

O.A. No. 410/2019 (SB)

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

**Dated : 09.10.2019**

Shri G. K. Bhusari, 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. Next week.**

**Member (J)**

dnk.

O.A. No. 387/2016 (SB)

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

**Dated : 09.10.2019**

The applicant in person present. Shri P.N. Warjurkar, Id. P.O. for the respondents.

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

**Member (J)**

dnk.

O.A. No. 552/2016 (SB)

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

**Dated : 09.10.2019**

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. counsel for the applicant, **S.O. After Vacation.**

**Member (J)**

dnk.

O.A. No. 363/2019 (SB)

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

**Dated : 09.10.2019**

**C.A. 384/2019**

None for the applicant.

Shri A.M. Khadatkar, Id. P.O. for the  
respondents.

**S.O. After Vacation.**

**Member (J)**

dnk.

O.A. No. 374/2019 with C.A.219/19 **(SB)**

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

**Dated : 09.10.2019**

Shri S.M. Bhagde, Id. counsel for the applicant Shri P.N. Warjurkar, Id. P.O. along with Vishal Anand, Id. counsel for the respondents.

2. The learned P.O. files reply on behalf of R-4 in O.A. It is taken on record.

3. The learned P.O. requested time to file reply on behalf of other respondents. At his request, **S.O. two weeks.**

**Member (J)**

dnk.

O.A. No. 770/2019 (SB)

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

**Dated : 09.10.2019**

Shri M.V. Joshi, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1. Await service of R-2 to 6.

The learned counsel for the applicant submitted that he will file service affidavit of R-2 to 6 before the next date. At his request, **S.O. two weeks.**

**Member (J)**

dnk.

O.A. No. 489/2019 **(SB)**

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

**Dated : 09.10.2019**

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

The matter is **admitted** and it be kept for final hearing.

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

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

**Member (J)**

dnk.

O.A. No. 420/2019 (SB)

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

**Dated : 09.10.2019**

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

The respondents are directed to decide representations made by the applicant on 1/6/2017, 3/5/2018 & 6/5/2019 within four weeks from the date of this order.

**S.O. four weeks.**

Interim relief to continue till then.

Steno copy is granted.

**Member (J)**

dnk.



O.A. No. 71/2016 (SB)

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

**Dated : 09.10.2019**

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

**S.O. three weeks.**

**Member (J)**

dnk.

O.A. No. 770/2018 **(SB)**

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

**Dated : 09.10.2019**

Shri S.D. Khati, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

**S.O. three weeks.**

Put up along with O.A. 771/2018.

**Member (J)**

dnk.

O.A. No. 771/2018 (SB)

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

**Dated : 09.10.2019**

Shri S.D. Khati, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

The learned P.O. files reply on behalf of R-2. It is taken on record.

**S.O. three weeks.**

Put up along with O.A. 770/2018.

**Member (J)**

dnk.

O.A. No. 71/2019 (SB)

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

**Dated : 09.10.2019**

Shri N.D. Thombre, 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. one week.**

**Member (J)**

dnk.

O.A. No. 417/2019 (SB)

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

**Dated : 09.10.2019**

Heard Shri Bharat Kulkarni, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

2. The respondents are directed to pay amount of GPF, GIS and provisional pension to the applicant within two months from the date of this order.

**S.O. two months.**

Steno copy is granted.

**Member (J)**

dnk.

O.A. No. 480/2019 (SB)

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

**Dated : 09.10.2019**

Shri Bharat Kulkarni, 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.**  
**14/10/2019.**

**Member (J)**

dnk.

O.A. No. 501/2019 with C.A.309/19 **(SB)**

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

**Dated : 09.10.2019**

Heard Shri Bharat Kulkarni, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1 to 3 and Shri R.V. Shiralkar, Id. counsel for R-4&5.

**Closed for orders.**

**Member (J)**

dnk.

O.A. No. 539/2019 (SB)

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

**Dated : 09.10.2019**

Heard Smt. R.S. Sirpurkar, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

The learned P.O. is directed to produce the record of the inquiry made by the Chairman, Vishakha Committee.

**S.O. 17/10/2019 (PH).**

Steno copy is granted.

**Member (J)**

dnk.



O.A. No. 373/2018 (SB)

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

**Dated : 09.10.2019**

None for the applicant. Shri M.I. Khan,  
Id. P.O. for the respondents.

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

**Member (J)**

dnk.

O.A. Nos. 445,446 & 447 of 2015 **(SB)**

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

**Dated : 09.10.2019**

None for the applicants, Shri A.M. Ghogre, Id. P.O. for R-1 to 3 & 5 and none for R-4.

**S.O. Next week.**

**Member (J)**

dnk.

O.A. No. 730/2016 (SB)

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

**Dated : 09.10.2019**

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

**S.O. two weeks.**

**Member (J)**

dnk.

O.A. No. 732/2016 (SB)

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

**Dated : 09.10.2019**

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

**S.O. two weeks.**

**Member (J)**

dnk.

O.A. No. 760/2016 (SB)

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

**Dated : 09.10.2019**

None for the applicant. Shri P.N. Warjurkar, Id. P.O. for R-1A & 1B. None for R-3.

**S.O. three weeks.**

**Member (J)**

dnk.

O.A. No. 432/2017 (SB)

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

**Dated : 09.10.2019**

Shri S.A. Sainis, Id. P.O. for the applicants (Original respondents) and Shri N.D. Thombre, Id. counsel for the respondent (Original applicant).

At the request of Id. counsel for the respondent (Original applicant), **S.O. after two weeks** along with other connected matters.

**Member (J)**

dnk.

O.A. No. 498/2017 (SB)

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

**Dated : 09.10.2019**

Shri A.M. Ghogre, Id. P.O. for the applicants (Original respondents) and Shri N.D. Thombre, Id. counsel for the respondent (Original applicant).

At the request of Id. counsel for the respondent (Original applicant), **S.O. after two weeks** along with other connected matters.

**Member (J)**

dnk.

O.A. No. 799/2017 (SB)

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

**Dated : 09.10.2019**

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

At the request of Id. counsel for the applicant, **S.O. after weeks** along with other connected matters.

**Member (J)**

dnk.



O.A. No. 986/2018 (SB)

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

**Dated : 09.10.2019**

Shri N.D. Thombre, 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. after two weeks** along with other connected matters.

**Member (J)**

dnk.

O.A. No. 674/2017 (SB)

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

**Dated : 09.10.2019**

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

**S.O. 16/10/2019 (PH).**

**Member (J)**

dnk.

O.A. No. 720/2017 (SB)

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

**Dated : 09.10.2019**

None for the applicant. Shri M.I. Khan,  
Id. P.O. for the respondents.

The Id. P.O. files reply on behalf of  
R-1 to 4. It is taken on record.

**S.O. After Vacation.**

**Member (J)**

dnk.

O.A. No. 387/19 with C.A. 368/19(SB)

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

**Dated : 09.10.2019**

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

2. The facts are that the applicant was promoted vide order at Annex-A-1 as Head Master and she was posted at English Medium School, Gadchiroli. The applicant resumed her duty as per the transfer order dated 20/10/2016 on 13/11/2016. It is grievance of the applicant that before completion of the normal tenure of three years all of a sudden vide order Annex-A-3 dated 31/5/2019, she was transferred from Gadchiroli to Halewara (Bhamragarh). It is submitted that the transfer is premature one and without following the procedure under Section 4 (5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (in short "Transfers Act, 2005").

3. The respondent no.2 who is Transferring Authority has filed the reply. In Para-8 of the reply, it is mentioned that the

proposal of the transfer was forwarded to the Commissioner, Tribal Development Department, Nashik vide letter dated 20/06/2019 and thereafter the Commissioner granted ex-post facto sanction to the transfer order of the applicant. The Section 4 (5) of the Transfers Act,2005 is as under –

*“Notwithstanding anything contained in section 3 or this section, the competent authority may, in special cases, after recording reasons in writing and with the prior (approval of the immediately superior) Transferring Authority mentioned in the table of section 6, transfer a Government Servant before completion of his tenure of post.”*

4. After reading Section 4 (5) of the Transfers Act,2005 it is clear that the language of the Section is mandatory and ex-post facto sanction is not contemplated. The legal position is settled that when it is a statutory direction that particular act shall be done in a specific manner, then such act must be done only in that manner and if any other **vague** is invented, then action will be **void**. In the present matter it seems that in the transfer order dated 31/5/2019 there is no whisper that the applicant was transferred as a result of any complaint or contemplation of the departmental inquiry. Similarly, this matter was not placed before the Commissioner for approval before issuing the order. I am

therefore compelled to say that the impugned order dated 31/5/2019 is in violation of Section 4(5) of the Transfers Act,2005 and therefore it is quashed and set aside. The respondents are directed to continue the applicant on the same post and to release her salary which is withheld.

5. In view of above, the O.A. and the C.A. stand disposed of. No order as to costs.

**Member (J)**

dnk.

O.A. No. 948/18 with C.A.312/19 **(SB)**

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

**Dated : 09.10.2019**

Heard the applicant is person, Shri A.M. Ghogre, Id. P.O. for R-1 to 3 and Shri A.A. Parihar, Id. counsel for R-4.

2. It is submitted that there were three departmental inquiries against the applicant, out of which in one inquiry the applicant was exonerated by the Disciplinary Authority and in two departmental inquiries final reports are submitted, but no decision is taken by the Disciplinary Authority. It is submitted by the applicant that in two departmental inquiries in which the decision is not taken by the Disciplinary Authority, he is already exonerated by Enquiry Officer. In this background, the respondent no.1 is directed to take final decision in the departmental inquiries which are pending for final decision within three weeks from the date of this order. On failure to take decision within three weeks, the respondents shall show special reasons for not taking a decision.

**S.O. three weeks.**

**Member (J)**

dnk.\*\*\*\*

**O.A.No. 702 of 2019 -**

**(Rajendra Vasant Goupal Vs. State of Maharashtra & Ors.)**

**Coram :- Hon'ble Shri Anand Karanjkar,  
Member (J).**

**Dated :- 9<sup>th</sup> October, 2019.**

**ORDER**

Heard Shri N.R. Saboo, learned counsel for the applicant, Shri S.A. Sainis, learned P.O. for respondent nos. 1&2 and Shri S.P. Palshikar, learned counsel for respondent no.3.

2. The learned counsel for the applicant submitted that vide order dated 29/8/2019 Annex-A-1, the applicant and the respondent no.3 were promoted as Divisional Forest Officers. The applicant was posted as Divisional Forest Officer, Social Forestry, Yavatmal and the respondent no.3 was posted as Divisional Forest Officer (Vigilance), Yavatmal, both the were posted on a vacant posts. In pursuance of this order the applicant was relieved on 31/8/2019 and immediately the applicant resumed duty as Divisional Forest Officer, Social Forestry, Yavatmal.

3. It is grievance of the applicant that respondent no.1 passed the order at Annex-A-6, dated 4<sup>th</sup> September,2019 observing that the order passed in the



interest of public and for the better administration and accordingly the respondent no.1 changed the postings of applicant and respondent no.3. As per this order the applicant was posted as Divisional Forest Officer (Vigilance), Yavatmal and the respondent no.3 was posted as Divisional Forest Officer, Social Forestry, Yavatmal. It is contention of the applicant that in the guise of modification of the postings in fact the respondent no.1 has transferred the applicant from his post and it is done without following the procedure laid down under Section 4(5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (In short "Transfers Act,2005"), therefore, the order dt/4-9-2019 is liable to be set aside.

4. The respondent nos. 1&2 have filed their reply which is at page no.64. It is submitted by the respondent nos. 1&2 that as per the G.R. dated 22/5/2017 Annex-R-3-4, it was necessary to give choice posting to the respondent no.3 as the respondent no.3 was the winner of State Level Gold Medal and accordingly for giving choice posting to the respondent no.3 and for protecting his right this modification of postings is made. It is contented by the respondent nos. 1&2 as the power was exercised in view of the G.R. dated 22/5/2017, therefore, there is no violation of any legal provisions and there is no substance in the O.A.

5. The respondent no.3 submitted reply which is at page no.23. It is contention of the respondent no.3 that in the promotion order it is mentioned that postings were to be given to all promotees as per the promotion and it was necessary of the Head of the Forest Department to issue detailed posting order to the applicant and the respondent no.3. It is submitted that posting was not given in the order on promotion, but it was mere proposal to give the posting and therefore, the respondent no.1 had authority to make modification in the postings. The learned counsel for respondent no.3 submitted that considering the fact that the respondent no.3 was the winner of Gold Medal at the State level, therefore, the respondent no.3 was entitled for the choice posting and considering this aspect the respondent no.1 modified the postings and therefore it does not amount to transfer. On the basis of this, it is submitted that there is no substance in the O.A.

6. The application is also attacked on the ground that in order dated 31/8/2019 passed by the Additional Chief Conservator of Forests, Nagpur it was specifically mentioned that separate order would be passed regarding the applicant and the respondent no.3. According to the respondent no.3 the order dated 4<sup>th</sup> September,2019 is in the nature of modification, in fact the applicant

had no right to resume the duty as Divisional Forest Officer, Social Forestry, Yavatmal and consequently there is no substance in this application.

7. In order to decide the controversy it is necessary to consider what is meaning of the term transfer as defined in the Transfers Act,2005. The said definition is as below –

*“(2) (i) “**Transfers**” means posting of a Government servant from one post, office or Department to another post, office or Department.”*

8. After reading definition it is cleared that the term of transfer is very wide it includes a posting of a Government servant from one post to another post or from one office to other office or one Department to another Department etc. In the present matter it seems that in order dated 29/8/2019 it was specifically mentioned that the applicant was posted as Divisional Forest Officer, Social Forestry, Yavatmal on a vacant post. Similarly, the respondent no.3 was posted as Divisional Forest Officer (Vigilance), Yavatmal on a vacant post. It is important to note that the candidate at Sr.Nos.5&9 were not given any posting and therefore in the remarks column against their names, it was mentioned that separate order would be issued by the Government regarding posting of the candidates at sr.no.5&9. It appears that specific postings were given to all other candidates at sr.nos. 1 to 18 excluding candidate at sr.no.5&9. Secondly, in

para-4 of the order it is mentioned that the promoted Officers shall immediately join their posts after receiving the order of promotion and in para-6 direction was given to the Controlling Officers to relieve promoted officers immediately in order that they could resume their duties immediately. The Controlling Officers were directed to comply the direction and submit the report of compliance to the Government. After reading the promotion order, I do not see any merit in the contention that only proposed postings were given to the promoted candidates and they were not appointed on the post and it was for the Head of the Forest Department to give posting to these Officers. On perusal of Annex-A-2 dated 31/8/2019 it is clear that as per the promotion order dated 29/8/2019 the applicant was relieved from his post on 31/8/2019, he was directed to hand over the charge of his post to Shri Vipul A. Rathod, Assistant Conservator of Forest, Akonzari Forest Division, Yavatmal and the applicant was directed to resume his post as per the promotion order.

9. After reading all the documents it transpires that accordingly the applicant handed over his charge on 31/8/2019 and left his office for joining on the promotional post as Divisional Forest Officer, Social Forestry, Yavatmal. On page no.17 the charge handing over certificate is filed by the applicant, it appears from the letter dated 3<sup>rd</sup> September,2019 that the applicant had handed

over his charge to Shri Vipul A. Rathod on 31/8/2019 and on 31/8/2019 he was relieved to join the post. On page no.20 is the Certificate by which Shri A.N. Dighole handed over charge of the post of Divisional Forest Officer, Social Forestry, Yavatmal to the applicant on 31/8/2019. If all these facts are considered in view of the definition of term transfer, then inference is to be drawn that when order dated 4<sup>th</sup> September,2019 was passed the applicant had resumed his promotional post as Divisional Forest Officer, Social Forestry, Yavamtal and therefore the order dated 4<sup>th</sup> September,2019 labelled as modification in the posting amounts to transfer of the applicant.

10. There is no dispute about the fact that before transferring the applicant from the office of Divisional Forest Officer, Social Forestry, Yavatmal, the procedure laid down under Section 4 (5) of the Transfers Act was not followed. In the order it is vaguely mentioned that the order was for the benefit of the public and administration, but how it was beneficial to the public or the administration, it is nowhere specifically mentioned in the order. Under these circumstances, inference is to be drawn that the impugned order is in violation of Section 4 (5) of the Transfers Act.

11. No doubt the respondent no.3 was a Gold Medallist and G.R. was issued by the Government on 22/5/2017 for giving choice posting to the

candidates who were Gold Medallist, but material question is whether for accommodating any such Gold Medallist candidate, the Government can violate Section 4 (5) of the Transfers Act,2005. In my opinion as the applicant had already joined the post before receipt of the modification order, therefore, modification in the posting amounts to transfer within the meaning of Transfers Act,2005 and therefore it was obligatory for the respondent nos.1&2 to follow the legal procedure laid down under Section 4 (5) of the Transfers Act. Admittedly, this procedure is not followed by the respondent no.1 before issuing order dated 4<sup>th</sup> September,2019, therefore, I am compelled to say that the impugned order is in violation of the law.

12. Secondly, I would like to point out that the respondent no.3 attempted to take ex-party charge of the office of the Divisional Forest Officer, Social Forestry, Yavatmal. This conduct of the respondent no.3 is definitely serious. This fact is observed in the letter dated 7<sup>th</sup> September,2019 written by the Conservator of Forests, Yavatmal. If all facts are considered collectively, then inference is to be drawn that only for giving undue benefit to the respondent no.3, the decision was taken by the respondent no.1 to modify posting and therefore the respondent no.2 avoided to mention the word 'transfer' in the order dated 4<sup>th</sup> September,2019, but the respondent no.1 mentioned the word

'modification' in the posting. As I have already observed that this action of the respondent no.1 amounts to transfer and as there is no compliance of Section 4 (5) of the Transfers Act, therefore, the impugned order dated 4<sup>th</sup> September,2019 cannot be justified. I, therefore, hold that the impugned order dated 4<sup>th</sup> September,2019 is contrary to law and hence it is quashed and set aside. The O.A. stands disposed off. No order as to costs.

**Dated** :- 09/10/2019.

**(A.D. Karanjkar)**  
**Member (J).**

\*dnk..

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**O.A.No.689/2014**  
**(D.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
and  
Shri A.D.Karanjkar, Member(J)  
Dated :09/10/2019.**

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

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

**Member(J)**  
**Chairman**  
**Date:-09/10/2019.**  
aps.

**Vice**



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

**Coram:**Shri Shree Bhagwan, Vice Chairman  
and

Shri A.D.Karanjkar, Member(J)

**Dated :**09/10/2019.

**C.A.308/2017:-**

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

2. **S.O. two weeks.**

**Member(J)  
Chairman**

**Date:-09/10/2019.**

aps.

**Vice**

O.A.No.769/2019 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :09/10/2019.**

**C.A.308/2017:-**

Smt. K.N.Saboo, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the respondents.

2. The Id. counsel for the applicant submits that she will file service affidavit today itself. **S.O. four weeks.**

**Member(J)  
Chairman  
Date:-09/10/2019.  
aps.**

**Vice**

O.A.No.746/2019 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :09/10/2019.**

Smt. K.N.Saboo, the Id. counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant submits that she wants to withdraw the O.A.. Hence, **the O.A. is disposed of as withdrawn.**

**Member(J)  
Chairman  
Date:-09/10/2019.  
aps.**

**Vice**

O.A.No.192/2019 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :09/10/2019.**

Shri S.P.Palshikar, the Id. counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondent nos. 1, 2 & 4. None for the respondent no. 3.

2. The Id. P.O. seeks two weeks time to file reply on behalf of the respondent nos. 1, 2 & 4.

**S.O. two weeks.**

**Member(J)**

**Chairman**

**Date:-09/10/2019.**

aps.

**Vice**

O.A.No.190/2018 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :09/10/2019.**

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

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

**Member(J)**

**Chairman**

**Date:-09/10/2019.**

aps.

**Vice**

O.A.No.109/2018 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :09/10/2019.**

Shri M.I.Dhatrak, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the respondents.

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

**Member(J)  
Chairman**

**Date:-09/10/2019.**

aps.

**Vice**

O.A.No.861/2017 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :09/10/2019.**

Smt. K.N.Saboo, the Id. counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondent nos. 1 to 3 & 5. None for the respondent nos. 4 & 6.

2. Matter is **admitted** and kept for final hearing.

3. The Id. P.O. waives notices for the respondent nos. 1 to 3 & 5.

4. **S.O. in due course.**

**Member(J)**

**Chairman**

**Date:-09/10/2019.**

aps.

**Vice**

**O.A.Nos.632 & 684/2017 (D.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :09/10/2019.**

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

2. Amendment application not filed as per  
the Tribunal order dated 05/10/2017. At the  
request of Id. C.P.O., **S.O. four weeks.**

**Member(J)**

**Chairman**

**Date:-09/10/2019.**

aps.

**Vice**



O.A.No.830/2017 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :09/10/2019.**

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

2. **S.O. three weeks.**

**Member(J)**

**Chairman**

**Date:-09/10/2019.**

aps.

**Vice**

**O.A.No.417/2017 (D.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :09/10/2019.**

Shri Bharat Kulkarni holding for Shri J.R.Kidilay, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

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

**Member(J)  
Chairman**

**Date:-09/10/2019.**

aps.

**Vice**

O.A.No.960/2018 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :09/10/2019.**

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

2. **Closed for orders.**

**Member(J)  
Chairman**

**Date:-09/10/2019.**

aps.

**Vice**

O.A.No.879/2017 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :09/10/2019.**

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

2. At the request of Id. P.O., Shri H.K.Pande is not feeling well. At his request, **S.O. 15/10/2019.**

**Member(J)  
Chairman  
Date:-09/10/2019.  
aps.**

**Vice**

O.A.No.461/2017 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :09/10/2019.**

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

2. **S.O. one week.**

**Member(J)**

**Chairman**

**Date:-09/10/2019.**

aps.

**Vice**

O.A.No.464/2018 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :09/10/2019.**

Shri T.Parmar, the Id. counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the respondent nos. 1 & 2 and Shri R.Joshi, the Id. counsel for the respondent no. 3.

2. At the request of Id. counsel for the applicant, **S.O. 15.10.2019.**

**Member(J)  
Chairman**

**Date:-09/10/2019.**

aps.

**Vice**

O.A.No.579/2017 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :09/10/2019.**

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

2. Matter is **admitted** and kept for final hearing.

3. The Id. P.O. waives notices for the respondents.

4. **S.O. 06/11/2019.**

**Member(J)  
Chairman**

**Date:-09/10/2019.**

aps.

**Vice**

O.A.No.710/2018 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :09/10/2019.**

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

2. Matter is **admitted** and kept for final  
hearing.

3. The Id. P.O. waives notices for the  
respondents.

4. **S.O. in due course.**

**Member(J)**

**Chairman**

**Date:-09/10/2019.**

aps.

**Vice**





**O.A.No.68/2016 (D.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :09/10/2019.**

Smt. G.Venkatraman, submits that she is going to file vakalatnama on behalf of the applicant. Shri M.I.Khan, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant is directed to file copy of the advertisement of the said post as well as Id. P.O. is directed to take necessary instructions from the department as reply has been given regarding Judgment on P.B., Pg. No. 46 dated 21/11/2014.

**3. S.O. next week.**

**Member(J)**

**Chairman**

**Date:-09/10/2019.**

aps.

**Vice**

O.A.No.791/2013 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :09/10/2019.**

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

2. At the request of Id. P.O., **S.O. after Diwali Vacation.**

**Member(J)**

**Chairman**

**Date:-09/10/2019.**

aps.

**Vice**

O.A.No.791/2013 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :09/10/2019.**

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

2. At the request of Id. P.O., **S.O. after Diwali Vacation.**

**Member(J)**

**Chairman**

**Date:-09/10/2019.**

aps.

**Vice**

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

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :09/10/2019.**

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

2. At the request of Id. counsel for the applicant, **S.O. two weeks as a last chance.**

**Member(J)**

**Chairman**

**Date:-09/10/2019.**

aps.

**Vice**

**O.A.Nos.264/12,141,718/15&377/16**

**D.B.**

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :09/10/2019.**

Ms. Tejashree Jogdand holding for Shri R.D.Dharmadhikari, the Id. counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents. None for the respondent no. 11 in O.A. No. 264/2012. None for the respondent nos. 4 to 6, 6 and 7 to 10 in O.A.No. 141/2015. None for the respondent nos. 8 to 11 and respondent nos. 5 to 7 in O.A. No. 718/2015.

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

3. At the request of Id. P.O., **S.O. after Diwali Vacation.**

**Member(J)  
Chairman**

**Date:-09/10/2019.**

aps.

**Vice**

O.A.No.604/2010 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :09/10/2019.**

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

2. **S.O. next week.**

**Member(J)**

**Chairman**

**Date:-09/10/2019.**

aps.

**Vice**

O.A.No.696/2013 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :09/10/2019.**

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

2. **S.O. after Diwali Vacation.**

**Member(J)  
Chairman**

**Date:-09/10/2019.**

aps.

**Vice**



O.A.No.845/2012 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :09/10/2019.**

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

2. **S.O. three weeks.**

**Member(J)**

**Chairman**

**Date:-09/10/2019.**

aps.

**Vice**

O.A.No.593/2013 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :09/10/2019.**

Shri P.V.Thakre, the Id. counsel for the applicant, Shri S.A.Sainis, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent no. 4. Shri G.K.Bhusari, the Id. counsel for the respondent no. 5 and Shri G.M.Shitut, the Id. counsel for the respondent no. 6.

2. At the request of Id. counsel for the respondent no. 6, **S.O. after Diwali Vacation.**

**Member(J)  
Chairman**

**Date:-09/10/2019.**

aps.

**Vice**

**O.A.Nos.822, 823, 824, 825, 826, 827,  
828/2019 (D.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
and**

**Shri A.D.Karanjkar, Member(J)**

**Dated :09/10/2019.**

Heard Shri Vishal Anand, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. We have perused the impugned order dated 13/09/2019, by which the services of the applicant are terminated. The applicant is claiming mandatory relief at interim stage, therefore, it is suitable to hear the respondents before granting any relief in this matter. Hence, issue notices to the respondents returnable after four weeks.

3. Till then, we direct that if any appointment is made in this matter, it shall be subject to the final decision in this original application.

4. Issue notice to R-2 to 4, returnable on four weeks. Learned C.P.O. waives notice for R-1. Hamdast allowed.

5. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall 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. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

7. 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.

8. 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.

9. 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.

10. **S.O. four weeks.**

**Member(J)**  
**Chairman**  
**Date:-09/10/2019.**  
aps.

**Vice**

**O.A.No.71/17 with C.A. No.  
41/17(S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :09/10/2019.**

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

2. The Id. P.O. filed letter dated 25/09/2019 by Joint Commissioner of Police, Nagpur City on behalf of the respondent no. 2. It is marked Exh. "X" for the purpose of identifications. It is taken on record. Copy is served to the other side.

3. Admittedly, the letter submitted by respondent no. 2. It seems that though Director General Police vide his order dated 16.11.17 has given permission regarding *De-nov* enquiry but this Tribunal after seeing the letter fails to understand that even after two years why no action has been taken by respondent no. 2. It clearly shows apathy of respondent no. 2 towards the issue.

4. The Id. counsel for the applicant wants to argue the matter in length. It will be heard at next hearing. **S.O. 16.10.2019.**

**Chairman**  
**Date:-09/10/2019.**  
aps.

**Vice**



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

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :09/10/2019.**

Heard Shri G.N.Khazode, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the Respondents.

2 For first time promotion query, **S.O. Monday i.e. 16.10.2019 for rehearing.**

**Chairman**  
**Date:-09/10/2019.**  
aps.

**Vice**

**O.A.No.682/2018 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :09/10/2019.**

Heard Shri G.N.Khanzode, the Id. Counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the State and Shri B.N.Jaipurkar, the Id. counsel for the respondent nos. 2 & 3.

2. **S.O. next week.**

**Chairman**  
**Date:-09/10/2019.**  
aps.

**Vice**



O.A.No.506/2017 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :09/10/2019.**

Heard Mrs. K.N.Saboo, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the Respondents.

2. The Id. P.O. seeks time to file reply of respondent nos. 1, 3 & 4. **S.O. two weeks.**

**Chairman**  
**Date:-09/10/2019.**  
aps.

**Vice**

O.A.No.731/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :09/10/2019.**

Heard Shri S.C.Deshmukh, the Id. Counsel  
for the applicant and Shri V.A.Kulkarni, the Id.  
P.O. for the Respondents.

2. **S.O. next week.**

**Vice**

**Chairman**  
**Date:-09/10/2019.**  
aps.

O.A.No.222/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :09/10/2019.**

Heard Shri P.C.Marpakwar, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the Respondents.

2. The Id. counsel for the applicant submits that as per the relief clause "7A" applicant's grievance has been solved. As per prayer clause "7B" is being of time bound promotion of 12 years also has been given and grievance has been solved.

3. Only following two points are remains:-

A. The upgradation after 24 years of service is yet to be decided and payment to that effect is yet to be made.

B. His leave encashment at the time of retirement is yet to be paid.

Only these two grievances are pending of the applicant. As suggested by the Id. counsel for the applicant, respondents are directed to decide these two grievances of the applicant **within three months** from the date of this order.

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

Vice

Chairman

Date:-09/10/2019.

aps.

O.A.No.200/2016 (S.B.)

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

**Dated :09/10/ 2019.**

None for the applicant. Shri M.I.Khan, the Id. P.O. for the respondent nos. 1 to 3. Shri P.Ghare, the Id. counsel for the respondent no. 4 & Shri M.L.Vairagade, the Id. counsel for the respondent no. 5.

2. As per the request of request of Id. counsel for the respondent nos. 4 & 5, **S.O. two weeks.**

Vice

Chairman

Date:-09/10/2019.

aps.

O.A.No.85/2016 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :09/10/2019.**

None for the applicant. Shri M.I.Khan, the  
Id. P.O. for the respondents.

2. **S.O. after diwali vacation.**

**Chairman**  
**Date:-09/10/2019.**  
aps.

**Vice**

**O.A.No.814/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :09/10/2019.**

Heard Shri S.B.Tiwari, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. The Id. counsel for the applicant was pointed out that he is seeking two reliefs i.e. at P.B., Pg. No. 7 relief clause 9 (i), (ii) & (iii) on P.B., Pg. No. 8. He will stick with Interim relief para no. 10 (vi) only.

3. Issue notice to R-2 & 3, returnable on four 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 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. 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. four weeks.**

**Vice**

**Chairman**

**Date:-09/10/2019.**

aps.

**O.A.No.415/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :09/10/2019.**

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

2. The Id. counsel for the applicant submits that his client has been reinstated from suspension. However, he is yet to get the copy of the order. He desires to get the copy of the order during next hearing.

**3. S.O. 15/10/2019.**

**Chairman**  
**Date:-09/10/2019.**  
aps.

**Vice**



O.A.No.649/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :09/10/2019.**

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

2. Matter is **admitted** and kept for final hearing.
3. The Id. P.O. waives notices for the respondents.
4. **S.O. in due course.**

**Chairman**  
**Date:-09/10/2019.**  
aps.

**Vice**

O.A.No.806/2017 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :09/10/2019.**

None for the applicant. Shri M.I.Khan, the  
Id. P.O. for the respondents.

2. Matter is **admitted** and kept for final hearing.
3. The Id. P.O. waives notices for the respondents.
4. **S.O. in due course.**

**Chairman**  
**Date:-09/10/2019.**  
aps.

**Vice**



O.A.No.714/2017 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :09/10/2019.**

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

2. The Id. P.O. submits that Shri H.K.Pande is not feeling well and he is appearing in this matter. At his request, **S.O. 16.10.2019.**

**Chairman**  
**Date:-09/10/2019.**  
aps.

**Vice**

**O.A.No.734/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :09/10/2019.**

Heard Shri S.P.Palshikar, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State. Await service of respondent no. 2.

2. The Id. counsel for the applicant submits that during the course of the day he will file the service affidavit. **S.O. 22/10/2019 for reply.**

**Chairman**  
**Date:-09/10/2019.**  
aps.

**Vice**

O.A.No.707/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :09/10/2019.**

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

2. As pointed out by Id. C.P.O., first time bound promotion was granted to the applicant in the year 2009. Cause of action arose in the year 2009 and applicant has come to the Tribunal in the year 2019 i.e. after 10 years, cause of delay is to be explained. The Id. counsel for the applicant is directed to file application for condonation of delay. **S.O. two weeks.**

**Chairman**  
**Date:-09/10/2019.**  
aps.

**Vice**

O.A.No.72/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :09/10/2019.**

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

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

3. The Id. counsel for the applicant desires to file Rejoinder. **S.O. three weeks.**

**Vice**

**Chairman**  
**Date:-09/10/2019.**  
aps.

O.A.No.733/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :09/10/2019.**

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

2. The Id. counsel for the applicant has pointed out that applicant was suspended vide letter dated 30/05/2019 (Annexure-A-3, P.B., Pg. No. 21).

3. In G.R. dated 09.07.2019 in para no. 2 following observations have been made:-

2. *By record it seems that review committee has very clearly recommended as per the provisions of G.R. No. 1314/2015 dated 31-01-2015 (Annexure-A-13, P.B., Pg. No. 43) and circular no. 1112/2013 dated 20-04-2013 (Annexure-A-12, P.B., Pg. No. 40). However, respondents have yet to comply with the provisions.*

4. Subsequently, on 09.07.2019 Government has issued G.R. No. 1118/2019 dated 09-07-2019.

5. After the policy decision taken by Government in G.R. dated 09.07.2019 in which reference no. 3 i.e. "Office Memorandum F.No. 11012/04/2016-Estt. (A) Government of India



*Ministry of Personnel, Public Grievances and Pensions, Department of Personnel & Training Establishment A-III Desk Dated August 23, 2016."*

6. The Government decision is at P.B., Pg. No. 26 in Sr. No. 1 (ii), which is below:-

"(ii) fuyicr 'kkI dh; I dclh; k T; k i dj .kh 3 efgU; kpk dkyko/khr foHkcxh; pksd' kh I q d: u nks'kjksi i= ctk.; kr vkysulgh] v'kk i dj .kh ek- I oH p U; k; ky; kps vksk i kgrk] fuyicr I ektr dj.; kf'kok; vU; i; k; jkgr ulgh- R; keGs fuyicr 'kkI dh; I dclckcr foHkcxh; pksd' khph dk; bkg h I q d: u nks'kjksi i= ctko.; kph dk; bkg h fuyicr ki u 90 fnoI kh; k vkr dKvdj i .ks dlyh tkbzy ; kph n{krk @ [kcjnkjh?ks; kr ; koh-

7. Respondents are directed to take decision regarding revocation of the suspension of the applicant as per the G.R. dated 09/07/2019 **within four weeks** from the date of this order.

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

**Vice**

**Chairman**

**Date:-09/10/2019.**

aps.

O.A.No.672/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :09/10/2019.**

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

2. The Id. counsel for the applicant has pointed out that applicant was suspended vide letter dated 31/10/2018 (Annexure-A-3, P.B., Pg. No. 21).

3. In G.R. dated 09.07.2019 in para no. 2 following observations have been made:-

2. *By record it seems that review committee has very clearly recommended as per the provisions of G.R. No. [redacted] 1314@i:dz:86@11&v] dated 31-01-2015 (Annexure-A-13, P.B., Pg. No. 43) and circular no. [redacted] 1112@i:dz:82@11&v] dated 20-04-2013 (Annexure-A-12, P.B., Pg. No. 40). However, respondents have yet to comply with the provisions.*

4. Subsequently, on 09.07.2019 Government has issued G.R. No. [redacted] u fu. [redacted] dated [redacted] 1118@i:dz:11@11v] dated 09-07-2019.

5. After the policy decision taken by Government in G.R. dated 09.07.2019 in which reference no. 3 i.e. "Office Memorandum F.No. 11012/04/2016-Estt. (A) Government of India

*Ministry of Personnel, Public Grievances and Pensions, Department of Personnel & Training Establishment A-III Desk Dated August 23, 2016."*

6. The Government decision is at P.B., Pg. No. 26 in Sr. No. 1 (ii), which is below:-

"(ii) fuyicr 'kkI dh; I dcll; k T; k i dj .kh 3 efgU; kpk dkyko/khr foHkcxh; plcl' kh I q d: u nskkjki i= ctk.; kr vkysulgh] v'kk i dj .kh ek- I oH p U; k; ky; kps vksk i kgrk] fuyicr I ektr dj.; kf'kok; vU; i; k; jkgr ulgh- R; keGs fuyicr 'kkI dh; I dclckcr foHkcxh; plcl' khph dk; bkg h I q d: u nskkjki i= ctko.; kph dk; bkg h fuyicr ki kl u 90 fnoI l; k vkr dKvclji .ks dlyh tkb; ; kph n{krk @ [kcnkjh?ks; kr ; koh-

7. Respondents are directed to take decision regarding revocation of the suspension of the applicant as per the G.R. dated 09/07/2019 **within four weeks** from the date of this order.

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

**Vice**

**Chairman**

**Date:-09/10/2019.**

aps.

O.A.No.426/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :09/10/2019.**

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

2. As per the request of Id. P.O., **S.O. three weeks for reply.**

**Chairman**  
**Date:-09/10/2019.**  
aps.

**Vice**

O.A.No.935/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :09/10/2019.**

**C.A.No.378/2019:-**

Heard Shri S.K.Chavhan, the Id. counsel for the applicant and Shri A.M.Ghogle, the Id. P.O. for the State. Await service of respondent nos. 2 to 4.

2. As agreed by both the counsels, **C.A. NO. 378/2019 for amendment is allowed.** The Id. counsel for the applicant is directed to carry out the amendment within week time and supply the amended copy to the Id. P.O. too.

3. Issue notice to newly added respondents, returnable on four weeks. Learned 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 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. 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. four weeks.**

**Vice**

**Chairman**

**Date:-09/10/2019.**

aps.

O.A.No.964/2017 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :09/10/2019.**

**C.A.No.163/2019:-**

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

2. As agreed by both the counsels, **C.A. NO. 163/2019 for amendment is allowed.** The Id. counsel for the applicant is directed to carry out the amendment within two weeks time and supply the amended copy to the Id. P.O. too.

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

**Chairman**  
**Date:-09/10/2019.**  
aps.

**Vice**

O.A.No.45/2016 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :09/10/2019.**

Heard Mrs. K.N.Saboo, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. As requested by Id. counsel for the applicant, **S.O. four weeks.**

**Chairman**  
**Date:-09/10/2019.**  
aps.

**Vice**



O.A.No.591/2015 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :09/10/ 2019.**

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

2. As requested by Id. counsel for the applicant, **S.O. two weeks.**

**Chairman**  
**Date:-09/10/2019.**  
aps.

**Vice**

O.A.No.654/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :09/10/2019.**

Heard Shri A.A.Mardikar, the Id. counsel for the applicant and Shri A.M.Ghogle, the Id. P.O. for the respondents.

2. As requested by Id. counsel for the applicant, **S.O. three weeks.**

**Chairman**  
**Date:-09/10/2019.**  
aps.

**Vice**

O.A.No.292/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :09/10/2019.**

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 requested by Id. P.O., **S.O. 16.10.2019.**

**Vice**

**Chairman**  
**Date:-09/10/2019.**  
aps.

O.A.No.116/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :09/10/2019.**

None for the applicant. Shri A.M.Ghogre, the Id. P.O. for the State and Shri H.D.Marathe, the Id. counsel for the respondent nos. 2 & 3.

2. The Id. counsel for the respondent nos. 2 & 3 submits that now he is finally authorized on behalf of the V.I.D.C.. He further prayed for some time, **S.O. four weeks.**

**Chairman**  
**Date:-09/10/2019.**  
aps.

**Vice**

**O.A.No.543/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :09/10/2019.**

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

2. The Id. counsel for the applicant submits that his applicant is a retired person. He further submits that his O.A. is squarely covered with the previous Judgment.

3. As per the request of Id. P.O., **S.O. ten days.**

**Chairman**  
**Date:-09/10/2019.**  
aps.

**Vice**

