

O.A.No.315/2016 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 29/10/2020.**

**C.A.No.266&273/2020:-**

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

2. **Civil application no. 273/2020 for amendment is allowed.** Amendment be carried out within one week. He is further directed to supply the amended copy to the Id. P.O..

3. The Id. counsel for the applicant has filed this Tribunal order dated in O.A. No. 572/2007 delivered on 17/11/2008. The Id. P.O. submitted that enquiry date is fixed on 11/11/2020; respondents are directed to place it on the last week of November, 2020.

4. **S.O. 27.11.2020.**

5. **Steno copy is granted.**

**Vice Chairman**

**Date:-29/10/2020.**

aps.

**O.A.No.905/2019 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 29/10/2020.**

**C.A.No.214/2020:-**

Heard Shri A.P.Adhe, 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 several times has been given to file reply to the respondents. In view of this, the Id. P.O. requested for further two weeks time as a last chance.

3. If reply is not filed by the respondents till next hearing, the matter be heard on merit.

**4. S.O. 23.11.2020.**

**Vice Chairman**

**Date:-29/10/2020.**  
aps.

**O.A.No.1055/2019 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 29/10/2020.**

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

2. The Id. counsel for the applicant has pointed out Annexure-A-6, P.B., Pg. No. 20, in this letter in first para it is written that enquiry held under Discipline and Appeal Rule, 1979 (Section 10). However, in para 3, it is written that in Discipline and Appeal Rule, 1979 (Under Section 8) the letter is not very clear.

3. The Id. P.O. is directed to file reply, **S.O. 27.11.2020.**

**Vice Chairman**

**Date:-29/10/2020.**  
aps.

**O.A.No.700/2020 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 29/10/2020.**

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

2. As requested by Id. C.P.O., issue of maintainability of O.A. be kept open on ground of various relief sought by the applicant.

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:-29/10/2020.**  
aps.

**O.A.No.701/2020 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 29/10/2020.**

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

2. The Id. C.P.O. has opposed on the ground of delay. The Id. counsel for the applicant is directed to file C.A. for condonation of delay.

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:-29/10/2020.**  
aps.

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

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 29/10/2020.**

Heard Shri S.Sanyal, 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 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.

Date:-29/10/2020.  
aps.

**Vice Chairman**

**O.A. 407/2019 (S.B.)**

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

**Dated : 29/10/2020.**

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

2. As pointed out by the learned counsel, the applicant has filed representation dated 7/5/2019 (A-12,P-42). The Id. P.O. submits that the relief claimed in the O.A. has also been covered in the representation dated 7/5/2019. The Id. P.O. further submits that the applicant's representation is under consideration. Hence, direction may be given to decide the representation.

3. In view thereof, the respondents are directed to decide the representation of the applicant dated 7/5/2019 (A-12,P-42) within 30 days from the date of this order.

4. With this direction, the O.A. stands disposed of. No order as to costs.

**Vice-Chairman**

dnk.

**O.A. 631/2019 (S.B.)**

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

**Dated : 29/10/2020.**

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

2. The learned P.O. has filed letter dated 19/10/2020 (P-69) written by the Assistant Commissioner (Administration), Tribal Development Department, Nagpur. As per that letter in the last para it is mentioned that the Department has submitted the proposal to the MPSC and file is pending at MPSC.

3. The respondents are directed to follow with the MPSC and communicate decision within one month from the date of this order.

**S.O. 27/11/2020** for compliance report.

Steno copy is granted.

**Vice-Chairman**

dnk.

**\*O.A. 439/2020 (S.B.)**

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

**Dated : 29/10/2020.**

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

2. The applicant is a Police Constable and was serving as Police Constable (Traffic) in MIDC Division, Nagpur. One complaint was made by the complainant namely Ravi B. Jaiswal to the MIDC Police Station on 12/10/2019 and he alleged that he was having Auto Rishksa and while plying the Auto Rishksa between Sitabuldi to Hingna, the applicant used to demand the amount Rs.500/- for the purpose of entry between Sitabuldi to Hingna and therefore an offence punishable under Section 7 of the Prevention of Corruption Act,1988 vide crime no.749/2019 was registered against the applicant by MIDC Police Station, Nagpur and the applicant was arrested on 12/10/2019 and therefore the applicant has been placed under suspension in pursuance of Section 3 (1-A) (1) (A) (B) of the Bombay Police (Discipline and Appeal) Rules, 1956. The applicant was placed under suspension vide order dated 15/10/2019 (A-1,P-15) by the respondent no.3 i.e. DCP (Traffic), Nagpur City, Nagpur. The applicant has made representation after 90 days of suspension to the Commissioner of Police,

Nagpur on 16/6/2020 (Annexure-A-2, P.B., Pg. No. 17). But no decision has been given to the applicant. Aggrieved with such situation, the applicant has approached to this Tribunal. Both the parties were heard in detail. The respondent no.3 has filed reply dated 21/10/2020. In para-6&7 it has been mentioned that the Department has initiated the department inquiry and it has been concluded on 16/7/2020. Show cause notice has also been issued on 30/7/2020 which are duly served to the applicant. The applicant has also submitted reply on 7/8/2020. As per established law for continuation of suspension laid down by Hon'ble Apex Court and various Judgments of Hon'ble High Court , the decision has to be taken. I have examined following Judgments which are explained below -

" (i) The 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/Charge sheet is not served on the delinquent officer/employee; if the Memorandum of Charges/Charge sheet 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.*

(ii) The Hon'ble Apex Court in its Judgment in Civil Appeal No. 8427-8428 of 2018 (Arising out of S.L.P. (Civil) No. 12112-12113 of 2017) in the case of **State of Tamil Nadu Vs. Pramod Kumar IPS and Anr. delivered on 21/08/2018** in its para no. 24 had observed as follows:-

*24. This Court in **Ajay Kumar Choudhary v. Union of India, (2015) 7 SCC 291** has frowned upon the practice of protracted suspension and held that suspension must necessarily be for a short duration. On the basis of the material on record, we are convinced that no useful purpose would be served by continuing the first Respondent under suspension any longer and that his reinstatement would not be a threat to a fair trial. We reiterate the observation of the High Court that the Appellant State has the liberty to appoint the first Respondent in a non sensitive post.*

(iii) The Principal Bench of Maharashtra Administrative Tribunal Mumbai Bench in O.A. No. 35/2018 Judgment delivered on 11/09/2018 has also rejected continuation of suspension beyond 90 days.

3. In view of discussions in above paras, the case of applicant is squarely covered by the Hon'ble Apex Court Judgment -

(ii) The Hon'ble Apex Court in its Judgment in Civil Appeal No. 8427-8428 of 2018 (Arising out of S.L.P. (Civil) No. 12112-12113 of 2017) in the case of **State of Tamil Nadu Vs. Pramod Kumar IPS and Anr. delivered on 21/08/2018** in its para no. 24 had observed as follows:-

*24. This Court in **Ajay Kumar Choudhary v. Union of India, (2015) 7 SCC 291** has frowned upon the practice of protracted suspension and held that suspension must necessarily be for a short duration. On the basis of the material on record, we are convinced that no useful purpose would be served by continuing the first Respondent under suspension any longer and that his reinstatement would not be a threat to a fair trial. We reiterate the observation of the High Court that the Appellant State has the liberty to appoint the first Respondent in a non sensitive post.*

4. In view of this situation, as observation made by Hon'ble Apex Court in above paras continuing the applicant under suspension any longer, no useful purpose would be served. Hence, it is required that suspension order is immediately revoked. Hence, the following order –

**ORDER**

1) The O.A. is partly allowed.

2) The respondents are directed to revoke the suspension order dated 15/10/2019 (A-1,P-15) with immediate effect and the respondents are further directed to issue suitable posting order as per the guidelines given in case of **State of Tamil Nadu Vs. Pramod Kumar IPS and Anr. delivered on 21/08/2018** as detailed mentioned above.

3) The respondents are at liberty to decide the fate of departmental inquiry as per existing rules and regulations within six months.

4) The respondents are directed to comply the order within 30 days from the date of this order.

5) With this direction, the O.A. stands disposed of. No order as to costs.

**Vice-Chairman**

dnk.



**O.A. 471/2020 (S.B.)**

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

**Dated : 29/10/2020.**

**MCA No.35/2020 -**

Shri G.G. Bade, Id. counsel for the  
applicant and Shri S.A. Sainis, Id. P.O. for R-1.  
Await service of R-2&3.

At the request of Id. P.O., **S.O.**  
**05/11/2020.**

**Vice-Chairman**

dnk.

**\*O.A. 479/2020 (S.B.)**

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

**Dated : 29/10/2020.**

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

2. The learned P.O. has filed letter dated 20/10/2020 issued by the Deputy Director, Land Record, Amravati which is marked Exh. 'X' for the purposes of identification and it is taken on record and copy is given to the other side. The learned P.O. has pointed out the last para of the letter and submits that the applicant was

informed that the cut off date for representation was 10/8/2020 since order itself was issued on 10/8/2020. The applicant was not expected to submit representation before 10/8/2020. The learned counsel for the applicant has also pointed out that medical certificate of applicant's wife at page no.21 given by the Civil Surgeon, Amravati and it is mentioned as permanent handicapped certificate. The learned counsel has further submitted that option was given by the applicant for the place of Motala, Malkapur, Chikhali and Shegaon. The Id. counsel for the applicant has submitted that the post at Motala is still vacant.

3. In view of this situation, considering the applicant's wife medical situation, the respondents are directed to post the applicant at Motala if it is still vacant. The order be complied within three weeks from the date of this order.

4. With this direction, the O.A. stands disposed of. No order as to costs.

**Vice-Chairman**

dnk.

**O.A. 98/2020 (S.B.)**

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

**Dated : 29/10/2020.**

**C.A. 201/2020 -**

Heard Shri N.S. Warulkar, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

Since the notice has already been issued, the Id. P.O. is directed to file reply on C.A.No. 201/2020.

**S.O. after four weeks.**

**Vice-Chairman**

dnk.

**(S.B.)**

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

**Dated : 29/10/2020.**

**O.A.Nos. 294,295,296,297,298,299, 301,  
302,303,304,311 & 315 of 2020 -**

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

2. The Id. P.O. submitted that he is filing reply on behalf of R-1 to 3.

3. In view thereof, the matters are admitted and it be kept for final hearing.

4. The Id. P.O. waives notice on behalf of the respondents.

**S.O. 27/11/2020.**

Put up along with O.A. 300/2020.

**Vice-Chairman**

dnk.

**O.A. 300/2020 (S.B.)**

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

**Dated : 29/10/2020.**

Heard Shri S.N. Gaikwad, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for the respondents and none for Intervener.

2. The learned counsel for the applicant submitted that office has pointed out that certain amendment has not been carried out and therefore he requires further time to carry out the necessary amendment.

**S.O. 27/11/2020.**

Put up along with O.A. 294/2020 and other connected matters.

**Vice-Chairman**

dnk.

**O.A. 892/2019 (S.B.)**

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

**Dated : 29/10/2020.**

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

2. The learned P.O. is yet not filed reply. The learned counsel pointed out that due to non filing of reply, the applicant is not getting due claim in the service. In view of this, the Id. P.O. to file reply on the next date of hearing.

**S.O. 27/11/2020** for filing reply as a last chance.

**Vice-Chairman**

dnk.

**O.A. 896/2019 (S.B.)**

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

**Dated : 29/10/2020.**



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

2. At the request of Id. P.O., **S.O. 27/11/2020** for filing reply.

**Vice-Chairman**

dnk.

**O.A. 980/2019 (S.B.)**

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

**Dated : 29/10/2020.**

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

2. At the request of Id. P.O., **S.O. 26/11/2020** for filing reply.

**Vice-Chairman**

dnk.

**O.A. 138/2020 (S.B.)**

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

**Dated : 29/10/2020.**

Shri N.R. Saboo, Id. counsel holding for Shri G.G. Mishra, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

The Id. P.O. has filed reply on behalf of R-2 and submitted that it is sufficient for deciding the matter. The same is taken on record and copy is given to the applicant.

**S.O. after four weeks.**

**Vice-Chairman**

dnk.

**O.A. 139/2020 (S.B.)**

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

**Dated : 29/10/2020.**

**C.A. 274/2020 -**

Heard Shri D.B. Walthare, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

For the reasons stated in the application, the C.A.No.274/2020 is allowed. The applicant to file necessary documents and also supply to the Id. P.O. also.

**O.A.139/2020** –

Heard Shri D.B. Walthare, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

The Id. P.O. has filed reply on behalf of R-5. It is taken on record.

**S.O. after four weeks.**

**Vice-Chairman**

dnk.

**O.A. St. 495/2018 (S.B.)**

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

**Dated : 29/10/2020.**

**C.A. 78/2018 -**

Shri M.M. Sawang, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

The Id. P.O. submits that he will file reply during the course of day.

The C.A. for condonation of delay will be heard in the first week of December,2020.

**S.O. 1<sup>st</sup> week of December,2020.**

**Vice-Chairman**

dnk.

**(S.B.)**

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

**Dated : 29/10/2020.**

**C.A. No. 150/2020 in O.A. St. 641/2020 & C.A. 151/2020 in O.A. St.643/2020 -**

Shri S.P. Hedao, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the State.

At the request of Id. P.O., **S.O. after four weeks** for filing reply on both the C.As.

**Vice-Chairman**

dnk.

**O.A. 496/2020 (S.B.)**

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

**Dated : 29/10/2020.**

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

At the request of Id. P.O., **S.O. 1<sup>st</sup> week of December,2020** for filing reply.

**Vice-Chairman**

dnk.

**\*O.A. 495/2020 (S.B.)**

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

**Dated : 29/10/2020.**

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

2. The learned counsel for the applicant has filed office of the Director General of Police proposal dated 5/4/2019. The document attached with that letter at page no.28 and the applicant's name appears at sr.nos.33 & 35. The applicant's name is Shri R.I. Rajput. By proposal it appears that the Department has recommended the applicant's case of granting deemed date. The document is signed on 28/2/2019. The respondents are directed to decide the matter within three weeks as proposal submitted by the office of the Director General of Police vide letter dated 5/4/2019 about the applicant which is mentioned at sr.nos.33&35.

**S.O. after four weeks.**

Steno copy is granted.

**Vice-Chairman**

dnk.

**\*O.A. 431/2020 (S.B.)**

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

**Dated : 29/10/2020.**

**C.A. 272/2020 -**



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

2. As submitted by the learned counsel for the applicants, both the applicants are related one is mother and other is son. At the time of father's death, the son was minor. The issue is related with appointment on compassionate ground.

3. In view of above, the C.A.No. 272/2020 is allowed and disposed of.

**O.A. 431/2020** –

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

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

**Vice-Chairman**

dnk.

**\*O.A. 432/2020 (S.B.)**

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

**Dated : 29/10/2020.**

Shri S.N. Gaikwad, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1. Await service of R-2 to 4.

At the request of Id. Counsel for the applicant, **S.O. two weeks** for filing service affidavit.

**Vice-Chairman**

dnk.

**\*O.A. 695/2020 (S.B.)**

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

**Dated : 29/10/2020.**

**C.A. 270/2020 -**

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

2. As agreed by the Id. P.O., C.A.No.270/2020 for condonation of delay is allowed and disposed of.

**O.A. 695/2020 –**

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

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

**Vice-Chairman**

dnk.

**O.A. 696/2020 (S.B.)**

**(Smt. D.V. Pande, Vs. State of Mah. & Ors.)**

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

**Dated : 29/10/2020.**

Heard Shri V.R. Borkar, Id. counsel for the applicants and Shri A.M. Khadatkar, Id. P.O. for the State.

2. The learned counsel for the applicant has pointed out that the applicant's husband was serving in the Police Department and he expired on 20/6/2019. In the death certificate dated 10/7/2019 (A-2,P-12), the date of death of the applicant is also mentioned as 20/6/2019. Subsequently, the Additional Treasury Officer, Chandrapur has issued letter dated 28/5/2020 (A-1,P-11) wherein recovery of Rs.4,000/- in 74 equal instalments and Rs.2,428/- in last instalment has been made from the pension of the deceased applicant. The learned counsel for the applicants submits that in the order dated 17/9/2020 in the Bunch of the O.A. Nos.514/2020 & ors. of this Tribunal such kind of recovery has been stayed till filing of the reply. Since recovery has been made from the family pension of the present applicant, it appears injustice without giving opportunity of hearing on the part of present applicant. Hence, it appears injustice to the family of the present applicant. The learned counsel for the applicant has relied upon the Judgment of this Tribunal dated 17/9/2020 which is marked Exh. 'X' for identification and also taken on record. In view thereof, the recovery order dated 28/5/2020 (A-1,P-11) is stayed till filing of the reply by the respondents.

3. In the meantime, issue notice to the respondents returnable **after six 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 six weeks.**

Steno copy is granted.

**Vice-Chairman**

dnk.

**\*O.A. 697/2020 (S.B.)**

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

**Dated : 29/10/2020.**

**C.A.No. 269/2020 -**

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

The C.A.No. 269/2020 for filing joint O.A. is allowed.

**O.A. 697/2020** –

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

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

**S.O. after six weeks.**

**Vice-Chairman**

dnk.

**\*O.A. 698/2020 (S.B.)**

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

**Dated : 29/10/2020.**

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

2. The learned counsel for the applicant has relied upon various Judgments and G.Rs. However, the Id. P.O. desires to file reply of the Department.

3. In view thereof, Issue notice to the respondents returnable **after six 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 six weeks.**

**Vice-Chairman**

dnk.

**\*O.A. 699/2020 (S.B.)**

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

**Dated : 29/10/2020.**

Heard Shri M.R. Johrapurkar, Id. counsel for the applicants and Shri V.A. Kulkarni, Id. P.O. for the State.

2. As submitted by the learned counsel, the applicant joined the Government service on

15/2/2011 at Sakoli and subsequently the applicant has joined at Nagpur on 31/7/2015. The applicant has been transferred vide order dated 30<sup>th</sup> September, 2020. It means the applicant has already completed more than five years on this post and he has completed normal tenure on the said post. The Id. P.O. submits that the applicant has already been relieved also. Since the applicant has completed the normal tenure and after completion of normal tenure, the applicant has been transferred, therefore, there is no substance in this O.A.

3. However, at the request of Id. Counsel for the applicant, issue notices to the respondents for reply 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.**

**Vice-Chairman**

dnk.

**\*O.A. 702/2016 (S.B.)**

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

**Dated : 29/10/2020.**

Heard Shri N.R. Saboo, Id. counsel for the applicants and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The learned counsel for the applicant has pointed out the detailed order passed by this Tribunal dated 7/11/2019 and in para-7 it was questioned that the letter dated 18/6/1998 Annex-A-3, Page no.30 was genuinely issued by

the Irrigation or P.W.D., Department because it has been also mentioned in O.A. 317/2014 at page no.125 in para nos. 14,15&16. It appears that that still clause about letter dated 18/6/1998 has not been clarified in the form of affidavit.

3. In view of this situation, first it has been decided whether this letter is genuine or not and the learned P.O. is directed to ask the responsible Deputy Secretary or Joint Secretary of Irrigation Department and P.W.D. Department for filing jointly affidavit about genuineness of this letter because without that the matter cannot be decided. However, this should be treated as a last chance and if concerned Deputy Secretary / Joint Secretary of Irrigation / PWD Department are unable to file affidavit, they should be personally present during next date of hearing.

**S.O. four weeks.**

Steno copy is granted.

**Vice-Chairman**

dnk.

**\*O.A. 835/2019 (S.B.)**

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

**Dated : 29/10/2020.**

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

2. The learned P.O. has filed and relied upon the Judgement in O.A. 88/2012 of M.A.T., Nagpur Bench and he has mainly relied upon the last 2/3 lines of the Judgment wherein the applicant has been denied next promotional post. However, the learned counsel for the applicant has also relied upon Judgment in O.A.157/2019 of the M.A.T., Principal Bench,

Mumbai delivered on 4/10/2019 and mainly relied on para-14 which is reproduced below –

*“14. For the aforesaid reasons, I have no hesitation to sum-up that the impugned action of not implementing promotion order of the Applicant is not sustainable in law and the Applicant is required to be given posting having cleared by DPC in 2014 itself. Subsequent registration of crime cannot be a ground to deprive him of the promotional post. Needless to mention that the Department is at liberty to conclude the D.E. and to take further action as permissible in law”.*

3. As per this para, the applicant has been given relief considering that at the time of DPC this case was not against him. Considering all these points, the matter is closed for orders. The learned counsel for parties to supply the copies of citations to the other side.

**Closed for orders.**

**Vice-Chairman**

dnk.



(S.B.)

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

**Dated : 29/10/2020.**

**O.A.Nos. 458,459,460,499 & 500 of 2020**

Shri J.R. Kidilay, Id. counsel for the applicants and Shri A.M. Khadatkar, Id. P.O. for the respondents.

At the request of learned counsel for the applicants, **S.O. 26/11/2020.**

**Vice-Chairman**

dnk.

(S.B.)

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

**Dated : 29/10/2020.**

**O.A. 134/19 with C.A.162/20, O.A.135/19,  
136/19 and 137/19 -**

Shri N.R. Saboo, Id. counsel for the applicants and Shri A.M. Khadkar, Id. P.O. for the respondents.

The learned counsel for the applicants submits that he desires to file certain Judgments which covered the O.A. and for that purpose he seeks further time.

At the request of Id .counsel for the applicants, **S.O. 05/11/2020.**

**Vice-Chairman**

dnk.

**O.A. 71/2017 with C.A. 41/2017 (S.B.)**

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

**Dated : 29/10/2020.**

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

At the request of Id. P.O., **S.O.**  
**02/11/2020.**

**Vice-Chairman**

dnk.

O.A. 901/2019 (S.B.)

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

**Dated : 29/10/2020.**

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

2. At the request of Id. P.O., **S.O.**  
**05/11/2020.**

**Vice-Chairman**

dnk.

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