

O.A.No.807/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 19/07/ 2021.

C.A.Nos.423/2019 & 193/2021:-

Heard Shri A.Sambre, the Id. Counsel for the applicant, Shri S.A.Deo, the Id. C.P.O. for the respondents, Shri D.M.Kakani, the Id. counsel for the respondent nos. 6 & 7 and Shri S.N.Gaikwad, the Id. counsel for the respondent no. 3 to 5.

2. As submitted by Id. counsel for the applicant, respondent nos. 3 to 7 have been already promoted after creation of vacancy in the R.F.O. cadre in due vacancy created in promoted quota. Hence, he wants to delete the respondent nos. 3 to 7; he is permitted to do the same. Accordingly, he is further directed to amend the prayer clause too and supply the same to the other side.

3. The Id. counsel for the applicant has filed C.A. No. 193/2021 for I.R., which cannot be considered at this stage.

4. The Id. C.P.O. has filed reply on behalf of the respondent nos. 1 & 2. It is taken on record. Copy is served to the other side.

5. The Id. counsel for the applicant is at liberty to challenge any grievances arising out of any action of the respondents.

6. At the request of Id. C.P.O., **S.O. three weeks to file reply.**

Vice Chairman

Date:-19/07/2021.
aps.

O.A.No.193/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 19/07/ 2021.**

Heard Shri S.P.Palshikar, 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. 09.08.2021 to file reply.**

Vice Chairman

Date:-19/07/2021.
aps.

O.A.Nos.663,664&665/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 19/07/2021.

Heard Shri N.D.Thombre, 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 submits that applicant stood retired on May, 2021 and his retiral benefit has not been finalized due to D.E..

3. At the request of Id. P.O., **S.O. 20.08.2021 to file reply as a last chance. If reply is not filed till next date, the matter be heard on merit.**

Vice Chairman

Date:-19/07/2021.
aps.

O.A.No.823/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman

Dated : 19/07/ 2021.

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents. In pursuance of order dated 23.06.2021 matter is taken up for final disposal today with the consent of both the parties.

2. The Id. counsel for the applicant has filed on record the letter dated 09.06.2021 which is marked exh. "X" for the purpose of identification. It is taken on record. Copy is served to the other side.

3. The applicant was placed under suspension vide order dated 12.07.2017 (Annexure-A-1, P.B., Pg. No. 21). As per Annexure-A-3, P.B., Pg. No. 34; there was a private person who made a complaint against the applicant on 05.04.2017 and withdrew the complaint vide letter dated 12.07.2017 (Annexure-A-3, P.B., Pg. No. 24). Since complainant had withdrawn the complaint by letter dated 12.07.2017 so it was no need of further action on the complaint by respondents. However, applicant was served chargesheet dated 05.12.2017 (Annexure-A-4, P.B., Pg. No. 25 to 35) and enquiry officer was appointed on 03.01.2018 (Annexure-A-6, P.B., Pg. No. 38).

4. As pointed out by the Id. counsel for the applicant, applicant suspension order was revoked by letter dated 22.03.2018 (Annexure-A-8, P.B., Pg. No. 40) and applicant was posted by order dated 21.03.2018. In view of Government order dated 19.03.2018 which is mentioned in the reference of letter dated 21.03.2018 (Annexure-A-10, P.B., Pg. No. 43). According to the letter dated 09.06.2021, applicant appeared at Sr. No. 16. As submission made by Id. counsel for the applicant, the applicant promotion order for RFO is under sealed envelope. As per correspondence dated 22.06.2021 (Annexure-R-1, P.B., Pg. No. 90);

Respondents have themselves agreed on P.B., Pg. No. 91 that enquiry was started about 03 years and 11 months ago and yet to be completed with passing of final order. **In case of Hon'ble Apex Court Judgment in Civil Appeal No.958 OF 2010, Prem Nath Bali vs Reg., High Court Of Delhi & Anr. decided on 16 December, 2015. According to this Judgment, if chargesheet is served; enquiry should be completed within six months and the outer limit is of one year.** Here as per own statement of Id. P.O., three years and 11 months are completed and only direction was given to the enquiry officer to submit final enquiry report; further process of issuing show cause notice and any order in enquiry is still awaited.

5. In view of this situation, as per Hon'ble Apex Court Judgment, an inordinate delay has been caused in the D.E. and it is against the Hon'ble Apex Court Judgment, G.O.M., G.A.D., G.R. Circular dated 24.02.1997. Hence, **enquiry started against the applicant as per order dated 12.07.2017 is quashed and set aside and applicant will be considered to be exonerated from all the charges in the said enquiry.** Respondents are further directed to open the sealed envelope within 60 days from the date of this order and if applicant is due for promotion he should also be given from date of that relevant D.P.C. when his batchmates were considered.

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

Vice Chairman

Date:-19/07/2021.

aps.

O.A.No.950/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 19/07/2021.

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

2. At the request of Id. P.O., **S.O. four weeks to file reply.**

Vice Chairman

Date:-19/07/2021.
aps.

O.A.No.385/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 19/07/2021.

Heard Shri S.P.Palshikar, 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. 09.08.2021 to file reply.**

Date:-19/07/2021.
aps.

Vice Chairman

O.A.No.386/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 19/07/2021.

Heard Shri S.P.Palshikar, 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. 09.08.2021 to file reply.**

Date:-19/07/2021.
aps.

Vice Chairman

O.A.No.417/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 19/07/2021.

Heard Shri N.D.Thombre, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State. Await service of R-2 to 4.

2. The Id. counsel for the applicant submits that he will file service affidavit today in the office only. At the request of Id. P.O., **S.O. four weeks to file reply.**

Vice Chairman

Date:-19/07/2021.
aps.

O.A.No.485/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 19/07/ 2021.

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

2. The Id. P.O. desires to file reply. However, as pointed out by Id. counsel for the applicant, respondent no. 2 has written letter to respondent no. 1 dated 20.01.2020 (Annexure-A-19, P.B., Pg. No. 96) and on P.B., Pg. No. 97 he has mentioned in para no. 5 considering promotion of the applicant as per provisions contained in G.R. dated 15.12.2017 and on P.B., Pg. No. 98 he has also given reasons including that applicant is about to retire within one year.

3. The Id. P.O. is granted time to file reply. However, respondent no. 1 is also directed to consider the proposal submitted by respondent no. 2 dated 20.01.2020 and take decision as per provisions of 1.6 and 1.9 of G.A.D., G.R. dated 15.12.2017 regarding similarly placed employees who are facing D.E. or court cases since long time. Respondents are also directed to ensure that D.P.C. must take place regarding applicant within 90 days from the date of receipt of this order considering the provisions of 1.6 and 1.9 of G.R. dated 15.12.2017.

4. S.O. 20.08.2021.

Date:-19/07/2021.
aps.

Vice Chairman

Rev.Appl.No.07/21inO.A.No.122/21 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 19/07/ 2021.

Heard Shri R.V.Shiralkar, 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 submits that in order dated 12.03.2021 in O.A. No. 122/2021, that order has already been implemented. Hence, Review Application is not required to be heard further.

3. In view of this, as submitted by Id. counsel for the applicant, **Review Application becomes infructuous and it is disposed of.**

Vice Chairman

Date:-19/07/2021.

aps.

O.A.No.702/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 19/07/ 2021.

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

2. At the request of Id. P.O., **S.O. 30.08.2021 to file reply.**

Vice Chairman

Date:-19/07/2021.
aps.

O.A.No.548/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 19/07/ 2021.

Heard Shri P.R.Parsodkar, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. It is contention of the applicant that he is in service since long and thereafter G.R. dated 21/12/2019 is issued by the Government and in pursuance of the G.R., the respondent no.1 has passed the order dated 05/02/2021 and the respondent no. 3 has passed the order dated 11/01/2021 giving appointment to the applicant only for a period of 11 months. The said order have been passed without giving an opportunity of hearing to the applicant. It is submitted that in similar matters interim relief is granted to the applicants. In view of the facts on the ground of parity the interim stay is granted to the order dated 05/02/2021 and 11/01/2021 till filing of the reply.

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

Vice Chairman

Date:-19/07/2021.

aps.

O.A.No.549/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 19/07/ 2021.

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

2. Issue notice to Respondents, returnable on six weeks. Learned C.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. six weeks.**

Vice Chairman

Date:-19/07/2021.

aps.

O.A.No.78/2017 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 19/07/ 2021.

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

2. At the request of Id. P.O., **Put up the matter before regular D.B..**

Date:-19/07/2021.
aps.

Vice Chairman

O.A.No.390/2018 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 19/07/2021.

Heard Shri S.M.Khan, 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., **Put up the matter before regular D.B..**

Date:-19/07/2021.
aps.

Vice Chairman

O.A.No.264/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 19/07/2021.

Heard Shri P.K.Mishra, the Id. Counsel for the applicant, Shri S.A.Sainis, the Id. P.O. for the respondents and Shri M.Shaik, the Id. counsel for the respondent no. 4.

2. At the request of Id. P.O., **Put up the matter before regular D.B..**

Vice Chairman

Date:-19/07/2021.
aps.

O.A.No.253/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :19/07/ 2021.

C.A.No.86/2021:-

Heard Shri S.P.Palshikar, 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 has filed C.A. NO. 86/2021 for amendment. Hence, **C.A. No. 86/2021 for amendment is allowed.** The Id. counsel for the applicant is directed to carryout the amendment within one week and supply the same to the other side.

3. At the request of Id. counsel for the applicant, **S.O. three weeks.**

Vice Chairman

Date:-19/07/2021.
aps.

O.A.No.766/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :19/07/ 2021.

Heard Shri S.D.Malke, the Id. counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the Respondents and Shri U.K.Bisen, the Id. counsel for the respondent no. 3. R-2 await service.

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

Vice Chairman

Date:-19/07/2021.
aps.

O.A.No.154/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :19/07/ 2021.

Heard Shri A.P.Tathod, the Id. counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the Respondents.

2. At the request of Id. counsel for the applicant, **S.O. next week to carried out the amendment.**

Vice Chairman

Date:-19/07/2021.
aps.

O.A.No.837/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :19/07/ 2021.

Heard Shri M.R.Khan, the Id. counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the Respondents.

2. Matter is **admitted** and kept for final hearing.

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

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

Vice Chairman

Date:-19/07/2021.

aps.

O.A.No.241/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :19/07/ 2021.

Heard Shri P.S.Patil, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the Respondents.

2. The Id. P.O. has filed the reply on behalf of the respondent nos. 1 to 3. It is taken on record. Copy is served to the other side.

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

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

5. The Id. counsel for the applicant has relied upon decision in O.A. No. 36/2018 of this Tribunal.

6. **S.O. 26.07.2021.**

Vice Chairman

Date:-19/07/2021.
aps.

O.A.No.262/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :19/07/ 2021.

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. 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. Matter is **admitted** and kept for final hearing.

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

5. **S.O. two weeks.**

Vice Chairman

Date:-19/07/2021.

aps.

O.A.No.10/2021 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :19/07/ 2021.**

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. two weeks to file reply.**

Vice Chairman

Date:-19/07/2021.
aps.

O.A.No.108/2021 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :19/07/ 2021.**

Heard Shri A.P.Sadavarte, 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. three weeks to file reply.**

Vice Chairman

Date:-19/07/2021.
aps.

O.A.No.209/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :19/07/ 2021.

Heard Shri G.G.Bade, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the Respondents.

2. The Id. P.O. has filed reply on behalf of the respondent nos. 3 & 5. It is taken on record. Copy is served to the other side.

3. Matter is **admitted** and kept for final hearing.

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

5. **S.O. four weeks.**

Vice Chairman

Date:-19/07/2021.
aps.

O.A.No.200/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :19/07/ 2021.

Heard Shri P.S.Patil, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the Respondents.

2. The Id. P.O. has filed the reply on behalf of the respondent nos. 1 to 3. It is taken on record. Copy is served to the other side.

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

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

5. **S.O. 26.07.2021.**

Vice Chairman

Date:-19/07/2021.
aps.

O.A.No.212/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :19/07/ 2021.

Heard Shri B.Kulkarni, the Id. counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the Respondents and Smt. U.A.Patil, the Id. counsel for the respondent no. 3.

2. At the request of Id. P.O., **S.O. 06.08.2021 to file reply.**

Vice Chairman

Date:-19/07/2021.
aps.

O.A.No.452/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :19/07/ 2021.

Heard Shri P.S.Patil holding for Shri V.A.Kothale, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the Respondents.

2. At the request of Id. counsel for the applicant, **S.O. 09.08.2021.**

Vice Chairman

Date:-19/07/2021.

aps.

O.A.No.542/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :19/07/ 2021.

C.A.No.191/2021:-

Heard Shri J.S.Deshmukh, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the Respondents.

2. **C.A. No. 191/2021 for Jt. O.A. is allowed.**
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:-19/07/2021.

aps.

O.A.No.550/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :19/07/ 2021.

C.A.No.196/2021:-

Heard Shri N.B.Kalwaghe, the Id. counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the Respondents.

2. C.A. No. 196/2021 for Jt. O.A. is allowed.

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:-19/07/2021.

aps.

O.A.No.552/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :19/07/ 2021.

C.A.No.197/2021:-

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

2. C.A. No. 197/2021 for Jt. O.A. is allowed.

3. The Id. counsel for the applicant relied upon Judgment in O.A. No. 459/2021 of this Tribunal delivered on 18.06.2021 in the said O.A. in para no. 4 Status-quo has been granted. The Id. counsel for the applicant submits that same interim relief should be granted for this O.A. also.

4. Respondents are directed to maintain status-quo as on today.

5. Issue notice to Respondents, returnable on four weeks. Learned P.O. waives notice for R-1. 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.

11. **S.O. four weeks.**

Vice Chairman

Date:-19/07/2021.
aps.

**M.C.A.13/21inRev.St.1044/21inO.A.126/17
(S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :19/07/ 2021.**

Heard Smt. Charlewar, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the State.

2. M.C.A. No. 13/2021 for delay of 65 days are allowed.

3. Issue notice to Respondents on review application, 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:-19/07/2021.

aps.

O.A.No.176/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :19/07/ 2021.

Heard Shri R.S.Sundaram, the Id. counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State.

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

Vice Chairman

Date:-19/07/2021.

aps.

O.A.No.496/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :19/07/ 2021.

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

2. The applicant was suspended vide order dated 20.12.2011 (Annexure-A-1, P.B., Pg. No. 9). Since he was arrested by Police and remained in custody for more than 48 hours. Subsequently, as per recommendation of the committee under Chairmanship of Commissioner, Amravati Division; applicant was reinstated by order dated 03.02.2015 (P.B., Pg. No. 10). A Criminal Case was going on against applicant and order was passed on 03.12.2019 at P.B., Pg. No. 12 (Annexure-A-3) and relevant para is at P.B., Pg. No. 29 where applicant has been acquitted u/s 235 (1) of the Code of Criminal Procedure, for the offences punishable u/s 395 & 216(A) of the I.P.C.. Subsequently, applicant has submitted representation dated 15.06.2020 (Annexure-A-4, P.B., Pg. No. 30) to treat suspension period as duty period in from 20.12.2011 to 02.02.2015.

4. Respondent no. 3 has submitted proposal to respondent no. 2 vide letter dated 08.07.2020 (Annexure-A-5, P.B., Pg. No. 34) recommended for payments of suspension period of applicant.

5. Respondent no. 2 is directed to decide the proposal submitted by Respondent no. 4 (Annexure-A-5, P.B., Pg. No. 34) as early as possible.

6. Issue notice to Respondents, returnable on four weeks. Learned 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. four weeks.**

13. Steno copy is granted.

Date:-19/07/2021.
aps.

Vice Chairman

O.A.No.499/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :19/07/ 2021.

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

2. Issue notice to Respondents, returnable on four weeks. Learned C.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. four weeks.**

Vice Chairman

Date:-19/07/2021.

aps.

O.A.No.551/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :19/07/ 2021.

Heard Shri S.N.Gaikwad, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. Issue notice to Respondents, returnable on four weeks. Learned C.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. four weeks.**

Vice Chairman

Date:-19/07/2021.

aps.

O.A.Nos.110&111/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :19/07/ 2021.

Heard Shri G.G.Bade, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the Respondents.

2. Purnis is filed by Id. counsel for the applicant.

3. The applicant was placed under suspension vide order dated 15.10.2020 (Annexure-A-1, P.B., Pg. No. 18) and as submitted by Id. counsel for the applicant he is still under suspension. Respondents have filed reply on 28.06.2021 and in para no. 6 of the reply on P.B., Pg. No. 47; respondents have submitted that action is taken under Section 3 (1-a), (1)(b)(2) of Bombay Police Act (Discipline and Appeal) Rule, 1956 regarding suspension. They have also mentioned that D.E. was initiated against the applicant; nothing on record shows that DE was ordered or any chargesheet was served to the applicant. In para no. 9 they have also mentioned about G.A.D., G.R. dated 09.07.2019. As per reply para no. 8, it appears that only preliminary enquiry was conducted; no whisper in the reply is about D.E. However, as per para no. 9, respondents have submitted that matter was placed before the Review Committee and Review Committee unanimously decided in favour of prolonging the suspension period of applicant. However, document is not filed on record. As per record, final order has been passed

on 18.02.2021 and in the order applicant has been awarded punishment under Bombay Police (Punishment and Appeal) Rule, 1956 of 3(2)(5) and next increment is stopped for three years; copy of Bombay Police Act has also been filed which is at P.B., Pg. No. 54A-55.

4. As per P.B., Pg. No. 55 of Bombay Police (Punishment and Appeals) Rules, 1956 following observations have been made:-

"The following punishment may also be imposed upon any police officer if he is guilty of any breach of discipline or misconduct or of any act rendering him unfit for the discharge of his duty which does not require his suspension or dismissal or removal:-

- (i) Caution*
- (ii) A roprimant (to be entered in the service book)*
- (iii) Extra drill*
- (iv) Fine not exceeding one month's pay*
- (v) Stoppage of increments"*

5. In this situation, Ideally respondents should have mentioned regarding suspension order and it's period in the final order also which has not been mentioned. But as per Bombay Police Act (Punishment and Appeal) Rules, 1956 para no. 2 (v) on Pg. No. 2 suspension becomes illegal after the punishment order which is only stoppage of increment.

6. As per letter dated 14.10.2017 issued by Additional Director General of Police (Administration) Mumbai, it is also examined. In

view of this letter and punishment awarded to the applicant suspension order dated 15.10.2020 needs to be quashed.

7. In view of these situations, suspension order dated 15.10.2020 becomes illegal and bad in law. Hence, suspension order dated 15.10.2020 (Annexure-A-1, P.B., Pg. No. 18) is quashed and set aside. Respondents may take further action and issue necessary order in this regard within sixty days from the date of receipt of this order.

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

Vice Chairman

Date:-19/07/2021.
aps.

O.A.No.420/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :19/07/ 2021.

Heard Shri S.M.Khan, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the Respondents.

2. At the request of Id. P.O., **S.O. 30.07.2021.**

Date:-19/07/2021.
aps.

Vice Chairman

O.A.No.499/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :19/07/ 2021.

Heard Shri S.N.Gaikwad, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the Respondents.

2. At the request of Id. P.O., **S.O. 28.07.2021.**

Date:-19/07/2021.
aps.

Vice Chairman

O.A.No.577/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :19/07/ 2021.

Heard Shri D.M.Surjuse, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the Respondents. None for the respondent no. 3.

2. At the request of Id. P.O., **S.O. 26.07.2021.**

Vice Chairman

Date:-19/07/2021.
aps.

O.A.No.197/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :19/07/ 2021.

Heard Shri S.N.Gaikwad, the Id. counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the Respondents.

2. As submitted by Id. P.O., two documents have been placed on record; order dated 05.07.2021 and 06.07.2021 (P.B., Pg. Nos. 78 & 79); it appears from the letter that respondents have approached to the Pay Verification Unit but they have refused to take this case.

3. In view of this, Pay Verification Unit, Nagpur is directed to verify the pay of the applicant and submits all reports to the Id. P.O. and accept the proposal of the department within two weeks.

4. **S.O. three weeks.**

5. **Steno copy is granted.**

Vice Chairman

Date:-19/07/2021.

aps.

O.A.No.268/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :19/07/ 2021.**

None for the applicant. Shri A.P.Potnis, the
Id. P.O. for the Respondents.

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

Vice Chairman

Date:-19/07/2021.

aps.

O.A.No.725/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :19/07/ 2021.

Heard Shri R.V.Shiralkar, 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. 26.07.2021.**

Vice Chairman

Date:-19/07/2021.
aps.

O.A.No.735/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :19/07/ 2021.

Heard Shri S.P.Palshikar, 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. 04.08.2021.**

Vice Chairman

Date:-19/07/2021.
aps.

O.A.No.895/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :19/07/ 2021.

Heard Shri S.P.Palshikar, 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 submits that the grievance of the applicant is redressed. Hence, **matter is disposed of as withdrawn.**

Vice Chairman

Date:-19/07/2021.
aps.

O.A.No.116/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :19/07/ 2021.

Heard Shri P.S.Patil, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the Respondents.

2. At the request of Id. P.O., **S.O. 09.08.2021.**

Date:-19/07/2021.
aps.

Vice Chairman

O.A.No.214/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :19/07/ 2021.

None for applicant in person. Shri H.K.Pande,
the Id. P.O. for the Respondents.

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

Later On:-

Dr. P.S.Khatwani, the applicant in person and
Shri H.K.Pande, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. 11.08.2021.**

Vice Chairman

Date:-19/07/2021.
aps.

O.A.No.667/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :19/07/ 2021.

Heard Shri N.R.Saboo, 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. next week.**

Vice Chairman

Date:-19/07/2021.
aps.

O.A.No.720/2020withC.A.No.321/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman

Dated :19/07/ 2021.

Heard Shri M.M.Sudame, 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. three weeks.**

Vice Chairman

Date:-19/07/2021.

aps.

O.A.No.772/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :19/07/ 2021.

Heard Shri P.S.Patil, 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. 09.08.2021.**

Vice Chairman

Date:-19/07/2021.
aps.

O.A.No.970/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :19/07/ 2021.

Heard Shri G.G.Bade, 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. two weeks.**

Vice Chairman

Date:-19/07/2021.
aps.

O.A.No.693,694&699/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :19/07/ 2021.

Heard Shri R.V.Shiralkar, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the Respondents.

2. The applicant was transferred vide order dated 30.08.2019 the same order was stayed vide order dated 04.09.2019. However, in the order it was not said that respondents are prohibited for issuing fresh order in the transfer season 2021. If transfer of applicant is considered during transfer season 2021; there is no problem. Respondents are at liberty to issue fresh transfer order without prejudice to the order dated 04.09.2019.

3. Matter be treated as P.H..

4. S.O. four weeks.

Vice Chairman

Date:-19/07/2021.

aps.