

**O.A. Nos. 105, 107 & 106 of 2019 (D.B.)**

**Coram: Justice Mridula Bhatkar,  
Hon'ble Chairperson &  
Shri Shree Bhagwan,  
Hon'ble Vice-Chairman.**

**Dated : 01/10/2021.**

Heard Shri P.D. Meghe, learned counsel for the applicants and Shri M.I. Khan, learned P.O. for the Respondents.

2. It is to be noted that the matters are remanded back by the Hon'ble High Court. So last chance is given to file reply.

**S.O. three weeks.**

**Vice-Chairman**

**Chairperson**

dnk.

**C.P. No.17/2019 in O.A. 516/2017 (D.B.)**

**Coram: Justice Mridula Bhatkar,  
Hon'ble Chairperson &  
Shri Shree Bhagwan,  
Hon'ble Vice-Chairman.**

**Dated : 01/10/2021.**

None for the applicant. Heard Shri V.A. Kulkarni, learned P.O. for the Respondents.

2. Though the matter was called out none present for the applicant. The C.P. is filed for the compliance of order dated 19/11/2018 wherein the applicant has prayed for direction for giving him promotion to the post of Assistant Commissioner of Police/ Deputy Superintendent of Police (Wireless/ Transport). This Tribunal by the impugned order has directed the respondents to take necessary action as per GAD G.R. dated 17/11/2007 within three months from the date of the order considering the case of the applicant on merit as per the rules and considered the applicant's request accordingly.

3. The learned P.O. submits that the impugned order is complied with and the Respondent / State has rejected the case of the applicant who claimed promotion to the said post. He submits that the decision was taken in the DPC held on 15/3/2019. He further submits that there is a delay of more or less one month.

It be condoned. He produces the communication sent by the Section Officer of Home Department dated 16/4/2019 to the learned Advocate for applicant Mrs. D.S. Sawarkar.

4. We perused the G.R. dated 17/11/2007. This pertains to the filling of all the posts by promotion and therefore there is a reference of the said G.R. in the order. Perused communication dated 16/4/2019 shows that the DPC was conducted on 15/3/2019 and the case of the applicant seeking promotion was considered on the ground that he has earlier taken benefit of the caste reservation. The communication is taken on record and marked Exh-X.

5. In view of above, the Contempt Petition is disposed off. No order as to costs.

**Vice-Chairman**

**Chairperson**

dnk.

**C.P. No.21/2019 in O.A. 361/2017 (D.B.)**

**Coram: Justice Mridula Bhatkar,  
Hon'ble Chairperson &  
Shri Shree Bhagwan,  
Hon'ble Vice-Chairman.**

**Dated : 01/10/2021.**

None for the applicant. Heard Shri V.A. Kulkarni, learned P.O. for the Respondents.

2. The learned P.O. submits that the Writ Petition No. 819/2020 is yet not decided and it is for admission.
3. In view of this, the matter **adjourned to eight weeks.**

**Vice-Chairman**

**Chairperson**

dnk.

**C.P. No.37/2019 in O.A. 607/2017 (D.B.)**

**Coram: Justice Mridula Bhatkar,  
Hon'ble Chairperson &  
Shri Shree Bhagwan,  
Hon'ble Vice-Chairman.**

**Dated : 01/10/2021.**

None for the applicant, Shri M.I. Khan, learned P.O. for Respondent nos.1 to 3 & 6 and Shri J.Mokadam, learned counsel for Respondent no.4.

2. The matter is called out today, but none present for the applicant. In view of earlier order dated 20/8/2021, the C.P. is dismissed.

**Vice-Chairman**

**Chairperson**

dnk.

**C.P. No.39/2019 in O.A. 576/2018 (D.B.)**

**Coram: Justice Mridula Bhatkar,  
Hon'ble Chairperson &  
Shri Shree Bhagwan,  
Hon'ble Vice-Chairman.**

**Dated : 01/10/2021.**

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

2. The learned P.O. submits that the order of this Tribunal dated 13/02/2019 in O.A. 576/2019 whereby directing the Respondent / State to decide the representation dated 9/4/2018 filed by the applicant within three months from the date of the order is complied with. It is further submitted that the Tribunal in the order has further directed the respondents to consider all aspects in the representation and also Rules 54 & 57 of the Maharashtra Civil Services (Pension) Rules, 1982 (hereinafter referred to as "Pension Rules, 1982" for brevity) in the light of the ratio laid down by in the case of ***Jayshree Narayan Mhaske Vs. State of Maharashtra and Ors.***

**reported in 2005 (2) Bombay Law Cases 356.**

3. The learned P.O. submits that nothing remains in this petition. The affidavit-in-reply is filed by the respondents. He relies on the affidavit-in-reply filed by the Respondent nos.3&4 on 26/12/2019. He submits the relevant Rules 54& 57 of the Pension Rules,1982 and so also ratio laid down in case of **Jayshree Narayan Mhaske Vs. State of Maharashtra and Ors. reported in 2005 (2) Bombay Law Cases,356** are considered by the Respondent / State and taken decision that the said ratio is not applicable to the case of the applicant mainly on the ground that service of the applicant was not regular, but temporary and was regularised only from 2004 to 2014 when she retired. Under these circumstances, her service is not pensionable.

4. The Id. P.O. further points out that letter dated 28/1/2020 sent by the Principal Secretary Mr. Mahesh Pathak of Food and Supply and Consumer Protection Department, Mumbai by which the applicant is informed the decision taken by the respondents. The learned P.O. submits that the whatever delay occurred for which the

respondents have tendered apology and now it is to be condoned.

5. Considered the submissions of the learned P.O. and perused the affidavit-in-reply so also the documents which are filed in the petition and we have satisfied that the impugned order is complied with by the respondents.

6. Hence, nothing remains in this Petition and therefore it is dismissed.

**Vice-Chairman**

**Chairperson**

dnk.



**C.P. No.40/2019 in O.A. 590/2017 (D.B.)**

**Coram: Justice Mridula Bhatkar,  
Hon'ble Chairperson &  
Shri Shree Bhagwan,  
Hon'ble Vice-Chairman.**

**Dated : 01/10/2021.**

Heard Shri A.R. Ingole, learned counsel for the applicant and Shri A.M. Khadatkar, learned P.O. for the Respondents.

2. In this matter, the learned P.O. submits that as per the order dated 23/1/2019 passed by the Tribunal, the applicant could not be appointed, because, the order was for future vacancy.

3. The learned counsel submits that the respondents have not complied with the order of the Tribunal wherein the Tribunal has directed the respondents to appoint the applicant as Assistant Primary Teacher. He submits that he has obtained the information through RTI and according to this he has filed additional affidavit in December, 2020 wherein he has mentioned that Mr. Pankaj Kushabrao Ledade was appointed as Assistant Primary Teacher. Hence, the respondents have failed to comply with the Tribunal's order and therefore the applicant has filed the contempt petition.

4. The learned P.O. submits that the applicant has sought relief from the Tribunal that he be appointed as Assistant Primary Teacher. The Tribunal while allowing that prayer has put condition that the applicant should be appointed as Assistant

Primary Teacher as and the vacancy occurs in future. The learned P.O. further submits that from 23/1/2019 i.e. from the date of the order of the O.A., thereafter no vacancy occurred within one year in future. The name of the applicant was waitlisted and the said wait list was valid for one year and therefore the applicant could not be appointed on the post of Assistant Primary Teacher. The learned P.O. submits that Mr. Pankaj Kushabrao Ledade was appointed on 2013, i.e., much prior to the date of the order of the Tribunal.

5. The learned P.O. relies on the affidavit-in-reply filed by the respondents wherein it is specifically mentioned that when the order was passed by the Tribunal for all the posts of Assistant Primary Teacher were filled in and at that time the five Teachers were already appointed surplus. He submits that the five surplus Teachers were required to be absorbed and were accordingly absorbed and thereafter no vacancy occurred in one year and till today. Hence, he could not be accommodated or given appointment. We are satisfied with the submission of Id. P.O. and so also affidavit-in-reply filed by the respondents. Hence, nothing remains in the petition, therefore, C.P. is disposed off. No order as to costs.

**Vice-Chairman**

**Chairperson**

dnk.

O.A. No. 785/2014 (D.B.)

**Coram:** Justice Mridula Bhatkar,  
Hon'ble Chairperson &  
Shri Shree Bhagwan,  
Hon'ble Vice-Chairman.

**Dated : 01/10/2021.**

Heard Shri G.K. Bhusari, learned counsel for the applicant, Shri M.I. Khan, learned P.O. for the Respondent nos.1 to 4 and none for other Respondents.

At the request of Id. P.O., **S.O.**  
**22/10/2021.**

**Vice-Chairman**

**Chairperson**

dnk.

O.A. No. 281/2015 (D.B.)

**Coram: Justice Mridula Bhatkar,  
Hon'ble Chairperson &  
Shri Shree Bhagwan,  
Hon'ble Vice-Chairman.**

**Dated : 01/10/2021.**

Heard Shri G.G. Bade, learned counsel for the applicant, Shri S.A. Sainis, learned P.O. for Respondent No.1, Shri H.D. Marathe, learned counsel for Respondent no.2 and none for Respondent Nos.3 to 5.

The matter is adjourned **to 25/10/2021.**

**Vice-Chairman**

**Chairperson**

dnk.

O.A. No. 612/2017 (D.B.)

**Coram: Justice Mridula Bhatkar,  
Hon'ble Chairperson &  
Shri Shree Bhagwan,  
Hon'ble Vice-Chairman.**

**Dated : 01/10/2021.**

Heard Shri P.S. Sahare, learned counsel for the applicant, Shri S.A. Deo, learned C.P.O. for Respondent No.1&2 and Shri S. Yerawar, learned counsel for Respondent No.3.

The matter is adjourned **to 25/10/2021.**

**Vice-Chairman**

**Chairperson**

dnk.

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

**Coram: Justice Mridula Bhatkar,  
Hon'ble Chairperson &  
Shri Shree Bhagwan,  
Hon'ble Vice-Chairman.**

**Dated : 01/10/2021.**

Heard Shri G.N. Khanzode, learned counsel for the applicant and Shri V.A. Kulkarni, learned P.O. for the Respondents.

The matter is adjourned to **20/10/2021.**

**Vice-Chairman**

**Chairperson**

dnk.

O.A. No. 749/2013 (D.B.)

**Coram: Justice Mridula Bhatkar,  
Hon'ble Chairperson &  
Shri Shree Bhagwan,  
Hon'ble Vice-Chairman.**

**Dated : 01/10/2021.**

Heard Shri V.R. Thote, learned counsel for the applicant and Shri V.A. Kulkarni, learned P.O. for the Respondents.

The matter is adjourned to **22/10/2021.**

**Vice-Chairman**

**Chairperson**

dnk.

**O.A. No. 38/2021 (D.B.)**

**Coram: Justice Mridula Bhatkar,  
Hon'ble Chairperson &  
Shri Shree Bhagwan,  
Hon'ble Vice-Chairman.**

**Dated : 01/10/2021.**

Heard Shri A.C. Dharmadhikari, learned counsel for the applicant and Shri A.M. Khadatkar, learned P.O. for the Respondents.

2. The learned P.O. is directed to take instructions about compliance of the Tribunal order dated 20/08/2021. The respondents i.e. Higher & Technical Education Department were directed to decide the representation. Hence matter be kept in the afternoon for status of compliance.

**Lateron after second session –**

Heard Shri A.C. Dharmadhikari, learned counsel for the applicant and Shri A.M. Khadatkar, learned P.O. for the Respondents.

2. The Id. P.O. has produced 1/10/2021 by Mr. Nikam, Joint Director of Technical



Education, Divisional Office, Amravati. The  
Id. P.O. wants to take instructions regarding  
delay in decision. At the request of Id. P.O.,  
**S.O. 22/10/2021.**

**Vice-Chairman**

**Chairperson**

dnk.

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

**Coram: Justice Mridula Bhatkar,  
Hon'ble Chairperson.**

**Dated : 01/10/2021.**

**C.A.No. 309/2021 in O.A. 667/2020**

Heard Shri Tushar Madlekar, learned counsel for the applicant and Shri P.N. Warjurkar, learned P.O. for the Respondents.

This is application for transfer the matter from M.A.T., Nagpur Bench to the M.A.T.,Principal Bench, Mumbai under Section 25 of the Administrative Tribunals Act,1985.

The matter is adjourned **to 26/10/2021.**

**Chairperson**

dnk.

**O.A. No. 993 of 2019 (D.B.)**

**Coram: Justice Mridula Bhatkar,  
Hon'ble Chairperson &  
Shri Shree Bhagwan,  
Hon'ble Vice-Chairman.**

**Dated : 01/10/2021.**

**C.A. No. 284/2021 -**

Heard Shri A.R. Ingole, learned counsel for the applicant and Shri S.A. Sainis, learned P.O. for the Respondents.

2. For the reasons stated in the application, the C.A. for early hearing is allowed.

**O.A. No. 993 of 2019 -**

Heard Shri A.R. Ingole, learned counsel for the applicant and Shri S.A. Sainis, learned P.O. for the Respondents.

2. The learned counsel for the applicant submits that the applicant wants to amend the O.A. As the applicant relied on the specific provision under Section 2 (a) of the Govt. decision in G.R. dated 1/12/2018 in respect of educational qualification for the post of teachers and non-teaching post. Leave to amend is allowed. Necessary amendment be carried out.

After amendment **S.O. four weeks for filing reply.**

**Vice-Chairman**

**Chairperson**

dnk.ok

**O.A.No.1007/2018 (D.B.)**

**Coram : Justice Mridula Bhatkar, Hon'ble  
Chairperson & Shri Shree Bhagwan,  
Hon'ble Vice Chairman**

**Dated : 01/10/2021.**

**C.A.No.36/2021:-**

Shri S.C.Deshmukh, the Id. counsel for the applicant, Shri P.N.Warjurkar, the Id. P.O. for respondent nos. 1 to 3, Shri K.P.Wathore, the Id. counsel for the respondent nos. 5, 6, 8 to 12, 14 to 17 and Shri G.K.Bhusari, the Id. counsel for the respondent nos. 19 to 21, 23, 24, 25, 28, 29, 31, 32, 35, 36, 41, 51, 52, 54, 55, 57, 66 to 69, 71 to 73, 75 to 84, 86 to 88, 90, 91, 94, 96 to 100, 104, 108 to 110, 113, 115 to 118, 123, 125, 128, 129, 132, 133, 135 to 137, 139, 140, 143 to 145, 147 to 152, 154, 155, 158, 160, 164 to 166, 170, 173, 174, 178, 181 & 183 to 185 and none for other respondents.

2. Shri K.P.Wathore and Shri G.K.Bhusari for the private respondents have not filed reply. The Id. counsel opposed on the ground that since one and half year the concerned private respondents have not filed the reply.

3. The matter is adjourned to 25.10.2021 by way of last chance for filing reply of private respondents. If the private respondents have not filed reply on 25.10.2021 then the matter will be proceeded without reply.

4. S.O. 25.10.2021.

**Vice Chairman**  
**Date:-01/10/2021.**  
aps.

**Chairperson**

O.A.No.16/2019 (D.B.)

**Coram**: Justice Mridula Bhatkar, Hon'ble  
Chairperson & Shri Shree Bhagwan,  
Hon'ble Vice Chairman

**Dated** : 01/10/2021.

**C.A.No.129/2019:-**

Heard Shri Shri A.More holding for Shri  
A.D.Dangore, the Id. Counsel for the applicant and  
Shri P.N.Warjurkar, the Id. P.O. for respondents.

2. The Id. counsel should remain present at  
next hearing; otherwise matter will be dismissed,  
**S.O. four weeks.**

**Vice Chairman**  
**Date:-01/10/2021.**  
aps.

**Chairperson**

O.A.No.96/2019 (D.B.)

**Coram**: Justice Mridula Bhatkar, Hon'ble  
Chairperson & Shri Shree Bhagwan,  
Hon'ble Vice Chairman

**Dated** : 01/10/2021.

**C.A.No.81/2019:-**

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

2. **S.O. four weeks.**

**Vice Chairman**  
**Date:-01/10/2021.**  
aps.

**Chairperson**

O.A.No.993/2019 (D.B.)

**Coram**: Justice Mridula Bhatkar, Hon'ble  
Chairperson & Shri Shree Bhagwan,  
Hon'ble Vice Chairman

**Dated** : 01/10/2021.

**C.A.No.284/2021:-**

Heard Shri A.R.Ingole, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for respondents.

2. **C.A.No.284/2021 for early hearing is allowed.**

3. At the request of Id. P.O., **S.O. four weeks to file reply.**

**Vice Chairman**  
**Date:-01/10/2021.**  
aps.

**Chairperson**



O.A.No.951/2020 (D.B.)

**Coram**: Justice Mridula Bhatkar, Hon'ble  
Chairperson & Shri Shree Bhagwan,  
Hon'ble Vice Chairman

**Dated** : 01/10/2021.

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

2. **S.O. six weeks.**

**Vice Chairman**  
**Date:-01/10/2021.**  
aps.

**Chairperson**

O.A.No.466/2021 (D.B.)

**Coram**: Justice Mridula Bhatkar, Hon'ble  
Chairperson & Shri Shree Bhagwan,  
Hon'ble Vice Chairman

**Dated** : 01/10/2021.

Heard Shri G.K.Bhusari holding for Shri  
S.N.Gaikwad, the Id. Counsel for the applicant and  
Shri A.P.Potnis, the Id. P.O. for respondents.

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

**Vice Chairman**  
**Date:-01/10/2021.**  
aps.

**Chairperson**

O.A.No.506/2021 (D.B.)

**Coram**: Justice Mridula Bhatkar, Hon'ble  
Chairperson & Shri Shree Bhagwan,  
Hon'ble Vice Chairman

**Dated** : 01/10/2021.

Heard Shri N.R.Saboo, the Id.  
Counsel for the applicant and Shri S.A.Sainis,  
the Id. P.O. for respondent nos. 1 to 3. None for the  
respondent nos. 4 & 5.

2. Affidavit of reply should also to be filed by  
respondent nos. 4 & 5. At the request of Id. P.O., **S.O.**  
**four weeks to file reply by way of last chance.**

**Vice Chairman**  
**Date:-01/10/2021.**  
aps.

**Chairperson**

**C.A.No.77/20 in O.A.No.05/20 with  
O.A.No.592/21 with O.A.Nos.1011 & 1012/19  
with O.A. Nos. 18, 19, 127, 161 & 713/20 (D.B.)**

**Coram : Justice Mridula Bhatkar, Hon'ble  
Chairperson & Shri Shree Bhagwan,  
Hon'ble Vice Chairman**

**Dated : 01/10/2021.**

Heard Shri R.V.Shiralkar (O.A. No. 05/2020),  
Shri B.Kulkarni (O.A. No. 592/2021, 1011, 1012/19  
& 18, 127/2020). None for applicant in (O.A. No.  
19/2020). None for the applicant in (O.A. No. 161 &  
713/2020). Shri A.M.Ghogle, the Id. P.O. for  
respondents. Shri G.K.Bhusari holding for Shri  
S.N.Gaikwad, the Id. counsel for the respondent nos.  
4 to 22 (Intervener in O.A. No. 05/2020). Await  
service of respondent no. 2 (O.A. No. 713/2020).

2. At the request of Id. P.O., **S.O. 13.10.2021 to  
file reply**. The Id. P.O. is further directed to supply  
the copy of reply in advance to the Id. counsel for the  
applicant.

**Vice Chairman**  
**Date:-01/10/2021.**  
aps.

**Chairperson**

**O.A. Nos. 220/2021 & 343/2019 (D.B.)**

**Coram: Justice Mridula Bhatkar, Hon'ble  
Chairperson & Shri Shree Bhagwan,  
Hon'ble Vice Chairman**

**Dated : 01/10/2021.**

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

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

**Vice Chairman**  
**Date:-01/10/2021.**  
aps.

**Chairperson**

O.A.No.727/2021 (D.B.)

**Coram**: Justice Mridula Bhatkar, Hon'ble  
Chairperson & Shri Shree Bhagwan,  
Hon'ble Vice Chairman

**Dated** : 01/10/2021.

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

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

**Vice Chairman**  
**Date:-01/10/2021.**  
aps.

**Chairperson**

O.A.No.728/2021 (D.B.)

**Coram**: Justice Mridula Bhatkar, Hon'ble  
Chairperson & Shri Shree Bhagwan,  
Hon'ble Vice Chairman

**Dated** : 01/10/2021.

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

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

**Vice Chairman**  
**Date:-01/10/2021.**  
aps.

**Chairperson**

**C.P.No.29/2021 in O.A.No.1054/2019 with  
C.P.No.30/2021 in O.A.No.976/2019 with  
C.P.No.31/2021 in O.A.No.977/2019 (D.B.)**

**Coram: Justice Mridula Bhatkar, Hon'ble  
Chairperson & Shri Shree Bhagwan,  
Hon'ble Vice Chairman  
Dated : 01/10/2021.**

Heard Shri G.K.Bhusari holding for Shri  
S.N.Gaikwad, the Id. Counsel for the applicant and  
Shri V.A.Kulkarni, the Id. P.O. for respondents.

2. The Id. P.O. submits that the same issue is  
pending before the Hon'ble High Court Mumbai,  
Bench at Nagpur in Civil W.P.No. 3476/2021 and  
Hon'ble Division Bench by order dated 20.09.2021  
has issued notices to the concerned person. As issue  
is sub judice before the Hon'ble High Court; the  
Judicial propriety not to hear the matter at this stage.  
Hence, it is adjourned for eight weeks.

**Vice Chairman  
Date:-01/10/2021.  
aps.**

**Chairperson**



O.A.No.372/2017 (D.B.)

**Coram**: Justice Mridula Bhatkar, Hon'ble  
Chairperson & Shri Shree Bhagwan,  
Hon'ble Vice Chairman

**Dated** : 01/10/2021.

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

2. At the request of Id. P.O., **S.O. three weeks  
to file reply as a last chance.**

3. *The Id. P.O. is directed to keep note that if  
reply is not filed till next date the matter be heard on  
merit.*

**Vice Chairman**  
**Date:-01/10/2021.**  
aps.

**Chairperson**

O.A.No.807/2018 (D.B.)

**Coram**: Justice Mridula Bhatkar, Hon'ble  
Chairperson & Shri Shree Bhagwan,  
Hon'ble Vice Chairman

**Dated** : 01/10/2021.

Heard Shri G.K.Bhusari, the Id.  
Counsel for the applicant and Shri H.K.Pande,  
the Id. P.O. for respondents. None for the respondent  
no. 3.

2. The Id. P.O. has filed reply of respondent no.  
1 i.e. Shri Sunil Prabhakar Gadhe, Chief  
Administrative Officer of Dy. Director of Health  
Services, Nagpur. The Id. P.O. has further submitted  
that he is going to adopt the reply of respondent no.  
1 for respondent no. 2.

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:-01/10/2021.**  
aps.

**Chairperson**

O.A.No.751/2021 (D.B.)

**Coram**: Justice Mridula Bhatkar, Hon'ble  
Chairperson & Shri Shree Bhagwan,  
Hon'ble Vice Chairman

**Dated** : 01/10/2021.

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

2. **S.O. four weeks.**

**Vice Chairman**  
**Date:-01/10/2021.**  
aps.

**Chairperson**

**O.A.No.850/2021 (D.B.)**

**Coram: Justice Mridula Bhatkar, Hon'ble  
Chairperson & Shri Shree Bhagwan,  
Hon'ble Vice Chairman**

**Dated : 01/10/2021.**

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

2. The applicant in this O.A. seeks directions against the respondents that he is to be promoted to the post of Assistant Conservator of Forest as per seniority in the cadre of Range Forest Officer as per D.P.C. held on 18.11.2020. It is the case of the applicant that he was held guilty and the order of punishment issued on 12.08.2020 by Chief Conservator of Forest at Nagpur Circle; thereby directing of stoppage of two yearly increments. The applicant has challenged the said order by following appeal dated 14.10.2020 before the Principal Secretary, Department of Forest and Revenue; the said appeal is pending.

3. The Id. P.O. submits that he wants to file affidavit in reply.

4. However, in view of the prayer and factual position of the pendency of the appeal; we dispose of this O.A. with following order:-

A. The Principal Secretary, Department of Forest and Revenue is hereby directed to decide the

said appeal filed by the applicant on 14.10.2020  
**within four weeks i.e. on or before 08.11.2021.**

5. As Id. counsel for the applicant submits that this disposal of appeal should not be treated as res judicata; if the appeal is decided against him.

6. There the issue of res judicata does not arise because this matter is disposed of sending to the proper authority for taking decision of the appeal and nothing is decided on merit.

**Vice Chairman**  
**Date:-01/10/2021.**  
aps.

**Chairperson**

**C.P. No.01/2020 in O.A. 625/2007 (D.B.)**

**Coram: Justice Mridula Bhatkar,  
Hon'ble Chairperson &  
Shri Shree Bhagwan,  
Hon'ble Vice-Chairman.**

**Dated : 01/10/2021.**

Heard Shri G.N. Khanzode, learned counsel for the applicant and Shri H.K. Pande, learned P.O. for the Respondents.

2. The petitioner submits that the respondents have not complied the order dated 15.02.2017 passed by the Tribunal. He submits that the applicant has prayed for the deemed date of the Accountant and the post of Chief Accountant. Mainly on the ground that his juniors were given the promotion to that post on earlier dates given promotion on that date which is deemed date. The Id. counsel for the applicant submits that the decision was taken by the respondents by order dated 24.03.2017, however it is not the full and correct compliance of the impugned order. He further submits that the petitioner is entitled to the consequential benefits arising from the deemed date of promotion which also includes the further promotion to the post of Office Superintendent and then the Administrative Officer. He submits that the juniors of the respondents are Shri V.B.Gundatwar and Shri Deorao Marbate. He further submits that his two juniors were promoted to the post of Office Superintendent and Administrative Officer during pendency of the O.A.. He submits that once the applicant is given the deemed date for the post of Accountant and Chief Accountant then the applicant is also entitled to claim the further deemed date to the further promotion for the post of Office Superintendent and Administrative Officer.

3. The Id. P.O. submits that the order of Tribunal is complied fully. He further submits that the demand of further deemed date in future promotion to the post of Office Superintendent and Administrative

Officer were not the relief prayed in the Original Application. He brings our attention to the relief sought in para no. 7 of the O.A.

4. Perused order dated 15.02.2017 of the Tribunal where the Tribunal has directed the respondents to take proper decision in respect of the deemed date. Perused order dated 24.03.2017 which was issued in pursuant to the compliance of the order of the Tribunal. In said order the respondents have given the deemed date as 04.06.1996 for the post of Accountant and on 07.02.2005 as a Chief Accountant. On 07.02.2005 case of Junior i.e. Shri V.B.Gundatwar was promoted to the post of Chief Accountant. We are of the view that order of this Tribunal is complied in all the terms.

5. The submissions of the Id. counsel for the applicant that in prayer clause no. 4 of the O.A. he has prayed that all the consequential benefits arising from the deemed date of promotion and also promotion to the post of Chief Accountant are to be granted and prayer no. 5 that any other relief. It means of further promotion and consequential benefits including the further deemed date and future promotion are absurd. Such relief cannot be given at all, it is necessary for the applicant to make a specific prayer without any ambiguity.

6. Hence, **C.P. Stands dismissed with no order as to costs.**

**Vice-Chairman**

**Chairperson**

aps.

**C.P. No.19/2021 in O.A. 324/2020 (D.B.)**

**Coram: Justice Mridula Bhatkar,  
Hon'ble Chairperson &  
Shri Shree Bhagwan,  
Hon'ble Vice-Chairman.**

**Dated : 01/10/2021.**

Heard Shri R.M. Fating, learned counsel for the applicant and Shri A.M. Ghogre, learned P.O. for the Respondents.

2. The Id. counsel for the applicant submits that order dated 18.02.2021 is not complied though there was specific directions that order shall be complied within thirty days from the date of this order. He further points out that on 20.05.2021; the Tribunal passed the order in the application that further time was granted upto 20.08.2021 for compliance of order. He submits that till today there is no compliance.

3. The Id. P.O. submits that the Law and Judiciary department is going to challenge the said order of this Tribunal within a short period and Respondents are going to file the writ petition before the Hon'ble High Court.

4. **S.O. four weeks by way of last chance.**



**Vice-Chairman**

**Chairperson**

aps.

**C.P. No.40/2021 in O.A. 122/2021 (D.B.)**

**Coram: Justice Mridula Bhatkar,  
Hon'ble Chairperson &  
Shri Shree Bhagwan,  
Hon'ble Vice-Chairman.**

**Dated : 01/10/2021.**

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

2. The Id. counsel for the applicant submits that the order passed by this Tribunal dated 12.03.2021 thereby directed respondents to take decision within thirty days from the date of this order in view of the **Hon'ble Apex Court Judgment in case of Prem Nath Bali Vs. Reg., High Court of Delhi & Anr. decided on 16 December, 2015 reported in AIR 2016 SC 101.** The Id. counsel for the applicant further submits that respondents did not decided within thirty days but the application for extension of the compliance of the order of three applications were moved for the extension of the time for the compliance. He submits that the extension was granted accordingly twice and he further submits that he has challenged the order of granting extension by filing W.P.No. 3656/2021 and the

notices are issued. He produced copy of the order dated 22.09.2021 in W.P. passed by the Hon'ble High Court.

3. Perused the said order; notices are issued and in the said order in para no. 6 the Hon'ble High Court has directed that no final order in the Departmental Enquiry be passed, until further orders. The order is taken on record. It is marked Exh. 'X' for the purpose of identification. The prayer of the Id. counsel for the applicant that all the service benefits are immediately to be issued cannot be entertained at this stage because the matter is sub judice by Hon'ble High Court.

**4. S.O. four weeks.**

**Vice-Chairman**

**Chairperson**

aps.

**O.A. No. 38/2021 (D.B.)**

**Coram: Justice Mridula Bhatkar,  
Hon'ble Chairperson &  
Shri Shree Bhagwan,  
Hon'ble Vice-Chairman.**

**Dated : 01/10/2021.**

Heard Shri A.C. Dharmadhikari, learned counsel for the applicant and Shri A.M. Khadatkar, learned P.O. for the Respondents.

The learned P.O. is directed to take instructions about compliance of the Tribunal order dated 20/08/2021. The respondents i.e. Higher & Technical Education Department were directed to decide the representation. Hence matter be kept in the afternoon for status of compliance.

**Vice-Chairman**

**Chairperson**

dnk.