

***O.A. 589/2020 (S.B.)**

(Smt. V.D. Shamkuwar Vs. State of Mah. & Ors.)

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

Dated : 24/05/2021.

Heard Smt. V.D. Shamkuwar, the applicant in person and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. The applicant has grievances about difference in calculation of amount related to pending bills of increment and salary between the period from 1/7/2010 to 30/4/2014 as per correspondence dated 28/5/2020 (A-6,P-21) made by the District Health Officer, Bhandara the difference was calculated to the tune of Rs.14,40,539/-. However, subsequently as per letter dated 5/3/2021 (Exh-X) written to Deputy Director, Public Health Nagpur Circle, Nagpur by the Joint Director, Health Services, Mumbai this pending/ outstanding related to the salary and increment between 1/7/2010 to 30/4/2014 has been communicated as Rs.10,11,486/-. The applicant feels injustice about this reduction in calculation of amount. However, as pointed out by the learned P.O., the calculation is made by the A.G. However, no document from the A.G. Office filed on record. In this situation, either P.O. should file document which has been communicated by the A.G. to the Department or the applicant should make A.G. as respondent.

Alternatively, applicant may get calculation sheet from the A.G. Officer under the RTI Act.

3. In order dated 9/3/2021 it has been mentioned that a special person Shri C. Chandrashekhar Fedvevar, Peon was deputed by the Deputy Director of Health Department, Nagpur (vide letter dated 5/3/202, P-38 filed by the P.O.) to go to Mumbai and take the documents from Commionerate, Mumbai and submit the same to the Director (Health Services-2), Pune Office. The learned P.O. is not aware about further progress of this action. As submitted by the learned P.O. the matter be kept on the next date of hearing for submitting progress report.

S.O. 14/6/2021.

Steno copy is granted.

Vice-Chairman

dnk.

***O.A. 257/2021 (S.B.)**

(S.S. Pachpor Vs. State of Mah. & Ors.)

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

Dated : 24/05/2021.

Heard Shri N.R. Saboo, learned counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The learned CPO has relied upon the G.R. Dated 17/12/2016 which is marked as Exh-X and this G.R. is mentioned in deputation letter of applicant (A-2,P-14) at Clause-5. As per G.R. Dated 17/12/2016 (Exh.X), the Condition no.8 (internal page no.4 of G.R.) says as follows –

*^%8½ T; kph fu; Qrh i fjo{k/k/hu Eg.ku >kysyh ukgh
v'kk depl&; kR; kj fu; fer fu; Qrhi kl u fdeku 7 o"ka
I ok dkyo/kh i wkz >ky; koj R; k;k ; k ekxkZusfu; Qrhl kBh
bPNprk nrk ; bdy.***

3. The learned counsel for the applicant has filed Minutes of Mantralay in which the applicant's deputation has been terminated. This documents is marked as Exh-2 In this document at page no.18, the learned counsel for the applicant is relying on para-5 which is written by the Desk Officer (Additional Charge) Smt. Chavan and this noting of Desk Officer has been overruled by the Deputy Secretary Shri Kulkarni and he has made following noting –

^Jh- ikpig ifrfu; Qrh /kkj.kkthy vVh o 'kriph i rnk
djr ukghr- fdeku 7 o"kkph I ok >kysyh ukgh- R; keGs
R; kph fu; Qrh jnn dj .ks; kx; jkghy- **

4. After this noting, the Additional Chief Secretary (Services) Smt. Saunik has just signed, means, the noting given by the Deputy Secretary has been approved by the ACS.

5. In this situation, it seems that the procedure about deputation has been followed as per rules of business in the Government of Maharashtra. The respondents were issued notice on 25/3/2021, but they have not filed reply till today. The respondents are directed to file reply before the next date of hearing.. Meanwhile, as per observations made in order dated 25/3/2021 Dr. Punjabrao Deshmukh, Training Institute is required to take action as early as possible.

S.O. last week of June, 2021.

Steno copy is granted.

Vice-Chairman

*dnk.

O.A.No.382/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 24/05/ 2021.

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

2. As per the guidelines given by G.A.D.; Deputy Director, Akola, Public Health Services vide his letter dated 04.03.2021 have published seniority list of Staff Nurses as on 01.01.2021, which is temporary list and in the second para; it has been mentioned that in the prescribed period employees are permitted to raise objection also. After objection is raised and objections are decided than final list will be published. At this stage applicant is not at all aggrieved. However, his apprehension is that his name may be placed at lower level of seniority.

3. Issue notice to Respondents, returnable on six weeks. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

5. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put on 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. six weeks.**

10. *There is a specific G.R. issued by G.O.M., G.A.D. that how to finalized final seniority list of any cadre. The ld. counsel for the applicant has not filed the same G.R.. He is directed to file the same on record.*

Vice Chairman

Date:-24/05/2021.

aps.

O.A.No.391/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 24/05/ 2021.

C.A.No.:- 139/2021

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

2. C.A.No.139/2021 for Jt. application is allowed.

3. The seniority list of Agriculture Assistant was published vide letter dated 14.05.2019 (Annexure-A-5, Pg. No. 71) which has annexure (Pg. Nos. 73 to 130). In the covering letter; it is mentioned about final seniority list as on 01.01.2018 to be published after correction as mentioned in the letter. The Id. Counsel for the applicant has also filed letter dated 05.04.2021 along with annexures which is seniority list of Agriculture Assistant of Amravati Division as on 01.01.2014.

4. The seniority list of 01.01.2018 has been finally decided vide letter dated 14.05.2019. Now, applicant is feeling aggrieved after delay of above two years which is not acceptable. When he was aggrieved vide letter dated 14.05.2019 and final seniority list of 01.01.2018 he should have either appeal to the department or approached to this Tribunal.

5. Issue notice to Respondents, returnable on six weeks. Learned C.P.O. waives notice for R-1. Hamdast allowed.
6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
7. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
8. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.
9. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
10. In case notice is not collected within three days and if service report on affidavit is not filed three days before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.
11. S.O. six weeks.

Vice Chairman

Date:-24/05/2021.

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