

O.A. No.438/2019.

(D.B.)

Coram:Shri Shree Bhagwan,

Vice-Chairman

Dated : 17th June 2019.

Heard Shri Dilip Ambade, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondent No.1.

2. Matter is listed for the first time.
3. Issue notice to respondent Nos. 2 and 3 returnable on 1st July 2019.
4. Shri S.A. Deo, the learned C.P.O. waives notice for the respondent No.1. Hamdast granted.
5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
6. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
7. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure)

Rules,1988, and the questions such as limitation and alternate remedy are kept open.

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

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

10. S.O. on **1st July 2019.**

Vice-Chairman

Dt. 17.6.2019.

pdg.

O.A. No.269/2019.

(D.B.)

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

Dated : 17th June 2019.

Heard Shri N.S. Warulkar, the Ld. counsel for the applicant and Shri A.P. Potnis, the learned P.O. for the respondents

Matter is listed for the first time.

S.O. **four weeks** for filing reply by Ld. P.O.

Vice-Chairman

Dt. 17.6.2019.

pdg.

O.A. No.126/2019.

(D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman
Dated : 17th June 2019.**

Heard Shri M.R. Khan, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents.

Matter pertains to dismissal of employee by applying the provisions of Article 311 (2) (b) of the Constitution of India.

Ld. P.O. submits that he will file reply within two weeks.

Matter will be heard finally on **2nd July 2019.**

The Ld. counsel for the applicant is at liberty to file rejoinder also.

Vice-Chairman

Dt. 17.6.2019.

pdg.

O.A. No.831/2018.

(D.B.)

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

Dated : 17th June 2019.

Heard Shri M.R. Khan, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents.

ADMIT.

Shri A.M. Khadatkar, the learned P.O. waives notice for the respondents.

The Ld. P.O. submits that he would file reply today itself and a copy thereof will be supplied to the Ld. counsel for the applicant.

S.O. 16th July 2019.

Meanwhile, the Ld. counsel for the applicant is at liberty to file rejoinder also.

Vice-Chairman

Dt. 17.6.2019.

pdg.

O.A. No.233/2015.

(D.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman

Dated : 17th June 2019.

C.A. 27/2019.

Heard Shri S.P. Palshikar, the Ld. counsel for the applicant and Shri A.P. Potnis, the learned P.O. for the respondents.

As pointed out by the Ld. counsel for the applicant that the matter has not been listed after 26.9.2016 and he submits that matter be kept for final hearing before regular D.B. on **4th July 2019.** C.A. No.27/2019 is allowed.

O.A. No.233/2015.

S.O. 4th July 2019.

Vice-Chairman

Dt. 17.6.2019.

pdg.

O.A. No.188/2019.

(D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman
Dated : 17th June 2019.**

Heard Miss Pooja Daga, the Ld. counsel for the applicant and Shri A.M. Khadatkar, learned P.O. for the respondents 1 & 2. None for R.3.

Ld. P.O. seeks time to file reply.

S.O. **three weeks.**

Vice-Chairman

Dt. 17.6.2019.

pdg.

O.A. No.910/2018.

(D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman
Dated : 17th June 2019.**

Heard Shri S.D. Borkute, the Ld. counsel for the applicants and Shri S.A.Sainis, learned P.O. for the respondents 1 & 2 and 22. None for R.3 to 21.

Reply of R.3 to 21 has already been filed on record on 26.3.2019.

The Ld. counsel for the applicants submits that reply of State is awaited. Ld. P.O. desires three weeks' time to file reply as a last chance. Granted.

S.O. **three weeks.**

Vice-Chairman

Dt. 17.6.2019.

pdg.

O.A. No.26/2019.

(D.B.)

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

Dated : 17th June 2019.

C.A. No.212/2019 in C.P.No.19.2019.

Heard Shri S.P. Palshikar, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

Ld. P.O. has filed affidavit-in-reply on C.A. on behalf of R.2, in which they have attached the judgment delivered by the Principal Bench of this Tribunal at Mumbai dated 7.11.2016. Matter can be considered before the regular Division Bench. In view of the procedure laid down by the Principal Bench of this Tribunal at Mumbai, stay cannot be claimed at this stage. However, P.O. is directed to take instructions from the department that if O.A.is listed for hearing on 24.6.2019 and if the said order is confirmed, then the C.P. will be heard on 25.6.2019. Ld. P.O. should take instructions regarding C.P.

S.O. 24.6.2019.

Vice-Chairman

Dt. 17.6.2019.

pdg.

O.A. No. 849/2018 **(SB)**

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 17.06.2019

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

The learned P.O. desires three weeks time to file reply.

At the request of learned P.O., **three weeks** time is granted as a last chance to file reply.

Vice-Chairman.

dnk.

O.A. No. 923/2018 **(SB)**

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 17.06.2019

Shri P.S. Wathore, Id. counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the respondents.

The learned P.O. submits that he has received parawise comments and he will file reply before the next date. The learned P.O. is directed to file reply within one week.

S.O. 24/06/2019 for filing reply.

Vice-Chairman.

dnk.

O.A. No. 181/2019 **(SB)**

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 17.06.2019

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

The learned P.O. files separate reply of R-2 and R-3&4. Same are taken on record. Copies are served to the applicant.

Heard. Admit.

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

In the meantime, the applicant is at liberty to file rejoinder, if any.

S.O. 08/07/2019.

Vice-Chairman.

dnk.

O.A. No. 216/2019 **(SB)**

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 17.06.2019

Shri D.M. Surjuse, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

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

Vice-Chairman.

dnk.

O.A. No. 298/2019 **(SB)**

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 17.06.2019

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

The learned counsel for the applicant submits that he will file service affidavit of R-2 to 4 before the next date.

The details of Review Committee Meeting taken place after suspension order should also be filed.

S.O. two weeks.

Vice-Chairman.

dnk.

O.A. No. 304/2019 (SB)

Coram : Hon'ble Shri Shree Bhagwan,

Vice-Chairman.

Dated : 17.06.2019

Heard Shri S.R. Charpe, Id. counsel for the applicants and Shri V.A. Kulkarni, Id. P.O. for the respondents.

2. The learned P.O. seeks three weeks time to file reply.

3. Vide order dated 30/04/2019 in para-1 interim relief was granted, the same will continue till filing of the reply.

S.O. three weeks.

Vice-Chairman.

dnk.

O.A. No. 310/2019 **(SB)**

Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman.

Dated : 17.06.2019

The applicant in person present. Shri H.K. Pande, Id. P.O. for R-1. Await service of R-2 to 4.

The applicant seeks three weeks time to file service affidavit. At his request, **S.O. three weeks.**

Vice-Chairman.

dnk.

O.A. No. 311/2019 **(SB)**

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 17.06.2019

The applicant in person present. Shri H.K. Pande, Id. P.O. for R-1. Await service of R-2 to 4.

The applicant seeks three weeks time to file service affidavit. At his request, **S.O. three weeks.**

Vice-Chairman.

dnk.

O.A. No. 345/2019 **(SB)**

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 17.06.2019

Shri S.P. Palshikar, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

At submitted by the learned counsel for the applicant, the applicant was working in Zilla Parishad in State Government Department. The O.A. has been filed only to seek continuity in service in Zilla Parishad.

The learned CPO seeks three weeks time to file reply. At his request, **S.O. three weeks.**

Vice-Chairman.

dnk.

O.A. No. 94/2019 (SB)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 17.06.2019

Shri S.G. Jagtap, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1, 3 to 7. Shri A.M. Kukday, Id. counsel

appears on behalf of R-2 and undertakes to file vakalatnama.

S.O. 21/06/2019.

Vice-Chairman.

dnk.

O.A. No. 373/2019 **(SB)**

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 17.06.2019

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

2. The applicant was transferred vide order dated 29/05/2019 which was

challenged in this O.A. and relief was sought to cancel this order. However, as per the order passed by this Tribunal on 03/06/2019 in para-2 is as follows –

“ (2) It is submitted that till today the applicant has worked for a period 12 years and 5 months in naxalite / tribal area and thereafter in the year 2016 he was transferred to Nagpur. It is submitted that in the year 2016 the respondent no.4 was transferred to District Consumer Forum, Gadchiroli and immediately on deputation he was permitted to work at Nagpur. It is submitted that the respondent no.4 made request for his transfer to Nagpur and it was considered though the respondent no.4 was not due for transfer. It is grievance of the applicant that he worked for a period more than 12 years in naxalite / tribal area, he was again transferred vide impugned order dated 29/05/2019. The representation of the applicant for his retention at Nagpur on the grounds that his wife was serving as School Teacher in Nagpur and illness of mother were not considered. My attention is invited to the representation dated 01/06/2019 made by the applicant to the Registrar, State Consumer Forum and Commission (M.S.), Mumbai. It is submitted that till today the applicant is not relieved. In view of these peculiar facts and circumstances of the case the respondent no.2 is directed to decide the

representation made by the applicant dated 01/06/2019 within two weeks, till then the applicant shall not be relieved from his present posting.”

3. In para-2 it is specifically mentioned that the order dated 29/05/2019 which is mentioned that the respondents should decide the applicant's representation dated 01/06/2019 in which the applicant had requested to be retained at Nagpur. It

was also mentioned that the applicant should not be relieved. Today, the learned P.O. has placed on record the order dated 14/02/2019 issued by the Department in which it is clear that first part of the order dated 03/06/2019 i.e. cancellation of transfer order dated 29/05/2019 has been done.

4. However, the applicant's application on page no.35 has not been considered as directed in order dated 03/06/2019 and he has been posted to Hingoli.

5. In view thereof, the respondents are directed to comply with full part of the order dated 03/06/2019. The O.A. stands disposed of accordingly with no order as to costs.

Steno copy is granted...

Vice-Chairman.

dnk.

O.A. No. 437/2019 **(SB)**

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 17.06.2019

Heard Shri Bharat Kulkarni, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. As pointed out by the learned counsel for the applicant, the applicant was appointed vide order dated 21/01/1991 as Workshop Assistant in Govt. Technical School (Motor Mechanic), Warora, District Chandrapur in the pay scale of Rs.1200-30-1400/-. However, the applicant has been transferred vide order dated 03/06/2019 at Annex-A-1 (P-11) as Assistant Store Keeper, ITI, Salekasa. As submitted by the learned counsel for the applicant, the applicant's seniority has been maintained in teaching category as per Annex-A-4 (P-19 to 21). The learned counsel for the applicant has also relied upon the Government G.R.

dated 09/04/2018 in Step No.4, Point No.1.
which is as under–

*^1-cnY; k , dlp l o k t s Brk ; k n h e / k h y d e p k & ; k a e / k u
d j k o ; k p ; k v k g r - ***

3. However, the learned CPO submits that since the post has been abolished and the respondents had no other choice to absorb the applicant, they have taken decision.

4. In view of above, the applicant should not be relieved as per order dated 03/06/2019 from his present posting till filing of the reply.

5. In the meantime, issue notice to R-2 to 4, returnable in **four weeks**. Learned C.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.

S.O. four weeks.

Steno copy is granted...

Vice-Chairman.

dnk.

O.A. No. 440/2019 **(SB)**

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 17.06.2019

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The applicant has been transferred vide order dated 29/05/2019 at Annex- A-1 (P-8). The same order has been cancelled by order dated 30/05/2018 (A2, P-9). Again the applicant has been transferred vide order dated 31/05/2019 (A-4,P-13) though the applicant has given his 10 choices on page no.11 in Yavatmal district since his wife is also working as Teacher in the same Department. The Government has policy to keep husband and wife together as far as possible. No specific reason appears for not adjusting the applicant in any 10 choices on page no.11.

3. In view of this, as submitted by the learned counsel for the applicant, the applicant was asked to hand over charge to his junior, but since he is on leave the applicant has been working there. In view of this, the applicant should not be relieved from the present post in view of order dated 31/05/2019. The respondents to consider any of the choice of out 10 choices as per applicant's application at Annex-A-3,P-10

dated 30/03/2019 within four weeks from the date of this order.

4. In the meantime, issue notice to R-2 and 3, returnable in **four weeks**. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

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

7. This intimation / notice is ordered under Rule 11 of the Maharashtra

Administrative Tribunal (Procedure) Rules, 1988, and the questions such as

limitation and alternate remedy are kept open.

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

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

S.O. four weeks.

Vice-Chairman.

dnk.

O.A. No. 442/2019 **(SB)**

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 17.06.2019

Heard Shri S.P. Palshikar, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. Admittedly the applicant is working as Deputy Superintendent of Police (ACB) at Akola whereby he has been transferred vide order dated 05/05/2017 (A-1,P-17) at Sr.No.5. The learned counsel for the applicant has pointed out the Maharashtra Police Act, 2018 Section 22N (e) provided that State Government may transfer any police personnel prior to completion of normal tenure on page no.1.65. According to which the applicant was not required to be transferred. Similarly, Section 22N(c) says that normal tenure shall be of three years which also the applicant has not completed. In transfer order the respondents have mentioned Clause 22-J-3. I have seen this Clause which has nothing to do with this kind of premature transfer. It is basically related to Police Establishment Board at various level.

3. Prima facie the order dated 14/06/2019 transferring the applicant from Akola to Head Quarter Mumbai appears to violate the provisions in Section 22N sub section (c) and para-8, page -1.65 of sub section (e).

4. In view of above provisions, the transfer order dated 14/06/2019 (A-2, P-18) is stayed till further orders. The respondents are directed not to relieve the applicant without following the procedure.

5. In the meantime, issue notice to R-2 and 3, returnable in **three weeks**. Learned C.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.

S.O. three weeks.

Steno copy is granted...

Vice-Chairman.

dnk.

O.A. No. 409/2019 **(SB)**

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 17.06.2019

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

2. The learned counsel for the applicant submits that he will file service affidavit within one week. However, the learned P.O. has place on record correspondence dated 15/06/2019 issued by Under Secretary of Public Health Department (M.S.). Copy of which is given to the learned counsel for the applicant. In para-2 of the said order following observations have been made –

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31@05@2019 jkst.đ; k vknskkUo; sdj.; kr vkysyh cnyh
jnn dj.; kckcrpk iŁrko 'kkI ukl I knj dj.; kr vkysyk
vkgs R; kl ekU; rk feG.; kl dkgh dkyko/kh ykx.; kph
'kD; rk vkgs I cc] ; k iđj.kh i qhy dk; đkgh dj.; kl kbh
pkj vkBoM; kph emrok< ns; kph I fou; fourh ek-
U; k; kf/kdj.kkI dj.; kr ; koh:**

3. At the request of learned counsel for both the sides, **S.O. four weeks.**

4. In the meantime, interim relief granted on 10/06/2019 in para-2 will continue till next date of hearing.

Vice-Chairman.

dnk.

O.A. No. 360/2019 **(SB)**

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 17.06.2019

C.A. 214/2019

Heard Shri G.G. Bade, learned counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for the respondents and Shri S.G. Jagtap, learned counsel for Intervener.

2. The learned counsel for the applicant files reply to the C.A. for Intervention. It is taken on record. Copies are served to the other sides.

3. For the reasons stated in the application, the C.A. is allowed.

O.A. 360/2019 –

Heard Shri G.G. Bade, learned counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for the respondents and Shri S.G. Jagtap, learned counsel for Intervener.

2. Vide order dated 07/06/2019 in para-2 interim relief was continued which was granted on 24/05/2019, the same will continue till next date.

3. The learned P.O. to take instructions from the department.

4. Shri Jagtap, learned counsel for Intervener pointed out that he has filed separate O.A. No. 101/2019 which is also may be heard along with this O.A.

S.O. 21/06/2019.

Put up along with O.A. 101/2019.

Vice-Chairman.

dnk.

O.A. No. 380/2017 (SB)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 17.06.2019

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

2. The learned counsel for the applicant has pointed out merit list at Annex-A-2,P-14 whereby the applicant is at sr.no. 1 as he scored highest marks i.e. 67.61. However, in the column "Non Creamy Layer" it is written "N", but subsequently as pointed out by the learned counsel for the applicant at Annex-A-5, Page no.18 the respondents have agreed that the applicant had submitted "Non Creamy Layer Certificate" at the time of interview and it was a mistake on the part of the respondents that they mentioned that Non Creamy Layer Certificate was not made available by the applicant. Subsequently, the applicant has been appointed to the post of Auditor (Grade-I) vide order dated 30/09/2008 (A-8,P-21). As submitted by the learned counsel for the applicant originally if the respondents had not committed mistake of writing of non availability of Non Creamy Layer Certificate, the applicant should have

been appointed from the date of 26/03/2008. It is crystal clear that the mistake was committed by the respondents and the applicant was deprived from getting appointment from 26/03/2008.

3. In view of all these facts, the O.A. is allowed in terms of relief clause Nos. 10 (i) & (ii). No order as to costs.

Vice-Chairman.

Dnk.

O.A. No. 948/2018 **(SB)**

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 17.06.2019

Heard applicant in person, Shri A.M. Ghogre, Id. P.O. for R-1 to 3 and Shri A.A. Parihar, Id. counsel for R-4.

2. As submitted by the applicant three departmental enquiries were held against him and its report submitted to the Government and the applicant has been exonerated under these enquiries. The applicant has also moved the application dated 25/11/2013 to the Chief Executive Officer, Zilla Parishad, Gondia and the District Health Officer, Zilla Parishad, Gondia. Again the applicant has moved the applications to the Additional Chief Secretary, Public Health Department, Mumbai on 28/08/2017 and 30/10/2017 at page nos. 33 to 35.

3. In view of above facts, the respondents are directed to decide the applicant's representation dated 30/10/2017 (A-6) as also to decide final pension order, gratuity and leave encashment as per existing rules and regulations since departmental enquiry is over within two months from the date of this order and communicate to the applicant.

S.O. After eight weeks.

Vice-Chairman.

dnk.

O.A. No. 439/2019 **(SB)**

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 17.06.2019

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. From the record it seems that the applicant was first transferred by the order dated 31/05/2017 (A-1,P-6) in Chandrapur

District and he joined there and he is working till today.

3. The G.R. No. Vhvkj, Q&2005@i z d z 63@05@12] f n u k d 07-01-2006 (Annexure-A-6). In reference to this G.R., Government circular no. d z Vhvkj, Q&2000 @, e@8@i z d z 3@12] dated 11/07/2000 is mentioned as reference 1 and Government G.R. No. d z Vhvkj, Q&2000@i z d z 3@12] dated 06/08/2002 is mentioned as reference no. 2. The learned counsel for the applicant has invited my attention at Annex-A-3, page no.13 regarding G.R. dated 06/08/2002.

4. In fact, Government has reiterated this policy by this Circular dated 07.01.2006 regarding policy mentioned in Circular dated 11/07/2000 and G.R. dated 06/08/2002 and instructed all the Government Departments, Head of the Departments and Regional Heads to follow the policy laid down by all these Circular & G.R..

5. The Id. Counsel for the applicant has relied upon G.R.No. Vhvkj, Q&2000@, e@8@i z d z 3@clj k] f n u k d 11-07-2000, in the said G.R. para no. 2 (c) reads as follows:-

“v k f n o k l h { k s - k r f d e k u 2 o ” k i p l a x y s d k e d s y v ; k x v v o c v f / k d k & ; k a u k n s [k y R ; k R ; k i l a r t P ; k f t Y g ; k r I k b z u q k j u e . h u d k n s ; k r ; k 0 ; k r - ”

6. The Id. Counsel for the applicant has also relied upon G.R. No. f v v k j , Q & 2 0 0 0 @ i z d z

3@ckjk] fnukad 06-08-2002 (Annexure-A-9) on P.B.,
Pg. No. 45 in para no. M (2) it is mentioned:-

“vknokl h {k=kr fdeku 2 o”kplakysdke dyy; k xV v o c
vf/kdk&; kauk nf[ky R; k0; k i l arP; k ftYg; kr l kbZud kj
ue.lwck ns; kr ; k0; kr-”

7. In this O.A. the applicant has worked more than two years and he is to retire in the next two years only.

8. In view of this, as the Government policy expressed in G.Rs. dated 11/07/2000, 06/08/2002 and 07/01/2006, the respondents are directed to consider the applicant's representation dated 11/03/2019 (A-2,P-11) and take necessary steps within one month from the date of this order as per policy of the Government.

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

Steno copy is granted.

Vice-Chairman.

dnk.

O.A. No. 441/2019 **(SB)**

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 17.06.2019

Heard Shri R.D.Karode, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. As submitted by the learned counsel for the applicant, the applicant has given choice vide letter dated 07/02/2019 (P-39 to 41). On page no. 41 in column no.13 the applicant has given three choices and all choices are given in Buldhana District and the applicant was transferred vide order dated 10/06/2019 (A-6,P-42) to Buldhana District and posted vide order dated 14/06/2019 (A-8,P-52) in Buldhana District in Deoulgao Raja. Since the applicant has been posted in the same district as he has mentioned in his choice, I do not find any reason to interfere in the order dated

14/06/2019, but in the interest of justice if the applicant makes any representation regarding staying husband and wife together which is according to Government policy only, the respondents may consider the same.

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

Vice-Chairman.

Dnk.

O.A. No. 443/2019 **(SB)**

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 17.06.2019

Heard Shri S.M. Khan, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. As submitted by the learned counsel for the applicant, the applicant has submitted application dated 11/04/2016 (A-4,P-16) and also medical certificate regarding heart problem of his father (A-3,P-15) dated 19/03/2018. The Government vide its G.R. dated 06/08/2015 (A-2,P-12) has given certain criteria in Para-V in which in point no.1 "Heart Disease" is mentioned.. The respondents have rejected the representation vide order dated 10/04/2019 (A-1,P-11). However, it is stated that the medical report submitted dated 19/03/2018 (A-3) by the medical expert, but on that respondents have not relied upon. The Deputy Director of Health Services, Nagpur has also issued letter dated 19/05/2018 (A-6,P-18) and certified that the Certificate is related to heart deceased and

covered under Sr.No.1(A) of the G.R. dated 06/08/2015. In view thereof, the respondents are directed to re-consider the applicant's application in the light of medical report and G.R. dated 06/08/2015. In view of the Medical report dated 19/03/2018 and Dy. Director letter dated 19/05/2018 the respondents to take a decision within three weeks from the date of this order and till that time if there is any vacancy at Pune that should not be fill it. The respondents should not bypass reports of the Deputy Director of Health dated 19/05/2018.

3. In the meantime, issue notice to R-2 and 3, returnable after **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.

S.O. after four weeks.

Steno copy is granted.

Vice-Chairman.

Dnk.....