

**O.A. No. 128/2017.**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J).**

**Dated : 19<sup>th</sup> June 2017.**

Shri P.A. Teni, Adv. holding for Shri P.A. Abhyankar, the learned counsel for the applicant and Smt. S.V. Kolhe, the learned P.O. for the respondents.

Since pleadings are complete, O.A. is admitted and kept for final hearing on **29<sup>th</sup> June 2017.**

Smt. S.V. Kolhe, the learned P.O. waives notice for the respondents.

Vice-Chairman(J)

pdg..

**O.A. No. 477/2000.**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 19<sup>th</sup> June 2017.**

**MCA Nos.14/2014 and 15/2014.**

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

Closed for orders.

Vice-Chairman(J)

pdg..

**O.A. No. 755/2015.**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 19<sup>th</sup> June 2017.**

Shri Sandeep Tatke, Adv. holding for Shri Vipul Bhise, the learned counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

From the record, it seems that the respondents are not being served and no steps are taken to serve respondent Nos. 3 to 18. The learned counsel for the applicant submits that the applicant is not knowing the addresses of the respondents and, therefore, the respondents should be directed to give addresses. However, this fact is being brought to the notice for the first time after two years and the applicant has unnecessarily wasted the Tribunal's time. However, in the interest of justice S.O. **21<sup>st</sup> June 2017** for passing necessary orders.

Vice-Chairman(J)

pdg..

**O.A. No. 691/2016.**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 19<sup>th</sup> June 2017.**

Shri D.R. Khapre, the learned counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents 1 to 3. None for R. 4 and 5..

The learned counsel for the applicant submits that he will collect notice and take steps to service notice to R.2.

S.O. **four weeks.**

Vice-Chairman(J)

pdg..

**O.A. No. 692/2016.**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 19<sup>th</sup> June 2017.**

Shri D.R. Khapre, the learned counsel for the applicant and Smt. S.V. Kolhe, the learned P.O. for the respondents 1 to 3. None for R. 5..

Await service to R.4

The learned P.O. has filed reply on behalf of R.3. The same is taken on record and a copy thereof is supplied to the learned counsel for the applicant.

S.O. **four weeks.**

Vice-Chairman(J)

pdg..

**O.A. No. 703/2016.**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 19<sup>th</sup> June 2017.**

Smt. B.M. Kasare, Adv. holding for Shri N.S. Khandewale, the learned counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

Ld. P.O. submits that the reply of R.1 is not necessary. Respondent No.2 has already filed reply which is adopted by R.1.

Since pleadings are complete, **O.A. is admitted** and kept for final hearing before the regular D.B. when available.

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

The applicant may file rejoinder in the meantime and its copy be served in advance to the Ld. P.O.

Vice-Chairman(J)

pdg..

**O.A. No. 83/2017.**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 19<sup>th</sup> June 2017.**

**C.A. 118/2017.**

None for the applicant. Shri V.A. Kulkarni, the learned P.O. for respondent No.4. Shri G.K. Bhusari, Adv. for R.1 to 3.

Ld. Adv. for respondent No.1 to 3 submitted that the applicant is not a Government servant and he seeks time to file a copy of service book entries in this regard. He is directed to file a short affidavit alongwith documents.

**S.O. one week.**

Vice-Chairman(J)

pdg..

**O.A. No. 365/2017.**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 19<sup>th</sup> June 2017.**

None for the applicant. Smt. M.A. Barabde, the learned P.O. for respondent No.1.

Await service to R.2.

Shri R.S. Suryawanshi, the Ld. counsel for the applicant submits that he will appear for the applicant and seeks one week's time for filing Vakalatnama. Time granted.

S.O. **one week.**

Vice-Chairman(J)

pdg..



**O.A. No. 699/2016.**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 19<sup>th</sup> June 2017.**

Shri N.R. Saboo, the learned counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

**S.O. 4<sup>th</sup> July 2017.**

Vice-Chairman(J)

pdg..

**O.A. No. 720/2016.**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 19<sup>th</sup> June 2017.**

Shri Bharat Kulkarni, the learned counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents.

S.O. **two weeks** as a last chance.

Vice-Chairman(J)

pdg..

**O.A. No. 738/2016.**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 19<sup>th</sup> June 2017.**

Shri Bharat Kulkarni, the learned counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents.

S.O. **two weeks** as a last chance.

Vice-Chairman(J)

pdg..

**O.A. No. 110/2017.**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 19<sup>th</sup> June 2017.**

Heard Shri A.B. Dhulaj, the applicant is present in person and Shri A.M. Ghogre, the learned P.O. for the respondents 1 to 3. None for R. 4 & 5.

S.O. **5<sup>th</sup> July 2017** for final hearing.

Vice-Chairman(J)

pdg..

**O.A. No. 361/2017.**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 19<sup>th</sup> June 2017.**

Heard Shri M.R. Rajgure, the learned counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondent No.1.

2. The Ld. CPO seeks time to file affidavit in reply.

3. The learned counsel for the applicant submits that, though he is eligible for being selected to the post of MMAS-Class-II, his name is not included in the final select list. Whether he is eligible or not will be considered on merit. Ld. CPO seeks time to file reply. What selection will be subject to the final outcome of this O.A.

4. Issue notice to R. 2 to 4 returnable after **four weeks.**

4-A. 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 need 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.

7. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunals (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 or courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within three weeks. Applicant is directed to file Affidavit of compliance and notice.

Vice-Chairman(J)

pdg..

**O.A. No. 499/2007**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 19<sup>th</sup> June 2017.**

Shri G.M. Shitut, the learned counsel for the applicant and Shri S.A.Sainis, the learned P.O. for the respondents.

At the request of the Ld. P.O., S.O. **one week** for filing typed copy of documents.

Vice-Chairman(J)

pdg..

**O.A. No. 203/2016.**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 19<sup>th</sup> June 2017.**

Heard Shri S.N. Gaikwad, the learned counsel for the applicants and Smt. M.A. Barabde, the learned P.O. for the respondents.

Closed for orders.

Vice-Chairman(J)

pdg..



**O.A. No. 278/2017.**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 19<sup>th</sup> June 2017.**

None for the applicant. Shri S.A. Deo, the learned CP.O. for the respondents.

By order dated 17.5.2017, the applicant had requested time to file rejoinder and the matter was posted to 5.6.2017. However, no rejoinder is filed and again time was sought and the matter is fixed for today. Today also, none appeared for the applicant. Matter is already heard on merit with the consent of parties and, therefore, it be closed for orders.

Vice-Chairman(J)

pdg..

**O.A. No. 752/2015.**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J).**

**Dated : 19<sup>th</sup> June 2017.**

None for the applicant. Mrs. M.A. Barabde, the learned P.O. for the respondents 1 to 3.

Ld. P.O. has filed reply of R.1, it is taken on record.

From the record, it seems that the respondents are not being served and no steps are taken to serve respondent Nos. 4 to 6. However, in the interest of justice S.O. **21<sup>st</sup> June 2017** for passing necessary orders.

Vice-Chairman(J)

pdg..

O.A.364/2017

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 19.06.2017.**

Smt. K.N. Saboo, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

The learned CPO seeks time to take instructions as to whether the applicant has been relieved and hence put the matter tomorrow on 20/6/2017.

**S.O. 20/6/2017.**

**Vice Chairman (J)**

dnk.

O.A.828/2012

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 19.06.2017.**

Heard Shri S.O. Ahmed, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the Respts.

**Closed for orders.**

**Vice Chairman (J)**

dnk.

O.A. Nos. 373,374 & 375 of 2015

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 19.06.2017.**

Heard Shri S.O. Ahmed, Id. counsel for the applicants and S.V. Kolhe, Id. P.O. for R-1 to 3. None for remaining respondents.

At the request of Id. counsel for the applicants, **S.O. after two weeks** by way of last chance.

**Vice Chairman (J)**

dnk.

O.A.84/2016

**Coram : Hon. Shri J.D.Kulkarni,**

**Vice-Chairman (J).**

**Dated : 19.06.2017.**

Shri S.N. Gaikwad, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the Respts.

**S.O. After two weeks.**

**Vice Chairman (J)**

dnk.

O.A.173/2016

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 19.06.2017.**

Heard Shri H.D. Futane, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the Respts.

After hearing the matter for some time, the Id. counsel for the applicant seeks time to file documents along with the affidavit. At his request, **S.O. one week.**

Matter be treated as **P.H.**

**Vice Chairman (J)**

dnk.

O.A.255/2017

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 19.06.2017.**

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

2. The applicant has challenged the impugned order of his transfer dated 7/04/2017 (A-4,P-17) whereby he has been transferred from the post of Circle Officer, Shivani dist. Akola to Circle Officer, Tahsil Office Telhara, dist. Akola. The applicant submits that he was posted at Shivani just 11 months back, i.e., on 31/05/2016. It is submitted that the impugned order of his transfer is mid-term and it is punitive nature and therefore the same be quashed and set aside.

3. In the reply filed by respondent no.2, i.e., the Collector, Akola it is stated that the Competent Authority has received a letter dated 6/4/2017 from respondent no.3, i.e., the Tahsildar, Akola in which some allegations were made. The applicant was working at Tahsil Office, Akola for more than 7 years and since last 9 months he was posted on the said post. The applicant while working as Naib Tahsildar the report was submitted about non performance of his work on 13/12/2016 and the notices were also served on him on 2/12/2015, 15/6/2016, 21/4/2016 & 4/9/2016 about his non performance and therefore it was necessary to transfer the applicant.

4. The applicant has placed on record the Minutes of the meeting in which the applicant has been transferred. In the said minutes the Collector has observed as under:-

*“सदर कर्मचारी विरुद्ध तोंडी तक्रार बरेच असल्याने त्यांना बदली करण्यात आलेली आहे. यापूढे जर असेच अर्ज केल्यास निलंबनाची कार्यवाही करण्यात येईल असे संबंधितांना कळवावे”*

5. From the aforesaid remark, it is clear that there seems to be a number of complaints against the applicant and in this regard the report submitted by the Tahsildar has been accepted. The report is dated



6/4/2017 and on the very next date the impugned order has been passed. In the remarks column the Collector has mentioned that ~~in~~ case such applications are received in future against the applicant, he will be kept under suspension. This remark itself shows that the Collector has acted with prejudice mind and the action of transfer has been nothing but punitive in nature. Had it been a fact that the applicant is not serving properly and was not conducting properly, the departmental action should have been taken against his alleged actions. However the

transfer cannot be a remedy for taking action in punitive nature as the applicant has just completed 11 months at Shivani and has not completed his normal tenure. The applicant's case was not sent for approval of the higher authority for mid-term transfer. The applicant was given no opportunity to explain the alleged misconduct. The complaint was sent to the Collector on 6/4/2017 and on the very next day the applicant has been transferred. This is nothing but high handed action against the Rule and Regulations without giving any opportunity to the applicant. I am, therefore, satisfied that the impugned order of transfer is not legal and proper and is against the provisions of The Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005. Hence, the following order:-

**ORDER**

The impugned order of transfer dated 7/4/2017 is quashed and set aside. The applicant shall be allowed to continue to work at Shivani. If the

applicant is relived, he be called back for joining at Shivani.

Steno copy be provided to the Id. counsel for the parties.

**Vice Chairman (J)**

O.A.333/2017

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 19.06.2017.**

Heard Shri P.P. Khaparde, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1.

2. The applicant is claiming for direction to respondent no.2 to decide his representations dated 11/1/2017, 23/01/2017, 15/02/2017 & 17/04/2017 within stipulated period. It seems that first representation was filed on 11/1/2017, but no decision was taken on the representation till filing of the O.A. on 6/6/2017.

3. The learned counsel for the applicant submits that the application may be disposed of with direction to respondent no.2 to take decision on the representations within stipulated period. The learned CPO is also agreed for issuing such direction. In view thereof, the following order :-

**ORDER**

The application stands disposed of with a direction to respondent no.2 to take decision on

the representations filed by the applicant as aforesaid and the decision will be taken as early as possible and in any case within three months from the date of receipt of this order. No order as to costs.

**Vice Chairman (J)**

dnk.

O.A.770/2016

**Coram : Hon. Shri J.D.Kulkarni,**

**Vice-Chairman (J).**

**Dated : 19.06.2017.**

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

At the request of Id. P.O., **S.O. one week** for filing reply.

**Vice Chairman (J)**

dnk.

O.A.444/2016

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 19.06.2017.**

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

After hearing the matter for sometime, with the consent of Id. counsel for both the sides, **S.O. two weeks.**

Matter be treated as **P.H.**

Tagged with copies of order in O.As. 563 and 564 of 2015.

**Vice Chairman (J)**

dnk.

O.A.736/2016

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 19.06.2017.**

Shri M.R. Khan, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the Respts.

The Id. counsel for the applicant seeks time to file rejoinder.

**Heard. Admit.**

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

Put up the matter along with O.A. Nos. 736 & 776 of 2016.

**S.O. after four weeks.**

**Vice Chairman (J)**

dnk.

O.A.660/2016

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 19.06.2017.**

Shri Y. Kinkhede, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the Respts.

The Id. P.O. files reply-affidavit on behalf of the respondents. It is taken on record. Copy is served to the Id. counsel for the applicant. The learned counsel for the applicant wants to go through the same and wants to file reply if necessary.

**S.O. one week.**

**Vice Chairman (J)**

dnk.

O.A.222/2016

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 19.06.2017.**

Heard Shri G.K. Bhusari, Id. counsel holding for Shri R.D. Khobragade, Id. counsel for



the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

**Heard. Admit.**

Learned P.O. waives notice for the respondents.

**S.O. four weeks.**

**Vice Chairman (J)**

dnk.

O.A.685/2015

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 19.06.2017.**

Heard Shri P.S. Wathore, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1 to 3 and Shri A.M. Kukday, Id. counsel for R-4.

**Closed for orders.**

**Vice Chairman (J)**

dnk.

Rev.App. 09/2016 in O.A. 736/2015

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 19.06.2017.**

Shri Tatake, Id. counsel holding for Shri R.V. Shiralkar, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1 to 3 and Shri B.D. Pandit, Id. Adv. for R-4.

The Id. counsel P.O. files affidavit on behalf of applicant. It is taken on record. Copy is served to the other sides.

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

**Vice Chairman (J)**

dnk.

O.A.504/2015

**Coram** : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).

**Dated** : **19.06.2017.**

**C.A.37/2016**

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

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

**Vice Chairman (J)**

dnk.

O.A.St. 364/2016

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 19.06.2017.**

**C.A.116/2016**

None for the applicant.

Smt. S.V. Kolhe, Id. P.O. for the respondents.

It seems that on the earlier date on 5/6/2017 the matter was kept today for dismissal. Today also nobody appeared for the applicant. The applicant has not collected the hamdast for service of R-2&3. Nobody is appearing to collect the hamdast and therefore for want of taking steps and also non appearance, the

application stands dismissed in default. No order as to costs.

Consequently, the O.A. st. no.364/2016 also stands dismissed.

**Vice Chairman (J)**

dnk.

O.A.St. 1947/2016

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 19.06.2017.**

**C.A.483/2016**

Shri S.P. Palshikar, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1. Await service of R-2 to 4.

The learned counsel for the applicant wants to file service affidavit of R-2 to 4 and for that purpose he seeks time.

**S.O. one week.**

**Vice Chairman (J)**

dnk.

O.A.283/2016

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 19.06.2017.**

Shri P.P. Khaparde, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1,3 to 5. Await service of R-2.

2. The learned counsel for the applicant wants to issue fresh notice on behalf of R-2.

3. Hence, issue fresh notice to R-2 returnable in **four weeks**. 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. **S.O. four weeks.**

**Vice Chairman (J)**

dnk.

O.A.466/2008

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 19.06.2017.**

**C.A.46/2017**

Heard Shri A.P. Sadavarte, Id. counsel for the applicant and Smt. S.V. Kolhe, Id. P.O. for the respondents.

2. In the O.A. the applicant is claiming deemed date of promotion to the post of Executive Engineer, whereas vide proposed amendment application the applicant is claiming entitlement to the post of deemed date of promotion to the post of Superintending Engineer w.e.f. 1/12/2007.

3. The Id. counsel for the applicant submits that the applicant is not pressing for amendment application and therefore the same shall be disposed of as not pressed. He however submits that he may be given liberty to file fresh application for the deemed date of promotion to the post of Superintending Engineer after disposal of O.A.

4. In view of the submission as above, the application stands disposed of as not pressed. It is needless to say that the applicant is at liberty to file separate O.A., if he desires to file the same depending on the decision of the O.A.

**O.A.466/2008 -**



Since the pleadings are complete the O.A. is admitted and kept for final hearing after **two weeks**.

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

**S.O. two weeks.**

**Vice Chairman (J)**

dnk.

O.A.223/2016

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 19.06.2017.**

**MCAs no.82 & 83 of 2016**

Heard Shri J.R. Kidilay, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the Respts.

2. From the order dated 25/8/2016 it seems that the applicant was not present on that date and the Id. P.O. makes a statement that the case of the applicant was covered by G.Rs. dated 13/3/2015 and 21/3/2016 and that the services have been regularized in view of the said G.Rs.

3. The learned counsel for the applicant submits that the case of the applicant is not covered by those G.Rs. and the services of the applicant have not been regularized. The learned P.O. admits that the applicant's case is not covered by those G.Rs. nor his services have been regularized. In view thereof, it will be necessary to consider the order dated 25/8/2016, so far as the applicant is concerned only. In view thereof, the O.A. No.223/2016 stands restored to its original file.

**O.A.223/2016** .

Since the pleadings are complete, it be kept for final hearing.

**S.O. six weeks** along with O.A.Nos.811/14, 205 & 206/15 & 262/16.

**Vice Chairman (J)**

dnk.

O.A.344/2017

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 19.06.2017.**

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

2. Vide order dated 14/6/2017 the CPO was directed to take instructions as to whether administrative post of Dy. Secretary is available at Nagpur, Amravati or Pune for which the applicant has given consent. The learned CPO has placed on record the communication dated 17/6/2017 (P-87) from which it seems that no administrative post is available at these places. The learned CPO also placed on record the order dated 17/6/2017 (P-89) from which it seems that the pay of the applicant has been protected.

3. The learned counsel for the applicant submits that the respondent nos. 4 and 5 have been served, whereas registered notices have been sent to respondent nos. 2 and 3. The service affidavits of R-4&5 are placed on record and marked Exh-X and X1 for the purpose of identification.

4. The learned CPO seeks one week's time to file reply. **S.O. one week.**

**Vice Chairman (J)**

dnk.

O.A.769/2015

**Coram : Hon. Shri J.D.Kulkarni,  
Vice-Chairman (J).**

**Dated : 19.06.2017.**

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

2. The applicant has retired as a Junior Clerk in the office of respondent no.3 on 30/6/2013. During the service period he was kept under suspension from 10/9/2002 to 21/9/2003 on the basis of some private complaint case lodged against him. The complaint criminal case was bearing no.297/2002. Admittedly, the applicant has been acquitted from all the criminal charges vide Judgment dated 14/7/2014. No appeal has been filed against the appeal.

3. From the reply-affidavit so also the documents on record, it seems that the applicant is getting provisional pension and his case for regular pension was forwarded to Accountant General (A.G.) Office. The A.G. Office however returned the case on the ground that the suspension period of the applicant has not been regularized and therefore the applicant is getting only provisional pension.

4. It is stated in the reply-affidavit that it is necessary to know as to whether appeal has been filed against the order of acquittal. The applicant has made a statement that no appeal has been filed and there is nothing on the record to show that such appeal is filed or that any action has been taken against the applicant. The Id. Counsel for the

applicant has placed on record the copy of the correspondence from Medical Superintendent, Nagpur to the Dy. Director of Health Services, Nagpur dated 16/5/2017 from which it seems that the case of the applicant has been recommended for regularization of the suspension period.

5. Since the applicant has been acquitted from criminal charges it was necessary for the respondent authority to take immediate action to regularize the suspension period of the applicant and to make correspondence to that effect to the A.G. Office. The applicant was under suspension w.e.f. 10/9/2002 to 21/9/2003. The respondents, therefore should have taken immediate action to regularize the suspension period of the applicant. Hence, the following order :-

**ORDER**

The respondents are directed to regularize the suspension period of the applicant from 10/9/2002 to 31/9/2003 and to forward the papers of the applicant to the A.G. for granting regular pension. The regular pension shall be released and all the retiral benefits shall be granted to the applicant as early as possible and in any case within three months from the date of this order. No order as to costs.

**Vice Chairman (J)**

dnk.