

O.A. 278/2012 (D.B.)

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

Dated : 10/02/2020.

Shri P.P. Khaparde, Id. counsel holding for Shri G.G. Bade, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. one week.**

Member (J)

Vice-Chairman

dnk.

O.A. 970/2018 (D.B.)

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

Dated : 10/02/2020.

None for the applicant. Heard Shri S.A. Sainis, Id. P.O. for the respondents.

The Id. P.O. files reply on behalf of R-3. It is taken on record.

The Id. P.O. is directed to files reply on behalf of R-2.

The matter is admitted and it be kept for final hearing.

S.O. in due course.

Put up along with other connected matters.

Member (J)

Vice-Chairman

dnk.

O.A. 991/2018 (D.B.)

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

Dated : 10/02/2020.

None for the applicant. Heard Shri S.A. Sainis, Id. P.O. for the respondents.

The Id. P.O. files reply on behalf of R-3. It is taken on record.

The Id. P.O. is directed to files reply on behalf of R-2.

The matter is admitted and it be kept for final hearing.

S.O. in due course.

Put up along with other connected matters.

Member (J)

Vice-Chairman

dnk.

O.A. 992/2018 (D.B.)

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

Dated : 10/02/2020.

None for the applicant. Heard Shri S.A. Sainis, Id. P.O. for the respondents.

The Id. P.O. files reply on behalf of R-3. It is taken on record.

The Id. P.O. is directed to files reply on behalf of R-2.

The matter is admitted and it be kept for final hearing.

S.O. in due course.

Put up along with other connected matters.

Member (J)

Vice-Chairman

dnk.

O.A. 03/2019 (D.B.)

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

Dated : 10/02/2020.

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

The learned P.O. files reply on behalf of R-2 to 4. It is taken on record. Copy is served on the applicant.

The order of dismissal is passed by the respondent no.3. It is submitted that it is not necessary to file reply of R-5&6.

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

S.O. 18/02/2020.

Member (J)

dnk.

Vice-Chairman

O.A. 900/2019 (D.B.)

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

Dated : 10/02/2020.

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

The learned counsel for the applicant submitted that he would file service affidavit of R-2&3 before the next date.

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

Member (J)

Vice-Chairman

dnk.

O.A. 926/2019 (D.B.)

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

Dated : 10/02/2020.

C.A. 458/2019 in O.A. 926/2019

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

S.O. 18/2/2020 for hearing on C.A. as
well as on O.A.

Member (J)

Vice-Chairman

dnk.

O.As. 193 & 194 of 2018 (D.B.)

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

Dated : 10/02/2020.

Shri A.P. Sadavarte, Id .counsel for the applicants, Shri P.N. Warjurkar, Id. P.O. for R-1 to 5 and none for other respondents.

At the request of Id. P.O., **S.O.**
28/2/2020.

Member (J)

Vice-Chairman

dnk.

O.A. 464/2018 (D.B.)

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

Dated : 10/02/2020.

None for the applicant. Shri V.A. Kulkarni, Id. P.O. for R-1&2. None for R-3.

2. The learned P.O. has filed the list of the candidates who were permitted to change their categories during the course of the recruitment process.

3. The matter is adjourned for hearing **on 2/3/2020.**

Member (J)

Vice-Chairman

dnk.

O.A. 830/2011 (D.B.)

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

Dated : 10/02/2020.

Smt. K.N. Saboo, Id .counsel for the
applicant and Shri V.A. Kulkarni, Id. P.O. for the
respondents.

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

Member (J)

Vice-Chairman

dnk.

O.As. 917 & 918 of 2017 (D.B.)

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

Dated : 10/02/2020.

None for the applicants. Shri V.A.
Kulkarni, Id. P.O. for the respondents.

S.O. three weeks.

Member (J)

Vice-Chairman

dnk.

O.As. 97 & 98 of 2019 (D.B.)

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

Dated : 10/02/2020.

None for the applicants. Shri S.A. Sainis,
Id. P.O. for the respondents.

S.O. in due course.

Member (J)

Vice-Chairman

dnk.

O.A. 357/19 with C.A.417/19 (D.B.)

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

Dated : 10/02/2020.

None for the applicants. Shri H.K.
Pande, Id. P.O. for R-1 to 5. None for R-6&7,

S.O. three weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 927/2019 (D.B.)

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

Dated : 10/02/2020.

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

At the request of learned counsel for the applicant, **S.O. one week.**

Member (J)

dnk.

Vice-Chairman

O.A. No. 483/2018 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 10.02.2020

Shri Y.P. Kaslikar, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 24/2/2020** for filing rejoinder.

Member (J)

dnk.

O.A. Nos. 255,256,257 & 258 of 2019 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 10.02.2020

Shri Y.P. Kaslikar, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. for the respondents.

At the request of Id. counsel for the applicants, **S.O. 24/2/2020** for filing rejoinder.

Member (J)

dnk.

O.A. No. 808/2019 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 10.02.2020

Shri Y.P. Kaslikar, Id. counsel holding for
Shri S.W. Sakharkar, Id. counsel for the
applicant and Shri H.K. Pande, Id. P.O. for the
respondents.

At the request of Id. counsel for the
applicant, **S.O. one week.**

Member (J)

dnk.

O.A. No. 284/2018 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 10.02.2020

None for the applicant. Shri P.N. Warjurkar, Id. P.O. for the respondents.

The learned P.O. seeks further time to file reply.

This is 2018 matter and the reply is not filed till today. The Id. P.O. again requested for time to file reply. The liberty is given to the respondents to file their reply within three weeks with understanding that matter be heard on the next date.

S.O. three weeks.

Steno copy is granted to the P.O.

Member (J)

dnk.

O.A. No. 977/2018 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 10.02.2020

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

The learned P.O. seeks further time to file reply.

This is 2018 matter and the reply is not filed till today. The Id. P.O. again requested for time to file reply. The liberty is given to the respondents to file their reply within three weeks with understanding that matter be heard on the next date.

S.O. three weeks.

Steno copy is granted to the P.O.

Member (J)

dnk.

O.A. No. 355/2019 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 10.02.2020

Smt. K.N. Saboo, Id .counsel for the applicant Shri V.A. Kulkarni, Id. P.O. for the respondents.

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

Member (J)

dnk.

O.A. No. 406/2019 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 10.02.2020

Heard Smt. K.N. Saboo, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1 to 3. None for other respondents.

2. It is contention of the applicant that she is serving in naxalite area since long and without considering this fact, the respondents have again posted her in naxalite area at Ayurvedic Hospital, Mangli, Tq. Pauni, Dist. Bhandara. It is grievance of the applicant that for education of her daughter, she is requesting her posting in Nagpur District. The applicant is also ready to work at Belati, District Bhandara. In view of this, it is suitable to issue direction to the respondents to consider the request of the applicant for transfer either in Nagpur District or Belati in Bhandara District at the time of general transfers of 2020.

3. In view thereof, the O.A. stands disposed of. No order as to costs.

Member (J)

dnk.

O.A. No. 544/2019 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 10.02.2020

Heard Smt. K.N. Saboo, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1 & 2. None for R-3.

At the request of Id. P.O., **S.O. After Vacation** for filing reply.

Member (J)

dnk.

O.A. No. 780/2019 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 10.02.2020

Heard Smt. K.N. Saboo, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

The Id. P.O. files reply on behalf of R-1 to 3. It is taken on record. Copy is served on the applicant.

The matter is admitted and it be kept for final hearing.

S.O. 25/2/2020.

Member (J)

dnk.

O.A. No. 479/2019 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 10.02.2020

Ms. Tajashree Jogdand, Id .counsel holding for Shri R.D. Dharmadhikar, Id. counsel for the applicants and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The learned counsel for the applicants submitted that the amendment in the O.A. would be carried out during the course of day. The matter be kept for final hearing **on 26/2/2020.**

Put up along with O.A. 470,477 & 478 of 2019.

Member (J)

dnk.

O.A. Nos. 470,477 & 478 of 25019 (SB)

Coram : Hon. Shri A.D. Karanjkar,

Member (J).

Dated : 10.02.2020

Ms. Tajashree Jogdand, Id .counsel holding for Shri R.D. Dharmadhikar, Id. counsel for the applicants and Shri P.N. Warjurkar, Id. P.O. for the respondents.

S.O. 26/02/2020 along with O.A.479/2019.

Member (J)

dnk.

O.A. No. 838/2018 **(SB)**

Coram : Hon. Shri A.D. Karanjkar,

Member (J).

Dated : 10.02.2020

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

2. The Id. P.O. has filed letter dated 9/2/2020 received from the Deputy Commissioner / Member, District Caste Scrutiny Committee, Akola.

3. The learned counsel for the applicant submitted that the applicant would comply the order dated 27/1/2020 within one week.

S.O. 18/2/2020.

Member (J)

dnk.

O.A. No. 410/2019 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 10.02.2020

Heard Shri G.K. Bhusari, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

Closed for orders.

Member (J)

dnk.

O.A. No. 895/2018 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 10.02.2020

None for the applicant. Shri P.N. Warjurkar, Id. P.O. for R-1 to 7. None for other respondents.

At the request of Id. P.O., **S.O.**
12/2/2020.

Member (J)

dnk.

O.A. No. 686/2019 **(SB)**

Coram : Hon. Shri A.D. Karanjkar,
Member (J).

Dated : 10.02.2020

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

2. The learned P.O. has produced the order passed by the Special Inspector General of Police (Establishment) for Director General of Police (M.S.), dated 27/01/2020. It is observed in the order that the reasons of the illness mentioned by the applicant are not covered in the Circulars dated 28/4/2015 and 15/6/2017, therefore, on the basis of illness, request of the applicant cannot be considered. Secondly, it is submitted that as the applicant has not completed three years period, therefore, his request of transfer cannot be considered.

3. The Id. P.O. has invited my attention to the Revenue Division allotment for appointment by nomination and promotion to the post of Group-A&B (Gazetted and Non-Gazetted) of the Government of Maharashtra Rules,2015. The Id. P.O. has invited my attention to Rule 9 (1) (a). This Rule says that Officer is appointed on promotion in Group-A cadre, shall be required to complete service of minimum three years in the allotted Revenue Division.

4. After reading Section 22N (1) (a), it seems that the normal tenure of the Deputy Superintending of Police and all the Officers of the above rank, shall be of two years at one place of posting. After reading this statutory

provision and the Rule 9 (1) (a) of the Rules, it is not possible to say that this Rule is contradictory.

5. The learned counsel for the applicant submitted that the applicant has joined duty at Nagpur on 31/5/2017. Thus, it seems that the applicant will complete his three years service which is mandatory as per Rule 9 (1) (a) of the Rules. In this situation, it is suitable to issue direction to the respondents to consider the case of the applicant at the time of general transfers of the year,2020.

6. In view thereof, the O.A. stands disposed of. No order as to costs.

Member (J)

dnk.

O.A.No.832/2016

(S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :10/02/ 2020.**

Heard Ms. Khandelwal holding for Shri S.S.Ghate, 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. two weeks.**

Vice Chairman

Date:-10/02/2020.
aps.

O.A.No.611/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :10/02/ 2020.

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

2. As per the order dated 07/02/2020, the Id. counsel for the applicant has filed C.A. No. 45/2020 for amended. **The C.A. No. 45/2020 for amendment is allowed.** The Id. counsel for the applicant is directed to carry out the amendment within one week.

3. Issue fresh notice to newly added 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:-10/02/2020.

aps.

O.A.No.71/2017 with C.A.41/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :10/02/ 2020.

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

2. Last time, Id. P.O. was directed to supply the copy of certain documents to the Id. counsel for the applicant. The Id. counsel for the applicant submits that today he will get the copy of the same. At the request of Id. counsel for the applicant, **S.O. 20.02.2020.**

Vice Chairman

Date:-10/02/2020.
aps.

O.A.No.698 /2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :10/02/ 2020.

Heard Shri A.P.Raghute, 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 has submitted a bunch of citations. It is taken on record. Copy is supplied to the other side.

3. The Id. P.O. desires time to go through the same. **S.O. 24.02.2020.**

Vice Chairman

Date:-10/02/2020.
aps.

O.A.No.81/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :10/02/ 2020.

Heard Shri S.P.Palshikar, 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 has placed on record, suspension order of the applicant dated 01.04.2019 (Annexure-A-1, P.B., Pg. No.15), where applicant has been charged with A.C.B. case and had demanded Rs. 5,000/- as bribe. The Id. counsel for the applicant has also submitted in his O.A. at P.B., Pg. No. 6 (vi) that till now no departmental enquiry has been contemplated or initiated or no case has been filed before court of law. However, Id. counsel for the applicant has relied on G.A.D., Government of Maharashtra Resolution dated 09.07.2019, which squarely covers the case of the applicant. However, in the interest of justice and equity, as submitted by Id. C.P.O., two weeks time is granted to file reply.

3. Issue notice to R-2, returnable on 24.02.2020. 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. 24-02-2020.**

Vice Chairman

Date:-10/02/2020.
aps.

O.A.No.79/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :10/02/ 2020.

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

2. As submitted by Id. counsel for the applicant, the applicant was suspended vide order dated 21.03.2019 (Annexure-A-1, P.B., Pg. No.15), on the charged that one lady was ran away from his custody. However, the Id. counsel for the applicant has also submitted in his O.A. at P.B., Pg. No. 6 (vi) that no court case has been initiated against the applicant nor departmental enquiry has been started till now. In view of this situation, the Id. counsel for the applicant has relied on G.A.D., Government of Maharashtra Resolution dated 09.07.2019, which squarely covers the case of the applicant. In view of this situation, continuance of suspension order dated 21.03.2019 does not appear to be good in law. However, in the interest of justice and equity, two weeks time is granted to the respondents to file reply.

3. Issue notice to R-2, returnable on 24.02.2020. 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. 24-02-2020.**

Vice Chairman

Date:-10/02/2020.

aps.

O.A.No.78/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :10/02/ 2020.

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

2. The Id. counsel for the applicant has pointed out suspension order of the applicant dated 22/06/2018. The applicant is still under suspension. The Id. counsel for the applicant has relied upon the Government G.R. dated 09/07/2019 (Annexure-A-6, P.B., Pg. No. 21). However, in the interest of justice and equity, Id. P.O. is directed to file reply within three weeks.

3. Issue notice to R-2, returnable on 06-03-2020. 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. 06.03.2020.

Vice Chairman

Date:-10/02/2020.

aps.

O.A.No.65/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :10/02/ 2020.

None for the applicant. Shri H.K.Pande, the
Id. P.O. for the respondents.

2. The Id. P.O. has filed return on behalf of
respondent no. 3. It is taken on record. He submits
that he will serve it to the other side.

3. S.O. three weeks.

Vice Chairman

Date:-10/02/2020.
aps.

O.A.No.501/2016 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :10/02/ 2020.

Heard Shri G.K.Bhusari holding for Shri P.S.Kadam, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

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

Vice Chairman

Date:-10/02/2020.
aps.

O.A.No.702/2016 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :10/02/ 2020.

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. counsel for the applicant has mainly relied upon calculation of 12 years of service as per the Original Judgment of Hon'ble High Court Mumbai, Bench at Aurangabad in W.P. No. 6212/2011 with W.P. No. 1126/2011 with W.P. No. 1110/2011 and W.P. No. 8428/2011 delivered on 09/11/2011. The Id. counsel for the applicant has also relied on M.A.T., Aurangabad Judgment in O.A. Nos. 622/2016 and 643/2016 delivered on 07/04/2018, wherein para no. 4 is mentioned below:-

"Some of the employees like applicants approached the Hon'ble High Court by filing W.P. No. 5182/2012 and the group of Writ Petitions bearing Nos. 1495/2014 with 1496/2014 with 1748/2014 with 5614/2013 and with 5695/2013. The said writ petitions were decided by the Hon'ble High Court of Judicature at Bombay, Bench at Nagpur."

3. The Id. P.O. is directed to study all these Judgments in continuation with Hon'ble High Court Writ Petitions. **S.O. 26.02.2020.**

Vice Chairman

Date:-10/02/2020.

aps.

O.A.No.642/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :10/02/ 2020.

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

2. The Id. counsel for the applicant has submitted that the applicant was appointed on 30/07/1994 in the establishment of Z.P., Buldana and in the year 2000 and he was declare as surplus employee. Subsequently, in the year 2003, he was appointed in Land Record as a Surveyor. The Id. counsel for the applicant has also relied upon G.R. dated 26/03/2004 (Annexure-A-3, P.B., Pg. No. 15) in the said G.R on P.B., Pg. No. 17, it is mentioned that:-

“vk<10; kvrth vf/kdkjh@depkjh vfrfjDr Bjfo.; kr vkY; kurj o i qsr; kp foHkxkr fdok brj foHkx @ dk; ky; kr I ketow ?krY; krjr v'kk depk& kph vfrfjDr Bj.; ki whph I ok vJokfI r i xrh; kst urxr ykHk ns; kl kBh xtg; /kj.; kr ; koh.”

3. Again below para 16 (d)(e), mentioned in above para will be effective retrospective from 10.09.2001.

4. In view of this, the applicant completed 12 years of service in the year 2006. However, Id. counsel for the applicant submits that applicant has not been granted first time bound promotion till today.

5. The Id. counsel for the applicant submits that in D.P.C. meeting applicant has been denied on the ground that matter is pending before this Tribunal. However, respondents have not produced any said order given by this Tribunal not to consider applicant's case.

6. **S.O. 17/02/2020.**

Vice Chairman

Date:-10/02/2020.
aps.

O.A.No.631/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :10/02/ 2020.

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

2. The Id. P.O. has filed letter dated 01.02.2020 from Additional Commissioner, Nagpur along with Government G.R. dated 27/01/2020. It appears that Government had taken decision that applicant was confirmed on post after two years of probation. So by the above letter, the applicant grievances as pointed out in relief clause P.B., Pg. No. 14 para no. 16 (1) it is redressed.

3. As pointed out by Id. P.O., as per the G.R. dated 27/01/2020, departmental enquiry was started on applicant from 15.03.2012, which is yet not finished. In view of this, respondents are directed to complete the D.E. **within three months** from the date of this order. As submitted by Id. counsel for the applicant, the applicant has submitted his final reply to the D.E. on 05.12.2018 which is still pending with the respondents for decision.

4. The Id. counsel for the applicant is directed to file the above same reply on record and supply the copy of the same to the Id. P.O.. In view of this, respondents are directed that since respondents have already taken more than one year in deciding

the matter. They are directed to take decision on the D.E. started on 15.03.2012.

5. In view of this, O.A. is partly heard, relief clause 16 (ii) & (iii) are kept open till finalization of D.E..

6. **S.O. 27.04.2020.**

Date:-10/02/2020.
aps.

Vice Chairman

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :10/02/ 2020.

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

2. The Id. counsel for the applicant has relied upon Hon'ble Supreme Court Judgment in Civil Appeal No. 3339/2019, S.L.P. (Civil) No. 100/2016. The Id. counsel for the applicant has pointed out Judgment of this Tribunal bearing no. 84/2019 delivered on dated 03/01/2020 in which para no. 7 following observations were made :-

"Provided that any payment under this sub-rule to a Government servant (other than a Government servant who is governed by the provisions of the payment of wages act, 1936(4 of 1936) shall be restricted to a period of three years immediately preceding the date on which orders for reinstatement of such Government servant are passed by the appellate authority or reviewing authority, or immediately preceding the date of retirement on superannuation of such Government Servant, as the case may be."

3. However, the Id. counsel for the applicant submits that apart from Hon'ble Supreme Court Judgment; there is also a Judgment of MAT of this Bench. He is directed to file the same on record and supply the same to the other side.

4. The Id. counsel for the applicant and the Id. P.O. has directed to go through all the Supreme Court Judgments as well as MAT Judgments.

5. **S.O. 24.02.2020.**

Vice Chairman

Date:-10/02/2020.
aps.