2 is mentally ill person and he is son of deceased Suryabhan Niratkar. The respondent no. 4 is also legally wedded wife of deceased Suryabhan Niratkar. As per the Rules, the respondent no. 4 as a widow and applicant no. 2 as mentally ill son of the deceased are entitled for the pension. As per the Law, applicant no. 2 and respondent no. 4 are entitled to receive arrears of pension and family pension in equal proportion.

3. The respondent nos. 1 to 3 are directed to credit the pension in the saving account to be opened in the name of applicant no. 2.

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

Member (J)

Date:-05/03/2020.
aps.

O.A.No.901/2018 (S.B.)

Coram:Shri A.D.Karanjkar, Member (J)
Dated :05/03/ 2020.

Heard Shri V.Anand, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. It is contention of the applicant that some of the articles for which he was held responsible were traced-out and are auctioned and that money is deposited vide receipt dated 16.09.2017. On the basis of this contention of the applicant vide order dated 24.04.2018 then Principal decided to constitute a committee for making enquiry to know the truth in the contention raised by the applicant. It is grievance of the applicant that subsequent order dated 25.10.2018 is passed by the successor Principal and direction is given to recover the remaining amount.

3. As date of the alleged auction is subsequent to the decisions on the O.A. and the decision delivered by the Hon'ble High Court, therefore, it was necessary to make enquiry; whether really the Articles for loss of which responsibility is fixed on the applicant were traced out and sold in auction.

4. As direction was already given to constitute committee for making enquiry, there was no propriety to waive that order.

5. In view of this, I direct that enquiry be completed by the committee as constituted vide

order dated 24.04.2018. The committee shall submit its report **within thirty days**, till submission of the report by the committee the recovery be stayed. Liberty is given to the applicant to challenge the decision taken by the committee if it is against him.

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

Member (J)

Date:-05/03/2020.
aps.

O.A.No.412/2019 (S.B.)

Coram:Shri A.D.Karanjkar, Member (J)
Dated :05/03/ 2020.

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent no. 4.

2. At the request of Id. counsel for the applicant, **S.O. two weeks.**

Member (J)

Date:-05/03/2020.
aps.

O.A.No.558/2019 (S.B.)

Coram:Shri A.D.Karanjkar, Member (J)
Dated :05/03/ 2020.

Heard Shri S.N.Gaikwad holding for Shri V.B.Gawali, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondent nos. 1 to 7. None for the respondent nos. 8 & 9.

2. At the request of Id. counsel for the applicant, **S.O. two weeks.**

Member (J)

Date:-05/03/2020.
aps.