

O.A. 581/2019 (S.B.)

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

Dated : 26/07/2021.

C.A.No. 150/2021 -

Heard Shri N.W. Almelkar, 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. 9/8/2021** for filing reply on C.A.

Vice-Chairman

dnk.

O.A. 892/2019 (S.B.)

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

Dated : 26/07/2021.

Heard Shri V.B. Mahant, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

The Id. P.O. files reply of R-4. It is taken on record. Copy is served on the applicant.

The matter is admitted and kept for final hearing.

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

S.O. 6/8/2021.

Vice-Chairman

dnk.

O.A. 1085/2019 (S.B.)

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

Dated : 26/07/2021.

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

2. The learned counsel for the applicant has relied upon the Judgment of this Tribunal in O.A. 36/2018 delivered on 4/5/2018 and submits that the present O.A. is covered by this Judgment. Copy of the said Judgment is placed on record and marked Exh-X. However, the learned P.O. desires two weeks time to file reply. The Id. P.O. is directed to file reply before the next date for deciding the O.A.

S.O. 9/8/2021.

Vice-Chairman

dnk.

O.A. 534/2020 (S.B.)

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

Dated : 26/07/2021.

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

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

The matter is admitted and kept for final hearing.

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

S.O. four weeks.

Vice-Chairman

dnk.

O.A. 638/2020 (S.B.)

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

Dated : 26/07/2021.

Shri M.R. Khan, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

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

Vice-Chairman

dnk.

O.A. 704/2020 (S.B.)

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

Dated : 26/07/2021.

Heard Shri N.D. Thombre, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

It seems that the O.A. is pending since 29/10/2020. As submitted by the Id. counsel the applicant is on the verge of retirement. Hence, Id. P.O. to file reply before the next date and supply copy of reply in advance.

S.O. 25/8/2021.

Vice-Chairman

dnk.

O.A. 901/2020 (S.B.)

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

Dated : 26/07/2021.

Shri S.M. Khan, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. 11/8/2021** for filing reply.

Vice-Chairman

dnk.

O.A. 926/2020 (S.B.)

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

Dated : 26/07/2021.

Shri N.D. Thombre, 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. 11/8/2021**
as a last chance for filing reply.

Vice-Chairman

dnk.

O.A. 154/2021 (S.B.)

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

Dated : 26/07/2021.

Shri M.R. Khan, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

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

Vice-Chairman

dnk.

O.A. 230/2021 (S.B.)

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

Dated : 26/07/2021.

Shri R.L. Alone, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1. Await service of R-2&3.

S.O. three weeks.

Vice-Chairman

dnk.

O.A. 259/2021 (S.B.)

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

Dated : 26/07/2021.

Heard Shri G.K. Bhusari, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1. Await service of R-2 to 4.

2. At the request of Id .counsel, issue fresh notices to the respondent nos.2 to 4 returnable **in two weeks**. Hamdast allowed.

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

4. 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.

5. 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.

6. 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.

7. 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.

S.O. two weeks.

Vice-Chairman

dnk.

O.A. 319/2021 (S.B.)

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

Dated : 26/07/2021.

Heard Shri N.D. Thombre, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1 to 3. None for R-4.

2. As pointed out by the learned counsel, the applicant's wife expired on 22/5/2019. In this regard, the death certificate dated 27/5/2019 (P-21) is filed on record. As per para 6.4 of the O.A. on page no.6, following payments have been received by the applicant –

“(i) GPF – on 27/11/2019

(ii) Provisional Pension for 6 months – 2,19,603/- on 12/5/2020 (delayed payment).

(iii) Provisional Pension for 6 months -2,18,700/- on 19/11/2020 (delayed payment)”.

3. It appears that the GPF and Provisional pension for 6 months have been given to the applicant, but as per para-6.5 on page no.6 of the O.A. following payments have not been done –

(i) Regular Pension

(ii) Commutation of Pension

(iii) GIS

(IV) Death cum retirement gratuity

(v) difference of pay and allowances for 7th pay commission

(vi) Sanctioning of leave and salary from 30/7/2018 to 22/5/2019 (Medical leave and Special leave for cancer).

(vii) Encashment of accumulated earned leave, if any.”

4. The applicant's wife expired while in service. The applicant will be entitled for family pension. So commutation of pension needs to be examined by the respondents for payment. However payments mentioned in para-3 above should be paid as early as possible. However, the learned P.O. desires three weeks time to file reply. Time is granted as prayed for.

S.O. 18/8/2021.

Vice-Chairman

*dnk.

O.A. 407/2021 (S.B.)

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

Dated : 26/07/2021.

Shri G.G. Bade, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

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

Vice-Chairman

dnk.

O.A. 420/2021 (S.B.)

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

Dated : 26/07/2021.

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

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

Vice-Chairman

dnk.

O.A. 441/2021 (S.B.)

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

Dated : 26/07/2021.

Shri M.R. Khan, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

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

Vice-Chairman

dnk.

O.A. 442/2021 (S.B.)

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

Dated : 26/07/2021.

Shri P.V. Thakre, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1&2 and Shri A.P. Sadavarte, Id. counsel for R-3.

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

Vice-Chairman

dnk.

O.A. 443/2021 (S.B.)

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

Dated : 26/07/2021.

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

At the request of Id. P.O., **S.O. 18/8/2021** for filing reply.

Vice-Chairman

dnk.

O.A. 449/2021 (S.B.)

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

Dated : 26/07/2021.

Shri N.R. Saboo, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1. Await service of R-2. Smt. Aarti Singh, Id. counsel for R-3.

At the request of Id. counsel for R-3, **S.O.**
two weeks.

Vice-Chairman

dnk.

O.A. 457/2021 (S.B.)

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

Dated : 26/07/2021.

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. P.O., **S.O. 18/8/2021** for filing reply.

Vice-Chairman

dnk.

O.A. 483/2021 (S.B.)

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

Dated : 26/07/2021.

Shri A.R. Ingole, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1. Await service of R-2 to 4.

S.O. one week.

Vice-Chairman

dnk.

O.A. 493/2021 (S.B.)

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

Dated : 26/07/2021.

Shri R.V. Shiralkar, 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. 23/8/2021** for filing reply.

Vice-Chairman

dnk.

O.A. 251/2017 (S.B.)

(S.W. Urkude Vs. State of Mah. & Ors.)

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

Dated : 26/07/2021

**MCA No. 14/2020 in MCA 15/2020 in
C.A.314/2017 in O.A. 251/2017 –**

MCA No. 14/2020 in MCA 15/2020 -

Heard D.I. Charlewar, Id. counsel for the applicant and Shri A.M .Khadatkar, Id. P.O. for the respondents.

2. The MCA No. 14/2020 for condonation of delay as well as MCA No. 15/2020 for restoration are allowed and disposed of.

C.A. No. 314/2017 –

In the interest of justice, the C.A. 314/2017 for condonation of delay is allowed and disposed of.

O.A.No. 251/2017 -

Heard D.I. Charlewar, Id. counsel for the applicant and Shri A.M .Khadatkar, Id. P.O. for the respondents.

2. Vide order dated 29/1/2010 (A-1,P-9) the D.E. was stated by the respondent no.3 and as per page no.11 following two charges were levelled against the applicant.

Quc & ,d % i pkiDr dkyko/khr e/; s i pkiDr vUJe
'kkGe/; s dke dfjr vl rkuk ek-mPp U; k; ky; kps funzk
vl rkukgh rkmG l kQ u djrk dq, l -MCY; q mjdMq
Lo; a kdh ; kauh fnukcd 26@12@2009 jksth nq kjh 4-00 rs
4-30 P; k njE; ku Jh-, -Mh- xt fHk; qLo; a kdh ; kulk
Lo; a kd xigr i pzkq nq"kr Lo; a kd xigrhy fLVy exk
foukd kj.k Qcdw ekjY; kusR; kR; k MkD; koj t [keP>kyh o
jDrL=ko gkdu R; kulk xteh.k #X.kky; nojh ; fks Hkjr h
dj.; kr vkys ; ko#u R; kauh vki Y; k inkph drD; o
tckcnkjh i kj i kM.; kl dl j dY; kusrsf' k{kdl i k= vkgr-

Quc & nksu % i pkiDr dkyko/kh e/; s o i pkiDr vUJe
'kkGe/; s dke dfjr vl rkuk mDr dq, l - MCY; q mjdMq
Lo; a kdh ; kauh Jh-, -Mh-x t fHk; s Lo; a kdh ; kps MkD; koj
fLVy exk Qcdw ekjyk vl Y; kusR; kauh 'kkl dh; depkjh
; k uR; kus i nkyk u 'kkk.kkjs xj dR; dsysvkvgs ; kLro rs
f'k{kdl i k= vkgr-

3. The D.E. was conducted and report was submitted on 15/6/2011 (A-2,P-12&13). The Inquiry Officer has observed that both the charges are proved fully. However, subsequently offence was registered under Section 324,506 of IPC and in the Court of Judicial Magistrate, First Class, Deori the Judgment was delivered on 31/12/2011 (A-3, P-14 to 24). The operative order on page nos. 23&24 is as follows –

“(1) The accused is acquitted of the offence punishable Under Section 324 & 506 of the IPC under Section 248 (1) of Criminal Procedure Code.

(2) *The bail bond of accused stand cancelled.*

(3) *Pronounced in open court”.*

4. As per this Court order, the applicant has been acquitted from offence punishable under Section 304,506 of IPC and Section 248 (1) CRPC.

5. However, after completion of D.E. punishment order was passed vide order dated 15/6/2011 (A-2,P-12&13). Since the applicant was acquitted by court order dated 31/12/2011 the punishment order dated 15/6/2011 (A-2,P-12) requires to be quashed and set aside. Hence, the following order –

ORDER

(i) The punishment order dated 15/6/2011 (A-2,P-12) is quashed and set aside.

(ii) The applicant will be entitled for all the service benefits including monetary benefits as if he was never under punishment.

(iii) The respondents should issue order within 60 days from the date of receipt of this order.

(iv) The O.A. stands disposed off.

(v) No order as to costs.

Vice-Chairman

dnk.

O.A. 74/2017 (S.B.)

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

Dated : 26/07/2021.

C.A.No. 389/2019 -

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

For the reasons stated in the application, the C.A. for amendment is allowed. Amendment be carried within three weeks and amended copy be supplied to the other side in advance.

O.A. 74/2017 –

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

The Id. P.O. is directed to file reply on amended portion of the O.A.

S.O. four weeks.

Vice-Chairman

dnk.

O.A. 1053/2019 (S.B.)

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

Dated : 26/07/2021.

Shri S.N. Gaikwad, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. 9/8/2021** for filing reply.

Vice-Chairman

dnk.

O.A. 205/2020(S.B.)

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

Dated : 26/07/2021.

Shri G.R. Sadar, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1. Await service of R-2 to 4.

The learned counsel for the applicant submits that he has filed service affidavit of R-2 to 4 in the office.

The learned P.O. seeks time to file reply. He is permitted to do so.

The matter be kept before regular Division Bench.

Vice-Chairman

dnk.

O.A. 857/2020 (S.B.)

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

Dated : 26/07/2021.

Shri R.A. Haque, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. 4/8/2021** for filing reply.

Vice-Chairman

dnk.

O.A. 93/2021 (S.B.)

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

Dated : 26/07/2021.

C.A. 32/2021 -

Heard Shri R.V. Shiralkar, Id. counsel for the applicants and Shri P.N. Warjurkar, Id. P.O. for the State.

For the reasons stated in the application, the C.A. for Jt. O.A. is allowed.

O.A. 93/2021-

Heard Shri R.V. Shiralkar, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for R-1. Await service of R-2.

S.O. four weeks.

Vice-Chairman

dnk.

O.A. 422/2021 (S.B.)

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

Dated : 26/07/2021.

Shri R.V. Shiralkar, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. 27/8/2021** for filing reply.

Vice-Chairman

dnk.

O.A. 884/2020 (S.B.)

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

Dated : 26/07/2021.

Heard Mrs. Aarti Singh, Id. counsel holding for Shri P.D. Meghe, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

2. The matter was heard on 30/06/2021 and in para-3 following directions were given –

“3. *However it appears that out of all the pensionary benefits there is no hurdle in paying some items i.e. GPF, GIS etc. As far as the respondents’ contention is that the applicant was absent from 23/3/2020 to 31/5/2020 in the office. They are at liberty to sanction whatever leave balance to the applicant as per applicant’s application and respondents can decide all the pensionary benefits”.*

3. However, today learned P.O. submits that he is yet to be received instructions from the respondents. He desires some time to take instructions in this regard. Time is granted for taking instructions.

S.O. 13/8/2021.

Vice-Chairman

dnk.

O.A. 516/2021 (S.B.)

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

Dated : 26/07/2021.

. Heard Shri N.R. Saboo, Id. Advocate for the applicant and Shri M.I. Khan, Id. P.O. for the State.

2. Issue notice to the respondents returnable **in three weeks**. Learned P.O. waives notice for State. Hamdast allowed.

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

4. 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.

5. 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.

6. 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.

7. 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.

S.O. three weeks.

Vice-Chairman

dnk.

O.A. 475/2021 (S.B.)

(Mangalsing S/o K. Pakal Vs. State of Mah.)

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

Dated : 26/07/2021.

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

2. The learned counsel for the applicant prayed as per the interim clause (c) on page no.8, however, that interim relief cannot be not granted, because that will indirectly coincide relief clause (a) and it will amount to finally decided the O.A. without hearing reply of respondent no.1 which has been requested by the Id. P.O.

3. The learned P.O. relied upon Apex Court Judgment in case of **State of U.P. & Ors. Vs. Smt. Gulaichi 2003 AIR SCW 3775** wherein it is observed that *an application for correction of the date of birth should not be dealt with by the Courts, Tribunal or the High Court keeping in view only the public servant concerned. Any direction for correction of the date of birth of the public servant concerned has a chain reaction, inasmuch as others waiting for years, below him for their respective promotions are affect in this process.....*

3. In view of this situation, the matter will be heard on interim relief also after submission of reply by the respondent no.1 by learned P.O.

S.O. after two weeks.

Steno copy is granted...

Vice-Chairman

dnk.

O.A. 577/2017 (S.B.)

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

Dated : 26/07/2021.

Shri D.M. Surjuse, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1&2 and V.G. Palshikar, Id. counsel for R-3.

The learned P.O. submits that the Shri H.D. Marathe, Id. counsel for R-3 is unable to attend before this Tribunal because his mother expired, therefore, time may be granted.

S.O. 9/8/2021.

Vice-Chairman

dnk.

O.As. 836& 837 of 2017 (S.B.)

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

Dated : 26/07/2021.

Heard Shri S.M. Khan, Id. counsel for the applicants and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The learned counsel has filed document today which is marked Exh-X for identification and in the Warden column he has written in Social Welfare Department the post of Warden / Superintendent is mentioned which is not correct. In the Social Welfare Department only Warden post is sanctioned for managing independent Hostel. The learned P.O. has filed document on 24/12/2020 where it has been clearly mentioned the difference between two departments and difference of posts of Warden and Superintendent in the Tribal Development Department Warden (M/F) is a not-gazetted Group-B Officer as per Govt. Notification dated July,2004 and 10/1/2006. It is created exclusively for independent Hostel their qualification is M.S.W.. In the recruitment process 75% are directly recruited and 25% are from promotion quota. They have drawing and disturbing power and head of the Institution.

3. Whereas Superintendent in the Tribal Development Department is a Grade-C post as per G.R. July,2004 and 10/1/2006 created exclusively for Hostel in the Ashram School. Their qualification is B.S.W. In the recruitment process 100% are from direct recruitment and they do not have power drawing and disturbsment . They worked under Head Master of Ashram School and Head Master is treated as Head of the Institution.

4. In view of these differences the Superintendent post cannot be compared with Warden post

5. In view of discussion in above paras, relief sought in para-7 on page no.7 of O.As. do not have any legal backing.

6. Hence, the O.As. stand dismissed. No order as to costs.

Vice-Chairman

*dnk.

O.A. 837/2017 (S.B.)

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

Dated : 26/07/2021.

Heard Shri S.M. Khan, 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.**

Vice-Chairman

dnk.

O.A. 725/2018 (S.B.)

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

Dated : 26/07/2021.

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

Closed for orders.

Vice-Chairman

dnk.

O.A. 982/2018 (S.B.)

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

Dated : 26/07/2021.

Heard Ms. Aarti Singh, Id. counsel holding for Shri P.D. Meghe, Id. counsel for the applicant and Shri A.M. Khadatkar , Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. 2/8/2021.**

Vice-Chairman

dnk.

O.A. 326/2019 (S.B.)

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

Dated : 26/07/2021.

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 9/8/2021.**

Vice-Chairman

dnk.

O.A. 625/2017 (S.B.)

(Bhikaji S. Ghuge Vs. State of Mah. & Ors.)

Coram: Shri Shree Bhagwan,
Vice-Chairman.

Dated : 26/07/2021.

ORDER

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

2. The learned counsel has filed Pursis dated 8/3/2021 and along with pursis he has attached the G.R. dated 10/12/2020 by which the applicant's punishment for stopping one increment and with effect for next two years has been cancelled as per the last para of the order on page nos.54 &55. The relevant order is reproduced as per para-4 below -

*^ mDr ik'obheloj ek eah %xtefodkl] elgyko chy fodkl ½; kuh fnukd 21@3@2018 jkt IP; k vlnsWlo; sJh-?lqs ; k; Ko# /npsfnukd 3@9@2016 jkt lpsvlnsk jnn dj.; kclcr vlns'kr dysvlgS R; kvuflakusJhch, I -?lqs rRdkyhu fuokl h mift YglW/kcljij ulamM ; lph iqthy , d oruok R; kiqthy oruoktoj dk; eLo#ih ifj.Me d#u nlu ½2½ o"Mdjirk jkt lq Bø.; kclcrps vlnsk dclad folllpks 2508@izdz:38@iqlckk.kh 40@b&4] fnukd 3@9@2016 ; k vlnsWlo; sjnn dj.; kr ; s vlgS- ***

3. The learned counsel has filed G.R. dated 4/2/2021(P-56) by which punishment awarded to the applicant for stopping one increment has been cancelled in para-A on page 57. However, the other punishment in para-B i.e. **strict censure** has been awarded as punishment to the applicant. The relevant order is reproduced as per para-A & B below –

^ v- Jhch, I -?lqs rRdkyhu fuokl h mift YglW/kcljij ulamM ; lph iqthy , d oruok R; kiqthy oruoktoj ifj.Me u djrk 1 o"Mdjirk jkt lq Bø.; kclcrps'kl u vlnsk dz folllpks2515@21@izdz:23@b&4] fn-23@2@2018 jnn dj.; kr ; s vlgS-

*c- Jhch, I -?lqs rRdkyhu fuokl h mift YglW/kcljij ulamM ; kuh ^dk; lDrj ed jif' ckrP; k izdj.Me/; sllfo"; kr izkl dh; dk; I /nrtpsclVikMusiky dj.; kclcr ^I Dr rkdln& ns; kr ; s vlgS***

// 2 //

4. Again the Id. counsel has filed G.R. dated 4/2/2021 (P-59). As per order in this G.R. on page no.61 stopping of one increment with permanent effect has been cancelled. The relevant order on page no. 61 is reproduced below –

*“Jhch, I-?rj rRdlytu fuokl hmi ft Ygk/kdljij ukall ; lph, d osuok dk; eLo#ihjkfk ; kclcrpk 'kl u vlnskdz foHhpk2516@jzdz362@b14] fn-10@7@2017 ; kvlnsWUo; sjnn dj.; lr ; s vlgz***

5. So whatever punishments were awarded to the applicant, those have been nullified by the Government order in appeal except **strict censure** as per page 61.

6. The respondents have filed reply on 4/12/2017 and as per para-A the ACB case was undergoing against the applicant. Considering such cases of such employees the Govt. has issued G.R. dated 15/12/2017 and particularly para-1.6 and 1.9 of this G.R. covers how to take decision regarding promotion of such employees.

6. In view of discussions in above paras, the respondents are directed to take decision regarding promotion of the applicant to the cadre of Deputy Collector (Selection Grade) as per provisions of G.R. dated 15/12/2017 and particularly its provision at para-1.6 & 1.9. However, the Id. P.O. desires to take instructions about ACB case and what is the latest position about promotion of the applicant and for that three weeks time is granted to the Id. P.O.

S.O. after three weeks (PH)

Steno copy is granted...

Vice-Chairman

dnk.

O.A. 171/2018 (S.B.)

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

Dated : 26/07/2021.

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 9/8/2021.**

Vice-Chairman

dnk.

O.A. 619/2018 (S.B.)

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

Dated : 26/07/2021.

Heard Shri G.G. Bade, 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. 9/8/2021.**

Vice-Chairman

dnk.

O.A. 763/2018 (S.B.)

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

Dated : 26/07/2021.

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

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

Vice-Chairman

dnk.

O.A. 210/2020 (S.B.)

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

Dated : 26/07/2021.

Heard Shri R.V. Shiralkar, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1&2 and Shri S.A. Puranik, Id. counsel for R-3.

At the request of Id. counsel for the applicant, **S.O. 9/8/2021**

Vice-Chairman

dnk.

O.A. 200/2021 (S.B.)

(S.R. Wagh Vs. State of Mah. & Ors.)

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

Dated : 26/07/2021.

Heard Shri P.S. Patil, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

2. The applicant was appointed as Assistant Professor as per page 29 on 1/2/2018 and he has been working at Chandrapur District since then. The applicant has made application dated 18/01/2021 (A-4,P-28) and taken advantage of G.R. 6/8/2002 and in para-2 he has given two choices, i.e., Govt. Engineering College Nagpur or Govt. Engineering College, Amravati. The respondents have filed reply on 13/7/2021 (P-48 to 53) and as per para-4 which is reproduced below –

“(4) It is most humbly and respectfully submitted that, as per the Notification dated 28/04/2015 in which Rule 8 (1) says as follows (1) a candidate appointed by nomination, (a) in group “A” cadre shall be required to complete service of minimum six years in the allotted Revenue Division.”

3. The applicant is supposed to work for six years in Nagpur Revenue Division, he should be given choices in Nagpur Revenue Division only.

and therefore his choice at Amravati Division is wrong. He should submit choices in Nagpur division like Nagpur/ Wardha/ Gadchiroli / Bhandara and Gondia. Therefore the applicant's representation dated 18/01/2021 (A-4,P-28) is not proper. He is directed to submit fresh application as per Govt. policy and Govt. Notification dated 28/4/2015 and if he is aggrieved by that, he should approach before this Tribunal. At this stage the case of applicant is premature, therefore, the O.A. is dismissed. No order as to costs.

Steno copy is granted...

Vice-Chairman

dnk.

O.A. 917/2018 (S.B.)

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

Dated : 26/07/2021.

Heard 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. 6/8/2021.**

Vice-Chairman

dnk.

O.A. 241/2020 (S.B.)

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

Dated : 26/07/2021.

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

2. After perusal of the record, it appears that the counsel has not filed Notification dated 28/4/2015 and its provisions that once a Group-A is appointed to the Revenue Division he has to serve minimum six years in the allotted Revenue Division. He has to file the said Notification on record. The respondents should also point out this fact in their reply, then the O.A. will be heard before next date of hearing.

S.O. 6/8/2021 (PH).

Vice-Chairman

dnk.

O.A. 761/2020 with C.A.No. 210/2021(S.B.)

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

Dated : 26/07/2021.

C.A.No. 209/2021 -

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

For the reasons stated in the application, the C.A. No. 209/2021 for amendment is allowed.

O.A. 761/2020 with C.A.No. 210/2021 –

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

The Id. P.O. files reply of R-2 in O.A. It is taken on record.

S.O. 2/8/2021.

Vice-Chairman

dnk.

O.A. 762/2020 with C.A.No. 212/2021(S.B.)

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

Dated : 26/07/2021.

C.A.No. 211/2021 -

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

For the reasons stated in the application, the C.A. No. 211/2021 for amendment is allowed.

O.A. 762/2020 with C.A.No. 212/2021 –

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

The Id. P.O. files reply of R-2 in O.A. It is taken on record.

S.O. 2/8/2021.

Vice-Chairman

dnk.*

O.A.No.37/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 26/07/ 2021.

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

2. As per the order dated 28.06.2021 in para no. 5; the Id. P.O. wants certain time to take instructions regarding whether Government is intending to challenge the order before Hon'ble Apex Court or not? Today the Id. P.O. submits that he is still waiting for the instructions.

3. At the request of Id. P.O., **S.O. 09.08.2021 to take instructions.**

Vice Chairman

Date:-26/07/2021.
aps.

O.A.No.639/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 26/07/ 2021.

Heard Shri M.R.Khan, the Id. Counsel for the applicant, Shri V.A.Kulkarni, the Id. P.O. for the respondent nos. 1 to 3 and Shri T.M.Zaheer, the Id. counsel for the respondent no. 4.

2. The Id. P.O. has filed reply on behalf of the respondents. It is taken on record. Copy is served to the other side.

3. At the request of Id. counsel for the applicant, **S.O. three weeks to file rejoinder.**

Vice Chairman

Date:-26/07/2021.

aps.

O.A.No.728/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 26/07/ 2021.

Heard Shri S.D.Chande, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondent nos. 1 to 4. None for the respondent no. 5.

2. The O.A. was filed on 29.10.2020 and till now reply has not been filed by respondents. Today again Id. P.O. further seeks time to file reply, **S.O. two weeks to file reply as a last chance.**

Vice Chairman

Date:-26/07/2021.
aps.

O.A.No.435/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 26/07/ 2021.

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

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

Vice Chairman

Date:-26/07/2021.
aps.

O.A.No.357/21withC.A.No.178/21inC.A.179/21

inO.A.383/21 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman

Dated : 26/07/ 2021.

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

2. **C.A.No.179/2021 for amendment is allowed.** The Id. counsel for the applicant is directed to carryout the amendment within one week. He is further directed to supply the same to the other side.

3. By this C.A. No. 178/2021, the applicants are seeking leave to sue jointly. For the reasons stated in the C.A., leave to sue jointly as prayed for is granted, subject to the applicants' paying requisite Court fees, if not already paid. **C.A. is disposed of accordingly.**

O.A. Nos. 357 & 383/2021.

As submitted by Id. P.O., **S.O. three weeks to file reply.**

Vice Chairman

Date:-26/07/2021.

aps.

C.P.No.33/2020inO.A.No.845/2018 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 26/07/2021.

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

2. The Id. P.O. has filed correspondence dated 23.07.2021 by Deputy Director, Ground Water Surveys and Development Agency, Amravati. By this correspondence; respondents desires time to file reply, **S.O. 18.08.2021.**

Vice Chairman

Date:-26/07/2021.
aps.

O.A.No.694/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 26/07/ 2021.

C.A.No.268/2020:-

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

2. **C.A.No. 268/2020 for Jt. O.A. is allowed.**
3. **At the request of Id. P.O., S.O. four weeks to file reply.**

Vice Chairman

Date:-26/07/2021.
aps.

O.A.No.929/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 26/07/ 2021.

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

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

Vice Chairman

Date:-26/07/2021.

aps.

O.A.No.54/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 26/07/ 2021.

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

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

Vice Chairman

Date:-26/07/2021.
aps.

O.A.No.276/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 26/07/ 2021.

C.A.No.85/2021:-

Heard Shri D.M.Kakani, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

2. **C.A.No.85/2021 for Jt. O.A. is allowed.**

3. The Id. counsel for the applicant pointed out correspondence dated 23.10.2018 (Annexure-A-4, P.B., Pg. No. 98) by the Divisional Commissioner, Nagpur Division to Government. Since, 23.10.2018 almost more than 2½ years are lapsed.

4. In view of this, Respondent no. 1 is directed to take a decision on proposal of Divisional Commissioner dated 23.10.2018 **within 30 days from the date of receipt of this order.**

5. With the above directions, **O.A. stands disposed of with no order as to costs.**

Vice Chairman

Date:-26/07/2021.

aps.

O.A.No.450/2017 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 26/07/ 2021.

C.A.Nos.203/2021 & 308/2017:-

Heard Shri I.G.Meshram, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant relied on Judgment of Hon'ble Apex Court but he has not filed the same on record. He is directed to file it on record.

3. **S.O. two weeks.**

Vice Chairman

Date:-26/07/2021.

aps.

O.A.No.277/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 26/07/ 2021.

Heard Shri D.M.Kakakni, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State.

2. The Id. counsel for the applicant pointed out correspondence dated 12.02.2020 (Annexure-A-2, P.B., Pg. No. 62) by the Divisional Commissioner, Nagpur Division to Government. Since, 12.02.2020 almost more than 1½ years are lapsed.

3. In view of this, Respondent no. 1 is directed to take a decision on proposal of Divisional Commissioner dated 12.02.2020 **within 30 days from the date of receipt of this order.**

4. With the above directions, **O.A. stands disposed of with no order as to costs.**

Vice Chairman

Date:-26/07/2021.
aps.

O.A.No.411/17 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 26/07/ 2021.

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents. None for the respondent no. 3.

2. The Id. counsel for the applicant submits that as per his information Respondent no. 3 i.e. Dr. Shital has resigned 02 months back but he is unable to get the copy of the same. Since, it is in between respondents and Government, the Id. P.O. is directed to produce the letter of resignation of Dr. Shital during next hearing.

3. **S.O. 18.08.2021.**

4. *Put up this matter along with O.A. No. 22/2016 (S.B.).*

Vice Chairman

Date:-26/07/2021.

aps.

O.A.No.22/2016 (S.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 26/07/ 2021.

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents. None for the respondent no. 3.

2. The Id. counsel for the applicant has filed G.O.M., G.R. dated 22.02.2019 which is marked Exh. 'X' for the purpose of identification. It is taken on record. Copy is served to the other side. According to this letter, the name of the applicant is at Sr. No. 4 in the said letter.

3. In view of the above, **relief sought claimed by applicant i.e. 8 (i) is redressed.**

4. The Id. counsel for the applicant further pointed out the amendment part of relief sought i.e. 8 (i-a) which is yet to be redressed.

5. The Id. P.O. desires time to file reply on the amended part of the relief sought, **S.O. 18.08.2021.**

6. *Put up this matter along with O.A. No. 411/2017 (D.B).*

Vice Chairman

Date:-26/07/2021.
aps.