

O.A.No.977/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2021.

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

2. The Id. P.O. has filed reply on behalf of the respondent no. 5. It is taken on record. Copy is served to the other side.

3. Hence, the matter is **admitted** and kept for final hearing.

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

5. **S.O. two weeks.**

Vice Chairman

Date:-12/02/2021.
aps.

O.A.No.280/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2021.**

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

2. At the request of Id. P.O., **S.O. 23.02.2021 to file reply.**

Vice Chairman

Date:-12/02/2021.
aps.

O.A.No.159/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2021.**

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

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

Vice Chairman

Date:-12/02/2021.
aps.

O.A.No.176/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2021.**

Heard Shri P.S.Khirsagar holding for Shri N.S.Khubalkar, 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 has filed pursis dated 12.02.2021 to withdraw the O.A.. At his request, **the O.A. is disposed of as withdrawn.**

Vice Chairman

Date:-12/02/2021.
aps.

O.A.No.190/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2021.**

There is a leave note of Id. counsel for the applicant. 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.**

Date:-12/02/2021.
aps.

Vice Chairman

O.A.No.870/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2021.**

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

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

Vice Chairman

Date:-12/02/2021.
aps.

O.A.Nos.21,22,23,24,25,26,27,28,29,30,31&

32/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2021.

Heard Shri V.R.Borkar, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

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

Date:-12/02/2021.
aps.

Vice Chairman

O.A.No.911/2017 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2021.**

Heard Shri S.M.Khan, 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 has filed pursis dated 05.02.2021 to withdraw the O.A.. Hence, **the matter is disposed of as withdrawn.**

Vice Chairman

Date:-12/02/2021.
aps.

O.A.No.892/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2021.**

C.A.Nos.41&42/2021:-

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

2. **C.A.No.41/2021 for correction of the occupation of applicants is allowed.**

3. As submitted by Id. counsel for the applicant it appears that applicants are demanding one level A.C.P. and at the same time one level above pay as per G.R. dated 06.08.2020 of Tribal and Naxal Affected Area and both cannot be granted at the same time. However, the Id. counsel for the applicant submits that we are not demanding the same; he is directed to file on affidavit that he is not demanding the both.

4. **S.O. 16.02.2021.**

Vice Chairman

Date:-12/02/2021.

aps.

O.A.No.34/2021 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2021.**

There is a leave note of the Id. Counsel for the applicant. Shri A.M.Ghogre, the Id. P.O. for the respondents and Shri T.M.Zaheer, the Id. counsel for the respondent nos. 2 to 4.

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

Vice Chairman

Date:-12/02/2021.
aps.

O.A.Nos.810&811/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 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. The Id. counsel for the applicant has filed pursis dated 12.02.2021 to withdraw the O.A.. Hence, **the matter is disposed of as withdrawn.**

Vice Chairman

Date:-12/02/2021.
aps.

O.A.No.743/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2021.

Heard Smt. S.W.Deshpande, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

2. As per the O.A. para no. 6.5; applicant was promoted from Associate Professor on 23.07.2018 and was transferred to G.M.C., Chandrapur and posted as Adhoc Professor. He worked there till 13.07.2020. As per the documents on Annexure-A-3, P.B., Pg. No. 13, applicant has been relieved with following observations:-

"I fous fourhi phl vtZl knj djrksch] ek>k rnfZi nktUrh vkskpk dkyko/kh fnukd 13-07-2020 jksh I a qVkr vkY; kuso ek- I pkycd] oS dh; f'k{k.k o I akkku] eapbz; kps ng/ouh I nskklo; s vkt fnukd 13-07-2020 e- m- i kl qd dk; BDr dj.; kr vkysvks"

3. Apart from this content, there is no valid documents that applicant should be relieved from Chandrapur on the post he was working.

4. However, the respondents have filed their reply on 12.01.2021 and in para no. 8, they have submitted following observation:-

"It is submitted that, the matter of the applicant regarding posting due to demotion kept before civil services board and recommendation is sent to the Competent

Authority for approval. After approval applicant will be posted. It is also submitted that, appropriate action will be taken so that the applicant should not supposed to face any kind of monetary loss pertaining to his pay and allowances. The matter will be remove soon and proper orders will be issued."

5. In view of the respondents own reply, respondents are directed to act according to para no. 8 of the reply at P.B., Pg. No. 35 and issue necessary orders.

6. **S.O. three weeks.**

7. **Steno copy is granted.**

Vice Chairman

Date:-12/02/2021.

aps.

O.A.No.129/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2021.

Heard Shri N.R.Saboo, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the State.

2. Issue notice to Respondents, returnable on four weeks. Learned P.O. waives notice for R-1. 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.

8. **S.O. four weeks.**

Vice Chairman

Date:-12/02/2021.

aps.

O.A.No.130/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2021.

Heard Shri I.N.Choudhari, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the State.

2. The applicant pay was fixed as per Government G.R. dated 06.08.2002 (Annexure-A-3, P.B., Pg. No. 22) as per para no. 7 of P.B., Pg. No. 27. However, vide impugned order dated 13.10.2020 (Annexure-A-5, P.B., Pg. No. 32), recovery has been affected against the applicant by re-fixing the pay. **The recovery order dated 13.10.2020 (Annexure-A-5, P.B., Pg. No. 32) is stayed till filing of the reply.** The Id. counsel for the applicant is directed to make "Pay Verification Unit, Nagpur" as one of the respondent; so that issue can be verified properly. He is further directed to make the amendment forthwith.

3. Issue notice to Respondent nos. 2 to 4, 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.**

10. *Put up this matter along with the O.A. No. 131/2021.*

Vice Chairman

Date:-12/02/2021.

aps.

O.A.No.131/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2021.

Heard Shri I.N.Choudhari, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the State.

2. The applicant pay was fixed as per Government G.R. dated 06.08.2002 (Annexure-A-3, P.B., Pg. No. 22) as per para no. 7 of P.B., Pg. No. 27. However, vide impugned order dated 13.10.2020 (Annexure-A-5, P.B., Pg. No. 32), recovery has been affected against the applicant by re-fixing the pay. **The recovery order dated 13.10.2020 (Annexure-A-5, P.B., Pg. No. 32) is stayed till filing of the reply.** The Id. counsel for the applicant is directed to make "Pay Verification Unit, Nagpur" as one of the respondent; so that issue can be verified properly. He is further directed to make the amendment forthwith.

3. Issue notice to Respondent nos. 2 to 4, 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.**

10. *Put up this matter along with the O.A. No. 131/2021.*

Vice Chairman

Date:-12/02/2021.

aps.

O.A.No.132/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2021.

Heard Shri V.R.Borkar, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the State.

2. The impugned order dated 01.01.2021 (Annexure-A-1, P.B., Pg. No. 10) has been passed by Additional Treasury Officer, Chandrapur (Respondent no. 3) without giving any opportunity to the applicant which is against natural justice. In view of this, **impugned order dated 01.01.2021 is stayed till filing of the reply.**

3. Issue notice to 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.**

10. *Put up this matter along with the O.A. Nos. 133,134,135&136/2021.*

Vice Chairman

Date:-12/02/2021.

aps.

O.A.No.133/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2021.

Heard Shri V.R.Borkar, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the State.

2. The impugned order dated 31.12.2020 (Annexure-A-1, P.B., Pg. No. 10) has been passed by Additional Treasury Officer, Chandrapur (Respondent no. 3) without giving any opportunity to the applicant which is against natural justice. In view of this, **impugned order dated 31.12.2020 is stayed till filing of the reply.**

3. Issue notice to 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.**

10. *Put up this matter along with the O.A. Nos. 132,134,135&136/2021.*

Vice Chairman

Date:-12/02/2021.

aps.

O.A.No.134/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2021.

Heard Shri V.R.Borkar, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the State.

2. The impugned order dated 06.01.2021 (Annexure-A-1, P.B., Pg. No. 11) has been passed by Additional Treasury Officer, Chandrapur (Respondent no. 3) without giving any opportunity to the applicant which is against natural justice. In view of this, **impugned order dated 06.01.2021 is stayed till filing of the reply.**

3. Issue notice to 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.**

10. *Put up this matter along with the O.A. Nos. 132,133,135&136/2021.*

Vice Chairman

Date:-12/02/2021.

aps.

O.A.No.135/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2021.

Heard Shri V.R.Borkar, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the State.

2. The impugned order dated 05.01.2021 (Annexure-A-1, P.B., Pg. No. 10) has been passed by Additional Treasury Officer, Chandrapur (Respondent no. 3) without giving any opportunity to the applicant which is against natural justice. In view of this, **impugned order dated 05.01.2021 is stayed till filing of the reply.**

3. Issue notice to 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.**

10. *Put up this matter along with the O.A. Nos. 132,133,134&136/2021.*

Vice Chairman

Date:-12/02/2021.

aps.

O.A.No.136/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2021.

Heard Shri V.R.Borkar, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the State.

2. The impugned order dated 01.01.2021 (Annexure-A-1, P.B., Pg. No. 10) has been passed by Additional Treasury Officer, Chandrapur (Respondent no. 3) without giving any opportunity to the applicant which is against natural justice. In view of this, **impugned order dated 01.01.2021 is stayed till filing of the reply.**

3. Issue notice to 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.**

10. *Put up this matter along with the O.A. Nos. 132,133,134&135/2021.*

Vice Chairman

Date:-12/02/2021.

aps.

O.A.No.924/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2021.**

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

2. At the request of Id. counsel for the applicant, **S.O. 23.02.2021.**

Vice Chairman

Date:-12/02/2021.
aps.

O.A.No.739/2016 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2021.**

There is a leave note of the Id. Counsel for the applicant. Shri H.K.Pande, the Id. P.O. for the respondents.

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

Vice Chairman

Date:-12/02/2021.
aps.

O.A.No.990/2017 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2021.**

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

2. At the request of Id. counsel for the applicant, **S.O. 26.02.2021.**

Vice Chairman

Date:-12/02/2021.
aps.

O.A.No.82/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2021.**

There is a leave note of the Id. Counsel for the applicant. Shri A.P.Potnis, the Id. P.O. for the respondents and Smt. J.J.Alkari, the Id. counsel for the respondent no. 2.

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

Vice Chairman

Date:-12/02/2021.
aps.

O.A.No.411/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2021.**

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

2. At the request of Id. counsel for the applicant, **S.O. 25.02.2021.**

Vice Chairman

Date:-12/02/2021.
aps.

O.A.No.482/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2021.

Shri S.N.Gaikwad, 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 has relied upon Government Circular dated 10.05.2019 (Annexure-A-A-2, P.B., Pg. No. 49) where in para no. 3 it is mentioned that appointing authority of Accountants and Clerks are Regional Director, Accounts and Treasury. They should be transferred within Treasury and Sub-Treasury inside the District only. Only in case of complaint they should be transferred out of District. As pointed out by Id. counsel for the applicant, applicant has given choice as per G.R. dated 09.04.2018 (P.B., Pg. No. 25) where 10 choices are given, out of 10 choices; two choices are difficult area and 08 choices are of non-difficult area. The Id. counsel for the applicant has relied upon decision in **M.A.T., Mumbai in O.A. No. 561/2019, Shri Babaso Shankarrao Sankpal, dated 26.11.2020**. The Id. counsel for the applicant has further submit that applicant has completed tenure at Yavatmal. However, he has not requested for transfer. But his only grievance is that whatever his choices are given at P.B., Pg. No. 25, he should have been considered as per G.R. dated 09.04.2018 (P.B., Pg. No. 25).

3. The Id. P.O. submits that applicant cannot be adjusted either at present post or his choice posting because there are no vacancy. However, as per G.R. dated 09.04.2018, there is a provision of counselling to the employees by transferring authority. If respondents are not able to adjust the applicant in choice posting, they should call the applicant for personal hearing and after counselling decide the posting order.

4. In view of this situation, transfer order dated 07.08.2020 is stayed, if applicant is not relieved and respondents are directed to call the applicant give him counselling and decide the posting order and also see that whether applicant can be adjusted in choice given by applicant at P.B., Pg. No. 25.

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

6. **S.O. two weeks for compliance of the order.**

Vice Chairman

Date:-12/02/2021.

aps.

C.P. 02/21 in O.A. 905/2019 (D.B.)

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

Dated : 12/02/2021.

There is a leave note from Shri S.P. Palshikar, Id .counsel for the applicant. Shri A.M. Ghogre, Id. P.O. for the respondents.

S.O. two weeks.

Vice-Chairman

dnk.

O.A. 528/2019 (D.B.)

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

Dated : 12/02/2021.

There is a leave note from Shri S.P. Palshikar, Id .counsel for the applicant. Shri A.M. Ghogre, Id. P.O. for the respondents.

S.O. three weeks.

Vice-Chairman

dnk.

O.A. 317/2020 (D.B.)

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

Dated : 12/02/2021.

Shri S. Sheikh, Id. counsel for the applicant and Shri A.M. Khdatkar, Id. P.O. for the respondents.

At the request of Id .counsel for the applicant, **S.O. 3rd week of March,2021.**

Vice-Chairman

dnk.

O.A. 602/2019 (D.B.)

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

Dated : 12/02/2021.

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

2. The Id. counsel for the applicant is directed to carry out necessary amendment as per the order dated 9/8/2019 and amended copy be supplied to the other side.

3. At the request of Id. counsel for the applicant, issue fresh notice to the respondents returnable **after four weeks**. Hamdast allowed.

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

5. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

6. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

7. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

8. 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. after four weeks.

Vice-Chairman

dnk.

O.A. 905/2019 (D.B.)

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

Dated : 12/02/2021.

C.A. No. 214/2020 -

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

2. The Id. P.O. submits that he has received parawise comments and he will file reply before the next date.

3. It appears that sufficient chances are given to the Id. P.O. to file reply, but till today reply is not filed. Therefore, it is made clear that if the reply is not filed on the next date, the matter will be heard on merits.

S.O. 25/2/2021.

Vice-Chairman

dnk.

O.A. 700/2020 (D.B.)

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

Dated : 12/02/2021.

Heard Shri C.A. Joshi, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

2. The learned counsel for the applicant has pointed out applicant's V.Rs. application dated 29/1/2020 (A-1,P-58) which is not signed by the applicant. The learned counsel for the applicant is first directed to file xerox copy of signed document of V.Rs. application. If the learned counsel does not get a xerox copy of signed document of V.Rs. application, he should at least file the affidavit that original document was signed by the applicant.

S.O. 22/2/2021.

Vice-Chairman

dnk.

O.A. 93/2020 (D.B.)

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

Dated : 12/02/2021.

Shri C.V. Jagdale, 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. 338/2020 (D.B.)

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

Dated : 12/02/2021.

C.A. No. 370/2020 -

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

2. For the reasons stated in the application, the C.A. No. 370/2020 for amendment is allowed. Necessary amendment be carried out within one week and amended copy be supplied to the other side.

O.A. 338/2020 -

S.O. two weeks.

Vice-Chairman

dnk.

O.A. 563/2020 (D.B.)

Coram: Shri Shree Bhagwan,

Vice-Chairman.

Dated : 12/02/2021.

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

2. The Id. P.O. files reply of R-2. It is taken on record. Copy is served to the Id. counsel for the applicant. The Id. P.O. submits that reply of R-2 is sufficient to decide the O.A.

3. The O.A. is admitted and it be kept for final hearing.

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

5. The Id. counsel for the applicant submits that the relief is covered by already Judgment passed by this Tribunal, therefore, the matter be kept on 18/2/2021.

S.O. 18/2/2021.

Vice-Chairman

dnk.

O.A. 35/2021 (D.B.)

Coram: Shri Shree Bhagwan,

Vice-Chairman.

Dated : 12/02/2021.

Heard Shri U. Dastane, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1 to 3 and Shri N.N. Vyas, Id. counsel for R-4.

2. At requested by the Id. P.O., three weeks time is granted to file reply. However, the respondents are directed not to fill S.T. category post till filing of the reply by the respondents.

S.O. three weeks.

Vice-Chairman

dnk.

O.A. 128/2021 (D.B.)

(V.G. Zanzad & Ors. Vs. State of Mah. & Ors.)

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

Dated : 12/02/2021.

C.A. 48/2021 -

Heard Shri S.N. Gaikwad, Id. counsel for the applicants and Shri V.A. Kulkarni, Id. P.O. for the State.

2. By this C.A., 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. stands disposed of accordingly.

O.A. No. 128/2021 –

Heard Shri S.N. Gaikwad, Id. counsel for the applicants and Shri V.A. Kulkarni, Id. P.O. for the State.

2. The learned counsel for the applicant pointed out order of this Tribunal dated 7/1/2021. In para-2 following observations have been made –

“ (2) The respondent no.3 is directed to consider the objection of the applicant to the provisional seniority list dated 28/8/2020 and to decide the objection within a period of 30 days from the date of this order. “

3. The respondents must decide the final seniority list as per direction of this Tribunal and file the documents showing that the objections raised in the provisional seniority list dated 28/8/2020 and has been decided in a fair manner. If any final seniority list is published, that will be subject to the final outcome of this O.A.

4. Issue fresh notice to the respondents returnable **after four weeks**. 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.

S.O. after four weeks.

Steno copy is granted...

Vice-Chairman

dnk.

O.A. 99/2021 (D.B.)

Coram: Shri Shree Bhagwan,
Vice-Chairman.

Dated : 12/02/2021.

Heard Shri R.S. Parsodkar, Id .counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the State.

2. The service condition of the applicant has been changed by impugned order dated 24/11/2020 (A-1,P-19) without giving any chance of hearing to the applicant and applicant has been put on 11 months on supernumerary post; in similar matters this Bench has granted interim relief till filing of the reply. In the interest of Justice and equity the **order dated 24/11/2020 (A-1,P-19) be stayed related to the applicant only till filing of the reply.**

3. Issue fresh notice to the respondents returnable **after four weeks**. Hamdast allowed.

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

5. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

6. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

7. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

8. 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. after four weeks.

Vice-Chairman

dnk.

O.A. 100/2021 (D.B.)

Coram: Shri Shree Bhagwan,
Vice-Chairman.

Dated : 12/02/2021.

Heard Shri M.V. Bute, Id .counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the State.

2. The service condition of the applicant has been changed by impugned order dated 6/1/2021 (A-1,P-12) without giving any chance of hearing to the applicant and applicant has been put on 11 months on supernumerary post; in similar matters this Bench has granted interim relief till filing of the reply. In the interest of Justice and equity the **order dated 6/1/2021 (A-1,P-12) be stayed till filing of the reply.**

3. Issue fresh notice to the respondents returnable **after four weeks**. Hamdast allowed.

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

5. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

6. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

7. The service may be done by Hand delivery, speed post, courier and

acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

8. 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. after four weeks.

Vice-Chairman

dnk.

C.P. 35/2019 in O.A. 859/2012 (D.B.)

(R.R. Kekatpure Vs. State of Mah. & Ors.)

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

Dated : 12/02/2021.

C.A. No. 52/2021 in C.P. 35/2019 -

Heard Shri B.D. Pandit, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents and the applicant in person also.

2. The C.A. No. 52/2021 is filed by the Id. Counsel for the applicant is allowed and prayer clause is as below –

“ This Hon’ble Tribunal may be pleased to issue suitable directions to the respondent no.2 to ensure that financial benefits accrued to the applicant are credited to applicant’s account within time limit as may be prescribed by this Hon’ble Tribunal.

Hon’ble Tribunal may be pleased to direct respondent no.2 to authorise Joint Director, Nagpur to coordinate with A.G., Nagpur office so that revision of pension and other pensionary benefits are authorised by A.G., Nagpur within the time limit fixed by this Hon’ble Tribunal.”

3. In the initial order dated 24/2/2020 (A-R-1, P-89) attached with affidavit on behalf of respondent no.2. In para-3 at page no.90 the Government has directed Director, Accounts & Treasury, Mumbai to comply further formalities.

4. In view of above para-3 and prayer clause the respondent no.3, the Director, Accounts and Treasury, Mumbai (M.S.) is

directed to entrust Joint Director, Accounts and Treasury, Nagpur to follow the case with A.G. and ensure that monetary benefits granted to the applicant is paid in his account and place on record before this Tribunal the relevant document within 90 days from the date of this order.

S.O. 6/5/2021.

Steno copy is granted...

Vice-Chairman

*dnk.