

O.A. No.431/2018.

(D.B.)

**Coram:**Shri Shree Bhagwan,  
Member (A) & Shri A.D. Karanjkar,  
Member (J)  
**Dated : 26<sup>th</sup> March 2019.**

Heard G.G. Bade, Ld. counsel for the applicant and Shri H.K.Pande, the learned P.O. for the respondents 1 to 4. None for R.5.

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

**Member (J)**

**Member (A)**

Dt. 26.3.2019.  
pdg.

O.A. No.58/2019.

(D.B.)

**Coram:** Shri Shree Bhagwan,  
Member (A) & Shri A.D. Karanjkar,  
Member (J)  
**Dated : 26<sup>th</sup> March 2019.**

Heard S.P. Palshikar, Ld. counsel  
for the applicant and Shri H.K.Pande, the  
learned P.O. for the respondent No. 2. Shri  
D.M. Kakani, Ld. special counsel for R.1.

At the request of the Ld. special  
counsel for R.1, S.O. **10.4.2019** as a last  
chance.

**Member (J)**

**Member (A)**

Dt. 26.3.2019.  
pdg.

O.A. No.760/2014.

(D.B.)

**Coram:Shri Shree Bhagwan,**  
**Member (A) & Shri A.D. Karanjkar,**  
**Member (J)**  
**Dated : 26<sup>th</sup> March 2019.**

Heard Shri N.D. Thombre, Ld. counsel for the applicant and Shri S.A.Sainis, the learned P.O. for the respondents.

It is submission of Ld. P.O. that as per directions given in O.A. No. 354/2014, candidates at Sr. Nos. 11 and 20 are adjusted in ST category vacancy and, therefore, there is no vacancy available to promote the applicant. Ld. P.O. is directed to produce the order passed by the competent authority after the decision in O.A. No. 354/2014.

S.O. **9.4.2019.**

To be treated as part heard.

**Member (J)**

**Member (A)**

Dt. 26.3.2019.  
pdg.

O.A. No.270/2018.

(D.B.)

**Coram:Shri Shree Bhagwan,**  
**Member (A) & Shri A.D. Karanjkar,**  
**Member (J)**  
**Dated : 26<sup>th</sup> March 2019.**

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

TheLd. counsel for the applicant is directed to file form filled up by the applicant on record and supply its copy to the Ld. P.O.

S.O. **two weeks.**

**Member (J)**

**Member (A)**

Dt. 26.3.2019.  
pdg.

**O.A. Nos.716 and 732 of 2017. (D.B.)**

**Coram:Shri Shree Bhagwan,  
Member (A) & Shri A.D. Karanjkar,  
Member (J)  
Dated : 26<sup>th</sup> March 2019.**

Heard Shri T.S. Deshpande, Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents 1and 2. Shri V.B. Gawali, Adv. for R. 3 to 10.

Adv. for R. 3 to 10 seeks two weeks time. Granted.

S.O. two weeks.

**Member (J)**

**Member (A)**

Dt. 26.3.2019.  
pdg.

**O.A. No. 07/2013. (D.B.)**

**Coram: Shri Shree Bhagwan,  
Member (A) & Shri A.D. Karanjkar,  
Member (J)  
Dated : 26<sup>th</sup> March 2019.**

Heard Shri M.V. Mohokar, Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

Ld. P.O. is directed to produce before this Tribunal material to show that any of the fact finding enquiry was conducted for fixing liability and what procedure was followed before directing recovery of the amount from the applicant.

**S.O. 9.4.2019.**

**Member (J)**

**Member (A)**

Dt. 26.3.2019.  
pdg.

O.A. No.236 /2014.

(D.B.)

**Coram:Shri Shree Bhagwan,  
Member (A) & Shri A.D. Karanjkar,  
Member (J)  
Dated : 26<sup>th</sup> March 2019.**

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

The Ld. P.O. desires to file a copy of judgment of the Hon'ble High Court.

Ld. P.O. has filed a G.R. dated 6.6.2017 with full bunch of G.A.D., Mantralaya, Mumbai, it is taken on record.

S.O. **5.4.2019.**

**Member (J)**

**Member (A)**

Dt. 26.3.2019.  
pdg.

**O.A. No.253 /2016.**

**(D.B.)**

**Coram:Shri Shree Bhagwan,  
Member (A) & Shri A.D. Karanjkar,  
Member (J)  
Dated : 26<sup>th</sup> March 2019.**

Shri N.R. Saboo, Ld. counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents 1 to 3. None for R. 4 and 5.

The Ld. counsel for the applicant has submitted a purnis dated 19.3.2019. It is informed that the information was given to the applicant vide letter dated 17<sup>th</sup> July 2018. But no instructions are given by the applicant. In view of the fact that the O.A. stands dismissed in default with no order as to costs.

**Member (J)**

**Member (A)**

Dt. 26.3.2019.  
pdg.



O.A. No.554/2016.

(D.B.)

**Coram:Shri Shree Bhagwan,**  
**Member (A) & Shri A.D. Karanjkar,**  
**Member (J)**  
**Dated : 26<sup>th</sup> March 2019.**

**C.A. 386/2017.**

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

The request of the Ld. counsel for the  
applicant submits that he will file certain  
circulars tomorrow.

S.O. **4.4.2019.**

**Member (J)**

**Member (A)**

Dt. 26.3.2019.  
pdg.

O.A. No.714/2013.

(D.B.)

**Coram:** Shri Shree Bhagwan,  
Member (A) & Shri A.D. Karanjkar,  
Member (J)  
**Dated : 26<sup>th</sup> March 2019.**

Heard D.T. Shinde, Ld. counsel for  
the applicant and Shri H.K.Pande, the  
learned P.O. for the respondents 1 to 3 and  
5. None for R.4.

Closed for orders.

**Member (J)**

**Member (A)**

Dt. 26.3.2019.  
pdg.

**O.A. Nos.876/2012., 46/2012,165/2013 & 66/2014.**

**(D.B.)**

**Coram:Shri Shree Bhagwan,  
Member (A) & Shri A.D. Karanjkar,  
Member (J)**

**Dated : 26<sup>th</sup> March 2019.**

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

It is informed by the Ld. counsel for the applicants that the applicant is dead and his legal heirs are not willing to prosecute this proceeding. In the interest of justice, matters be taken up on board after three months.

**S.O. three months.**

**Member (J)**

**Member (A)**

Dt. 26.3.2019.  
pdg.



O.A. No. 649/2017 (SB)

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

**Dated : 26.03.2019**

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

At the request of Id. counsel for the applicant, **S.O. 29/03/2019**.

**Member (J)**

dnk.

O.A. No. 626/2016 (SB)

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

**Dated : 26.03.2019**

Ms. Surabhi Kaplay, Id. counsel holding for Shri Rohit Joshi, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 05/04/2019**.

**Member (J)**

dnk.

O.A. St.No. 937/2018 (SB)

**Coram : Hon. Shri A.D. Karanjkar,**

**Member (J).**

**Dated : 26.03.2019**

**C.A. 140/2018 -**

Heard Mrs. D.I. Charlewar, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1 and Shri S.D. Ukey, Id. counsel for R-2. Await service of R-3.

2. I have perused the C.A. It is mentioned in the C.A. that the applicant was holding additional charge of Shri M.G. Gaurkhede from 11/10/2006 to 31/12/2016. In O.A. in para-6.3 it is mentioned that the applicant stood retired on superannuation on 31/12/2014 and prayer is that the direction be given to pay the additional wages to the applicant for holding additional charge from 11/10/2006 to 31/12/2016. I am unable to understand how the applicant was entitled to claim the wages for the additional charge for a period after retirement from the service. It appears that as per the case of the applicant he stood retired on 31/12/2014. It is nowhere mentioned in the C.A. or in the O.A. that anytime so long as the applicant was in the service he made request for the wages for holding the additional charge. The applicant retired on 31/12/2014 and the C.A. was presented on 19<sup>th</sup> June, 2018. Thus, it appears that there is inordinate delay and nothing is mentioned why this

delay was caused, therefore, I do not see any merit in this application and hence the C.A. stands dismissed with no order as to costs.

**Member (J)**

dnk.

O.A. St.No. 939/2018 **(SB)**

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

**Dated : 26.03.2019**

**C.A. 141/2018 -**

Heard Mrs. D.I. Charlewar, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1 and Shri S.D. Ukey, Id. counsel holding for



Shri A.M. Kukday, Id. counsel for R-2. Await service of R-3&4.

2. On perusal of the application and the O.A. it seems that the applicant is claiming regular promotion w.e.f. 2006. As per the contentions, the applicant stood retired on 31/12/2014, no explanation is given why the applicant remained silent from 2006 to 2014. The present application is presented on 19<sup>th</sup> June,2018. Thus, it appears that there is a delay of more than 10 years in moving this application. After reading the C.A. it is not possible to accept that the delay is properly explained. Hence, the C.A. stands dismissed with no order as to costs.

**Member (J)**

dnk.

O.A. No. 725/2018 **(SB)**

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

**Dated : 26.03.2019**

**C.A. 107/2019 -**

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

2. The learned counsel for the applicant has filed the C.A. No. 107/2019 for

amending the O.A. It is submitted that the proposed amendment is necessary, by the proposed amendment the applicant is intending to raise issues of law. I have gone through the application for amendment and I am satisfied that it is necessary for proper adjudication of the matter. Hence, the C.A.No.107/2019 is allowed. The necessary amendment be carried out within one week.

**O.A. 725/2018** -

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 filed affidavit-in-reply on behalf of the respondents. It is taken on record. Copy is given to the other side.

3. **S.O. one week.**

**Member (J)**

dnk.

O.A. No. 787/2018 (SB)

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

**Dated : 26.03.2019**

Shri D.M. Kakani, Id .counsel for the applicant, Shri A.P. Potnis, Id. P.O. for R-1 to 3, Shri S.N. Gaikwad, Id. counsel for R-4 and Shri A.Y. Kapgate, Id. counsel for R-5.

2. On oral request the learned counsel for the applicant is permitted to rectify the mistake in the index in entry sr.no.2.

3. At the request of Id. P.O. as well as learned counsel for R-4&5, **S.O. two weeks** for filing reply.

**Member (J)**

dnk.

O.A. No. 818/2018 **(SB)**

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

**Dated : 26.03.2019**

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

At the request of Id. P.O., **S.O. two weeks** for filing reply of R-1&2.

**Member (J)**

dnk.

O.A. No. 819/18 with C.A.556/16 **(SB)**

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

**Dated : 26.03.2019**

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

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

**Member (J)**

dnk.

O.A. No. 121/2019 **(SB)**

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

**Dated : 26.03.2019**

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

At the request of Id. CPO, **S.O.**  
**23/04/2019** for filing reply.

**Member (J)**

dnk.

O.A. No. 128/2019 (SB)

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

**Dated : 26.03.2019**

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

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

**Member (J)**

dnk.

O.A. No. 170/2019 (SB)

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

**Dated : 26.03.2019**

Shri G.K. Bhusari, Id. counsel for the applicant and Shri A.P. Potnis, Id. PO for R-1. Await service of R-2&3.

2. The learned P.O. submitted that he has not yet received the instructions from the concerned office and therefore he is unable to say anything.

**S.O. one week.**

**Member (J)**

dnk.

O.A. No. 31/2019 (SB)

**Coram : Hon. Shri A.D. Karanjkar,**



**Member (J).**

**Dated : 26.03.2019**

Shri S.N. Gaikwad, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1. Await service of R-2 to 5.

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

**Member (J)**

dnk.

O.A. No. 01/2019 **(SB)**

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

**Dated : 26.03.2019**

Shri D.M. Kakani, Id. counsel for the applicant and Shri A.P. Potnis, Id. PO for the respondent.

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

**Member (J)**

dnk.

O.A. No. 338/2017 **(SB)**

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

**Dated : 26.03.2019**

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

2. I have perused the orders dated 28/08/2017, 18/09/2017, 16/10/2017, 04/12/2017 and 12/12/2018. It seems that on all dates the applicant and his counsel were absent. Today also the applicant and his counsel are absent. Hence, the O.A. stands dismissed in default. No order as to costs.

**Member (J)**

dnk.

O.A. No. 871/2017(**SB**)

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

**Dated : 26.03.2019**

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

2. It is submitted that the O.A. No.113/2018 is filed by the applicant for

promotion on the post of Block Development Officer (BDO) and it is pending before the Division Bench, therefore, it is directed to take this O.A. along with O.A.No. 113/2018 which is pending before the Division Bench.

**Member (J)**

dnk.

O.A. No. 243/2018 **(SB)**

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

**Dated : 26.03.2019**

Shri G.K. Bhusari, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The learned P.O. seeks time for submitting the information which was called upon by this Bench.

3. At the request of Id. P.O., **S.O. two weeks.**

**Member (J)**

dnk.

O.A. No. 359/2018 **(SB)**

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

**Dated : 26.03.2019**

Shri W.Y. Nayase, 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. 29/03/2019.**

**Member (J)**

dnk.

O.A.No. 39/2019. (D.B.)

**Coram: Shri Shree Bhagwan, Member(A)**  
**Dated: 26<sup>th</sup> March 2019.**

Heard Shri P.A.Jibhkate, the Id. Counsel for the applicant, Shri S.A.Deo, the Id. C.P.O. for the respondent nos. 1 to 3 and Shri A.Y.Kapgate, the Id. counsel for the respondent nos. 4 & 5.

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

**Date:-26/03/2019.**  
aps.

**Member(A)**

**O.A.No. 755/2015. (D.B.)**

**Coram: Shri Shree Bhagwan, Member(A)**  
**Dated : 26<sup>th</sup> March 2019.**

**C.A.No.259/2017:-**

Heard Shri V.Bhise, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondent nos. 1 & 2. Await service of respondent nos. 3 to 18.

2. The Id. P.O. has already filed pursis dated 26.03.2019, regarding supply of correct address of respondent nos. 3 to 18. The Id. P.O. has supplied the correct address of the respondents at Sr. Nos. 12, 13 & 18 in same list.

3. **S.O. three weeks.**

**Date:-26/03/2019.**  
aps.

**Member(A)**

O.A.No. 126/2019. (D.B.)

**Coram: Shri Shree Bhagwan, Member(A)**  
**Dated : 26<sup>th</sup> March 2019.**

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

2. The Id. C.P.O. desires four weeks time  
to file reply. **S.O. four weeks.**

**Member(A)**

**Date:-26/03/2019.**  
aps.



O.A.No. 950/2018. (D.B.)

**Coram: Shri Shree Bhagwan, Member(A)**  
**Dated: 26<sup>th</sup> March 2019.**

Shri G.Iyer, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondent nos. 1 & 3. Await service of respondent no. 2.

2. The Id. counsel for the applicant is directed to file service affidavit for R-2. The Id. P.O. desires time to file reply. At his request, **S.O. three weeks.**

**Date:-26/03/2019.**  
aps.

**Member(A)**

O.A.No. 881/2009. (D.B.)

**Coram: Shri Shree Bhagwan, Member(A)**  
**Dated : 26<sup>th</sup> March 2019.**

**C.A.Nos.260, 261, 262 & 263/2018:-**

Ms. Joshi holding for Smt. R.S.Sirpurkar, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

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

**Date:-26/03/2019.**  
aps.

**Member(A)**

O.A.No. 214/2019. (D.B.)

**Coram: Shri Shree Bhagwan, Member(A)**  
**Dated: 26<sup>th</sup> March 2019.**

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

2. As applicant was suspended vide order no. tk-dzf'kml @vklFk@c@fuy@4291@18] fnukd 25-06-2018] an appeal was preferred before this Tribunal and order was passed on 11/03/2019 as follows:-

*"(i) The O.A. stands disposed of with directions to the respondent no. 2 to take a decision on the representation of the applicant within two weeks from today.*

*(ii) The respondent no. 2 shall take into consideration the guidelines issued by the Hon'ble Apex Court in case of **Ajay Kumar Choudhari V/s Union of India reported in (2015) 2 Scale 432 (Supra)** and also to consider as to whether the continuation of the suspension is necessary or not."*

3. The above said Judgment was passed by this Tribunal on 11/03/2019 and in para (i) it was mentioned about Hon'ble Apex Court Judgment in case of **Ajay Kumar Choudhari Vs. Union of India reported in**

**(2015) 2 Scale 432 (Supra)**. After this again Hon'ble Supreme Court delivered Judgment in the case of **State of Tamil Nadu Vs. Pramod Kumar, IPS & Another, in Civil Appeal No. 8427-8428 of 2018, delivered on 21.08.2018**. The Hon'ble Apex Court in para no. 23 has observed as follows:-

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

4. The Principal Bench of Maharashtra Administrative Tribunal Mumbai Bench in O.A. No. 35/2018 Judgment delivered on 11/09/2018 has also rejected continuation of suspension beyond 90 days. In the said order

in para no. 29 (b) following observations have been made:-

*"29(b)Continuation of suspension beyond 90 days is disregarded and it is directed that applicant shall be deemed to have been reinstated after completion of 90 days of actual suspension and all consequential benefits thereof shall follow treating that suspension ceased to exist 90 days after the date of order of suspension."*

5. As submitted by Id. Counsel for the applicant, the applicant is retiring on superannuation on 31/03/2019.

6. In view of Hon'ble Apex Court Judgments in the above two cases and order of Principle Bench, MAT at Mumbai in O.A.No. 35/2018, Order dated 11/09/2018 following order is passed.

7. The suspension order no. tk-dz-f'ml @vklFk@c@fuyicu@4291@18] fnukd 25-06-2018 and order no. tk-dz@f'ml @vklFk@v@2364@19] fnukd 22-03-2019 both are quashed and set aside from the date of this order.

8. The respondents are at liberty to conduct Departmental Enquiry and take necessary steps as per the directions of Hon'ble Supreme Court Judgment in **State of**

**Tamil Nadu Vs. Pramod Kumar, IPS & Another, in Civil Appeal No. 8427-8428 of 2018, delivered on 21.08.2018.**

Respondents are also at liberty to continue court cases as per the Rules.

9. Issue notice to R- 2, returnable on four weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

11. 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.

12. 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.

13. 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.

14. 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.

15. **S.O. four weeks.**

16. **Steno copy is granted.**

**Member(A)**

**Date:-26/03/2019.**  
aps.