

(D.B.)

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

Dated : 09/03/2021.

C.A. 437/2017 in O.A. 194/2017 -

Heard Shri A.A. Syed, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1&2. None for R-3.

At the request of Id. P.O., **S.O. 30/3/2021** for filing reply on C.A.

Vice-Chairman

dnk.

(D.B.)

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

Dated : 09/03/2021.

C.A. 109/2020 in O.A. 207/2018 -

Heard Shri S.N. Gaikwad, Id. counsel for the applicant and Shri A.M. Khadatkhar, Id. P.O. for R-1 to 3. Await service of R-4.

At the request of Id. counsel for the applicant, **S.O. one week** for filing service affidavit of R-4.

Vice-Chairman

dnk.

O.A. 970/2019 (D.B.)

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

Dated : 09/03/2021.

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

2. The learned P.O. files reply on behalf of R-1&2. It is taken on record. Copy is given to the learned counsel for the applicant. The learned P.O. submits that reply of R-1&2 is sufficient to decide the O.A.

3. The O.A. is admitted and it be kept for final hearing.

4. The learned P.O. waives notice for the respondents.

S.O. after three weeks.

Vice-Chairman

dnk.

O.A. 537/2020 (D.B.)

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

Dated : 09/03/2021.

Shri A.P. Sadavarte, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1 to 3. None for other respondents.

At the request of Id. P.O., **S.O. four weeks** for filing reply.

Vice-Chairman

dnk.

O.A. 755/2020 (D.B.)

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

Dated : 09/03/2021.

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

2. The learned counsel for the applicant submits that he wants to take necessary instructions from the applicant and therefore the matter may be kept on Friday.

3. At the request of Id. counsel for the applicant, **S.O. 12/3/2021.**

Vice-Chairman

dnk.

O.A. 03/2021 (D.B.)

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

Dated : 09/03/2021.

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

At the request of Id. P.O., **S.O. four weeks** for filing reply.

Interim relief to continue till filing of reply.

Vice-Chairman

dnk.

O.A. 974/2020 (D.B.)

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

Dated : 09/03/2021.

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

At the request of Id. P.O., **S.O. four
weeks** for filing reply.

Vice-Chairman

dnk.

O.A. 882/2019 (D.B.)

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

Dated : 09/03/2021.

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

At the request of Id. P.O., **S.O. 6/4/2021** for filing reply to the rejoinder filed by the applicant.

Vice-Chairman

dnk.

O.A. 211/2021 (D.B.)

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

Dated : 09/03/2021.

Heard the applicant in person and Shri H.K. Pande, 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.

C.P. 03/2020 in O.A. 623/2019 (D.B.)

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

Dated : 09/03/2021.

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

2. The learned P.O. has filed letter dated 28/8/2019 issued by the Deputy Director of Land Records, Amravati (P-18) and submits that the order has been complied in the O.A.

3. As submitted by the learned counsel for the applicant, if the applicant is aggrieved with this order, he is at liberty to challenge this order by filing separate O.A.

4. In view thereof, the Contempt Petition stands disposed of. No order as to costs.

Vice-Chairman

dnk.

C.P. 04/2020 in O.A. 625/2019 (D.B.)

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

Dated : 09/03/2021.

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

2. The learned P.O. has filed letter dated 28/8/2019 issued by the Deputy Director of Land Records, Amravati (P-18) and submits that the order has been complied in the O.A.

3. As submitted by the learned counsel for the applicant, if the applicant is aggrieved with this order, he is at liberty to challenge this order by filing separate O.A.

4. In view thereof, the Contempt Petition stands disposed of. No order as to costs.

Vice-Chairman

dnk.

O.A. 537/2018 (D.B.)

(S.S. Bahad Vs. State of Mah. & Ors.)

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

Dated : 09/03/2021.

C.A. No. 72/2021 -

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri A.M. Khadatkhar, Id. P.O. for the State.

2. As submitted by the learned counsel for the applicant, the applicant superannuated on 31/3/2013 and he was served charge sheet on 29/4/2015. The learned counsel for the applicant has filed C.A.No. 72/2021 and as per page no.2 of the C.A., inquiry was completed on 5/11/2020, however, final decision is still awaited.

3. The learned counsel for the applicant has relied upon the Judgment of **Prem Nath Bali Vs. Registrar of High Court of Delhi, AIR 2016, SCC, 101** wherein para-33 specific time has been given to complete the departmental inquiry. In this case, charge sheet was served on 29/4/2015 and after that as per the para-33 of the Hon'ble Apex Court's Judgment, it was mandatory to complete the inquiry within one year. They have not followed the prescribed time limit. However final report has been also submitted as per the C.A. on 5/11/2020 and

even after four months, final decision has not been passed in the departmental inquiry and the applicant is deprived of pensinary benefits.

4. Meanwhile, the respondents are at liberty to issue final order in departmental inquiry in which inquiry report was submitted on 5/11/2020.

5. The learned counsel for the applicant has also relied upon the Judgment of MAT, Bench at Nagpur in O.A.55/2019, delivered on 14/2/2019. It is taken on record.

6. In the meantime, notice on C.A. be issued to the respondents returnable **on 7/4/2021.**

7. The learned P.O. waives notice for State. Hamdast granted.

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

9. 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 the O.A.

10. 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.

11. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with an affidavit of compliance in the Registry as far as possible once week before the date fixed by this Tribunal. Applicant is directed to file Affidavit of compliance and notice.

S.O. 7/4/2021.

Steno copy is granted.

Vice-Chairman

dnk.

O.A. 28/2019 (D.B.)

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

Dated : 09/03/2021.

C.A. No. 73/2021 -

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

2. The learned counsel for the applicant has filed C.A.No. 73/2021 for direction. In Para nos.2,3&4, it is mentioned as below –

“ (2) The applicant came to be appointed on the post of Talathi on 5/8/1983 issued by SDO, Gondia that misfortune struck to the applicant while working as Talathi at Village Khodshivani, Tq. Sadak-Arjuni, Dist. Gondia, when the Criminal case came to be registered bearing no.27/1997 came to be registered under the provision of Prevention of Corruption of Act. In pursuance of registration of said Crime, applicant came to be suspended vide order dated 12/6/1997 issued by SDO, Deori, Dist. Gondia.

(3) That the applicant came to be tried in Special Criminal case no.1/1998 and by Judgment dated 30/11/2005 passed by Special Judge (Prevention of Corruption Act), Bhandara, the applicant came to be convicted. In view of conviction vide Judgment dated 30/11/2005 applicant came to be dismissed vide order dated 28/01/2006 issued by SDO, Deori, Dist. Gondia.

(4) That the applicant challenged the Judgment dated 30/11/2005 passed by the Special Judge,

Bhandara in Cri. Case no.1/1998 before the Hon'ble High Court, Nagpur Bench by filing Cri. Appeal No.673/2005. The Hon'ble High Court vide Judgment dated 15/6/2018 quashed and set aside the Trial Court Judgment dated 30/11/2005 and was pleased to acquit the applicant in connection with above noted Crime and accordingly present Original Application is filed."

3. As per these facts, the applicant was initially convicted under the Prevention of Corruption Act by the Special Judge, Bhandara, but same was challenged before the Hon'ble High Court and the Hon'ble High Court vide its Judgment dated 15/6/2018 quashed the Judgment passed by the Special Judge, Bhandara. Since the applicant has been acquitted by the Hon'ble High Court, the applicant entitled for pensionary benefits.

4. During hearing, it is pointed out that though the applicant was acquitted by the Hon'ble High Court vide Judgment dated 15/6/2018, he has not been paid any retiral benefits, because, the applicant's service book is not traceable and it is contention of the respondents that it is either between the Collector, Gondia office or the Collector, Bhandara office. Maintaining the service book of an employee is the responsibility of the employee's Office. Hence, the respondent nos.3&4, i.e., the Collector, Gondia and the Collector, Bhandara should depute a responsible person and ensure that service book of the applicant is traced or they should prepare

the applicant's service book as per record of their office and ensure that pensionary benefits of applicant is given.

5. The applicant has made representation dated 31/7/2018 (A-5,P-25) to the Collector, Gondia. Till the service book is finalised the respondent no.3 is directed to consider the representation of the applicant and decide whatever retiral benefits can be granted to the applicant and that should be given at the earliest.

6. In view of above direction, the C.A. stands disposed of.

O.A. 28/2019 –

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

2. The O.A. is admitted and it be kept for final hearing.

3. The learned P.O. waives notice for the respondents.

S.O. after two months.

Steno copy is granted.

Vice-Chairman

dnk.

O.A. 55/2021 (D.B.)

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

Dated : 09/03/2021.

Heard Shri S.P. Palshikar, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1 to 3. None for R-4.

2. The applicant has filed list of programme study centres for post basic B.Sc. Nursing, PSC and RC Code (A-1,P-22) and in this list at Sr.No.1, PSC Code 0113 is College of Nursing, Nizam's Institute of Medical Science, Hyderabad, RC Code 01 and No. of seats 30. As submitted by the learned counsel for the applicant, the applicant has completed the course from this Institute only. However, the respondents have published the provisional merit list for 2020-21 (A-2) and at page no.28 they have given list of not eligible candidates where the applicant's name appears at sr.no.1, Form no.34, Mahadole Malutai Bharat. In the last column, it is mentioned that '**Not Eligible IGNOU BSc. Nsg. from Hyderabad**' (A-3). It is not understood when in the list at Annex-A-1 this Institute is mentioned at Sr.No.1, how the respondents have taken this ground for not recommending the applicant for the post in the year 2020-21 which is already legal. The reply

of respondent nos. 2&3 are necessary, because, as pointed out by the learned counsel for the applicant, as per the note sheet dated 4/1/2021 it appears that the applicant has secured 68.85 marks (A-2,P-28) and the respondent no.4 has secured 68.82 marks (A-2,P-27). Since as per the merit, the applicant obtained higher marks than the respondent no.4, it is difficult to understand why the applicant is not considered and the respondent no.4 is considered for the course. Since the course has already started, the respondent nos.1 to 3 are directed to recommend the applicant's name for the said course and if they have any difficulty, they should file reply immediately within one week. Since the course has already started, the respondent nos.1 to 3 have not taken any cognizance to file reply, so one week time is granted to file reply as a last chance.

S.O. 16/3/2021.

Steno copy is granted.

Vice-Chairman

dnk.

O.A.St. 2387/2019 (D.B.)

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

Dated : 09/03/2021.

C.A.Nos. 501,502 & 503 of 2019 -

Heard Shri A.S. Shukla, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. for the State.

2. Since the respondent nos.4 to 84 have joined in the Government department, it was expected as per the order dated 14/1/2021 that the Id. P.O. will supply e-mail id's of these employees so that the Id. counsel will serve notices to these employees. However, on the earlier date three weeks time was granted to the learned P.O. to supply said information. Today also the Id. P.O. desires three weeks time to supply the said information. In this situation, three weeks time is granted as a last chance to supply the said information so that the learned counsel will serve the notices to these employees or else alternatively in whatever Departments these employees are working, the learned counsel may serve the notices through the Departments.

S.O. three weeks.

Vice-Chairman

dnk.

O.A. 220/2021 (D.B.)

(P.M. Sukhdeve & Ano. Vs. State of Mah. & Ors.)

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

Dated : 09/03/2021.

C.A. No. 74/2021 -

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

2. For the reasons stated in the application, the C.A.No. 74/2021 for joint application is allowed.

O.A. 220/2021 -

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

2. The whole issue is involved about G.R. dated 29/9/2003 (A-5,P18) in which total employees 5033 (Irrigation Department 957, PWD Department 3714, Rural Development and Water Conservation Department 362) were given the benefit of ^{^^} dkekuq kj gmnk o gmn; kuq kj oru** The question is that after issuance of the said G.R. those employees who got pay scale of Class-III whether their retirement age will become 58 or continue to 60 as per Class-IV employees. In this regard, letter dated 17/4/2012 (A-7,P-26) was issued and vide that letter retirement age was given as per Group-D

employees. However, subsequently the Government issued G.R. dated 7/12/2012 (A-8,P-28) and in this G.R. in para-3 the Government has clarified that retirement age become 58 after implementation of G.R. dated 29/9/2003 (A-5,P18). At the same time, in para-4 the Government has cancelled letter dated 17/4/2012 (A-7,P-26). After the clarification made by G.R. dated 7/12/2012, it is crystal clear that after implementation of G.R. dated 29/9/2003 also those employees who got the pay scale of Class-III, their retirement age will become 58 only and correspondence dated 17/4/2012 (A-7,P-26) became nonest. However, there is dispute regarding letter dated 17/4/2012. In this regard, learned P.O. is directed that ask the Irrigation Department to file an affidavit whether letter dated 17/4/2012 (A-7,P-26) was correct or not and also produce the file from which this letter was issued so that it can be seen that whether before issuing this letter by the Deputy Secretary file was seen by which level officer.

3. The learned counsel for the applicant is directed to amend the O.A. and make Irrigation Department as a party forthwith. Three weeks time is granted as a last chance to compliance this order.

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

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

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

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

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

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

S.O. after three weeks.

Steno copy is granted.

Vice-Chairman

dnk.*

O.A.No.569/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/03/ 2021.

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

2. The Id. P.O. desires to take instruction that on what basis interest has been calculated to the applicant. The Id. P.O. desires three weeks time. Meanwhile, the Id. P.O. is directed to bring to the notice of the respondents the G.R. dated 22.11.1994 and its corrigendum dated 24.01.1996. So that necessary action can be taken up.

3. **S.O. three weeks as a last chance.**

Vice Chairman

Date:-09/03/2021.
aps.

O.A.No.261/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/03/ 2021.

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

2. The applicant stood retired on 31.12.2008. However, in the amount; Gratuity was not paid due to some court case in which he was not involved. It was decided to pay and proposal was sent to Government to sanction amount of Rs. 1,58,430/- from 01.04.2009 to 11.03.2015. The Id. P.O. has filed Government letter dated 28.01.2020 in para no. 2 last two line it is clear that Government has approved to pay the interest of difference amount from period 01.04.2009 to 11.03.2015 to the extent of Rs. 1,58,430/-. The grievance of the applicant is that this amount was paid as per cheque attached by Id. P.O., the cheque is dated 20.01.2021 of State Bank of India account no. is 38294140836. By this cheque difference amount of Rs. 1,58,430/- was paid as per Government order dated 28.01.2020.

3. The grievances of the applicant is that the amount was due in March, 2015. However, the cheque has been deposited in his account on 20.01.2021 and he is claiming interest for this difference period of about six years. This appears to be unfair that when amount was due on 11.03.2015 as per own Government G.R. dated 28.01.2020;

however it is late by six years for actual payment of the applicant for which applicant was not at all responsible.

4. In view of this, grievances of the applicant is remanded back to respondents to consider this delayed payment and payment of interest on this delayed payment within two months.

5. With the above directions, **matter is disposed of with no order as to costs.**

Vice Chairman

Date:-09/03/2021.

aps.

O.A.No.346/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/03/ 2021.

C.A.No.183/2019:-

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

2. **C.A. No.183/2019 for Jt. O.A. is allowed.**

3. The Id. counsel for the applicant submits that all the services have been served. The Id. P.O. desires time to file reply, **S.O. four weeks.**

Vice Chairman

Date:-09/03/2021.
aps.

O.A.No.349/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/03/ 2021.

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

2. The Id. counsel for the applicant submits that notices have been served. He file service affidavit within two weeks, **S.O. four weeks.**

Vice Chairman

Date:-09/03/2021.
aps.

O.A.No.584/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/03/ 2021.**

Heard Shri Kshitij Jain holding for Shri S.S.Dhengale, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. 08.04.2021 to file reply.**

Vice Chairman

Date:-09/03/2021.

aps.

O.A.No.761/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/03/ 2021.

Heard Shri A.Deshpande, 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. 2 & 3. It is taken on record. Copy is served to the other side.

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

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

5. At the request of Id. counsel for the applicant, **S.O. 18.03.2021.**

Vice Chairman

Date:-09/03/2021.

aps.

O.A.No.99/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/03/ 2021.**

Heard Shri M.V.Mohokar, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the State. Await service of respondent nos. 2 to 4.

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

Vice Chairman

Date:-09/03/2021.

aps.

O.A.No.895/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/03/ 2021.**

None for the applicant. Shri M.I.Khan, the Id.
P.O. for the respondents.

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

3. Hence, the 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:-09/03/2021.
aps.

O.A.No.896/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/03/ 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. At the request of Id. counsel for the applicant, **S.O. 23.03.2021.**

Vice Chairman

Date:-09/03/2021.
aps.

O.A.No.106/2021 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/03/ 2021.**

None for the applicant. 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:-09/03/2021.
aps.

O.A.St.No.800/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/03/ 2021.**

C.A.No.178/2020:-

None for the applicant. Shri P.N.Warjekar,
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:-09/03/2021.
aps.

O.A.No.893/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/03/ 2021.

Heard Shri B.Kulkarni, 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 of respondent nos. 1 & 2. It is taken on record. Copy is served to the other side.

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

Vice Chairman

Date:-09/03/2021.
aps.

O.A.No.630/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/03/ 2021.**

None for the applicant. 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:-09/03/2021.
aps.

O.A.No.589/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/03/ 2021.

Heard Smt. V.D.Shamkuwar, the applicant in person. Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. The Id. P.O. has filed letter dated 16.02.2021 letter written by Deputy Director, Nagpur to Principal Secretary, Public Health Department (Service-5) Mumbai explaining that due to bifurcation its proposal should be send to Director, Public Health Services through Central Building Director, Pune.

3. Accordingly, the Deputy Director, Nagpur's letter dated 05.03.2021 to Director, Public Health Services (Service-2) to Central Building, Directorate, Pune and in the last he has deputed Shri Chandrashekar Fedvevar, peon to go to Mumbai take from Mumbai and submit to Director (Health Services-2) Pune Office.

3. The Id. P.O. desires time for compliance of this order, **S.O. 08.04.2021.**

Vice Chairman

Date:-09/03/2021.
aps.

O.A.No.608/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/03/ 2021.

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant, Shri M.I.Khan, the Id. P.O. for the respondents and Shri S.A.Sahu, the Id. counsel for the respondent no. 3.

2. At the request of Id. counsel for the applicant, **S.O. 23.03.2021.**

Vice Chairman

Date:-09/03/2021.
aps.

O.A.No.641/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/03/ 2021.**

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

2. At the request of Id. counsel for the applicant, **S.O. 23.03.2021.**

Vice Chairman

Date:-09/03/2021.

aps.

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

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/03/ 2021.

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

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

3. The matter is **admitted** and kept for final hearing.

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

5. **S.O. four weeks to file rejoinder, if any.**

6. *I.R. is to be continued.*

Vice Chairman

Date:-09/03/2021.

aps.

O.A.No.722/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/03/ 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. At the request of Id. P.O., **S.O. 12.03.2021 to file reply.**

Vice Chairman

Date:-09/03/2021.
aps.

O.A.No.214/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/03/ 2021.

Heard Shri V.R.Borkar, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the Respondent nos. 1 & 2.

2. As per O.A. at P.B., Pg. No.3, para no. A, applicant retired on superannuation on 31.05.2012 from Chandrapur District as Assistant Police Inspector. As per impugned order dated 18.01.2021 (Annexure-A-1, P.B., Pg. No. 10) recovery of Rs. 2,20,069/- has been affected to the applicant in 55 instalments from January, 2021. The instalments of Rs. 4000/- in 54 instalments and in 55 Instalment is of Rs. 4069/-. In this recovery, the gratuity amount of Rs. 19,800 is also included. Since, this order has been issued after 9 years of retirement of the applicant. **The said order is stayed till filing of the reply.**

3. Issue notice to Respondent nos. 3 to 5, 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.**

10. *Put up this matter along with O.A. Nos. 215, 216, 217/2021.*

Vice Chairman

Date:-09/03/2021.

aps.

O.A.No.215/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/03/ 2021.

Heard Shri V.R.Borkar, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the Respondent nos. 1 & 2.

2. As per O.A. at P.B., Pg. No.3, para no. A, applicant retired on superannuation on 31.07.2011 from Chandrapur District as Head Constable. As per impugned order dated 06.01.2021 (Annexure-A-1, P.B., Pg. No. 10) recovery of Rs. 92,865/- has been affected to the applicant in 31 instalments from January, 2021. The instalments of Rs. 3000/- in 30 instalments and in 31 Instalment is of Rs. 2865/-. Since, this order has been issued after 10 years of retirement of the applicant. **The said order is stayed till filing of the reply.**

3. Issue notice to Respondent nos. 3 to 5, 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.**

10. *Put up this matter along with O.A. Nos. 214, 216, 217/2021.*

Vice Chairman

Date:-09/03/2021.

aps.

O.A.No.216/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/03/ 2021.

Heard Shri V.R.Borkar, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the Respondent nos. 1 & 2.

2. As per O.A. at P.B., Pg. No. 3, para no. A, applicant retired on superannuation on 30.06.2012 from Chandrapur District as Assistant Sub Inspector. As per impugned order dated 06.01.2021 (Annexure-A-1, P.B., Pg. No. 10) recovery of Rs. 2,22,480/- has been affected to the applicant in 45 instalments from January, 2021. The instalments of Rs. 5000/- in 44 instalments and in 45 Instalment is of Rs. 2480/-. Since, this order has been issued after 9 years of retirement of the applicant. **The said order is stayed till filing of the reply.**

3. Issue notice to Respondent nos. 3 to 5, 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.**

10. *Put up this matter along with O.A. Nos. 214, 215, 217/2021.*

Vice Chairman

Date:-09/03/2021.

aps.

O.A.No.217/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/03/ 2021.

Heard Shri V.R.Borkar, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the Respondent nos. 1 & 2.

2. As per O.A. at P.B., Pg. No. 3, para no. A, applicant retired on superannuation on 31.12.2009 from Chandrapur District as Assistant Sub Inspector. As per impugned order dated 01.12.2020 (Annexure-A-1, P.B., Pg. No. 10) recovery of Rs. 3,80,180/- has been affected to the applicant in 95 instalments from December, 2020. The instalments of Rs. 4000/- in 94 instalments and in 95 Instalment is of Rs. 4180/-. Since, this order has been issued after 11 years of retirement of the applicant. **The said order is stayed till filing of the reply.**

3. Issue notice to Respondent nos. 3 to 5, 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.**

10. *Put up this matter along with O.A. Nos. 214, 215, 216/2021.*

Vice Chairman

Date:-09/03/2021.

aps.

O.A.No.219/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/03/ 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. The Id. counsel for the applicant pointed out impugned order dated 01.03.2021 (Annexure-A-8, P.B., Pg. No. 21) where Kotwal has been dismissed under M.C.S. (Discipline and Appeal) Rules, 1979 'Section A' and without any enquiry. However, services of Kotwal are not covered under M.C.S. (Discipline and Appeal) Rules, 1979 and this order needs to be examined. **The impugned order dated 01.03.2021 is stayed till filing of the reply.** If respondents desire to take any action, they should follow proper rule related to kotwal services condition. The Id. C.P.O., pointed out that the order dated 01.03.2021 is already in existence.

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:-09/03/2021.

aps.

O.A.No.85/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/03/ 2021.**

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

2. At the request of both the counsels, **S.O. 16.03.2021.**

Vice Chairman

Date:-09/03/2021.
aps.

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

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/03/ 2021.**

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

2. At the request of Id. counsel for the applicant, **S.O. 26.03.2021.**

Vice Chairman

Date:-09/03/2021.
aps.

O.A.No.924/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/03/ 2021.**

Heard Shri R.V.Shiralkar, 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. 18.03.2021.**

Vice Chairman

Date:-09/03/2021.
aps.

O.A.No.70/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/03/ 2021.

None for the applicant. Shri H.K.Pande, the Id. P.O. for the respondents and Shri V.S.Giramkar, the Id. counsel for the respondent no. 3.

2. At the request of Id. counsel for the respondent no. 3, **S.O. three weeks.**

Later on :-

The Id. counsel for the applicant Shri P.S.Patil present and submits that the Id. counsel for the respondent no. 3 without intimating him takes the date. Hence, the matter be kept on 30.03.2021 for final hearing.

2. **S.O. 30.03.2021.**

Vice Chairman

Date:-09/03/2021.

aps.