

O.A.No.624/2018 (D.B.)

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 23.08.2018.**

**C.A.No. 216/2018:-**

Heard Shri B.J.Lonare, Id. Counsel for the applicant and Shri M.I.Khan, Id. P.O. for the Respondents.

One employee is from Chowkidar cadre and other employee is from Cook Cadre. Both are promoted to Class-III and now reversion of both has been done. The Id. counsel for the applicant submits that same O.A. should take care of both the applicants. He is directed to file separate O.A. for separate applicant because both are from different cadres. Hence, the C.A. for Joint O.A. is rejected.

In view of this, O.A. is disposed off with liberty to file fresh and separate O.As.

**Member (A)**

aps.

O.A.No.278/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 23.08.2018.**

Heard Shri V.B.Bhise holding for Shri R.V.Shiralkar, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the Respondents.

The Id. P.O. submits that since sanction from Government is required and he needs further two weeks time to file affidavit-in-reply.

**S.O. two weeks.**

**Member (A)**

aps.

O.A.No.377/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 23.08.2018.**

Heard Shri S.N.Gaikwad, Id. Counsel for the applicant and Shri H.K.Pande, Id. P.O. for the Respondents.

The Id. P.O. has placed on record the order of Divisional Deputy Commissioner, State Excise, Nagpur dated 25/06/2018, the same is taken on record and marked Exh. X-1 for the purposes of identification.

The applicant has been accommodated temporarily at vacant post in Flying Squad, Yavatmal. He has been accommodated as Inspector, Yavatmal at vacant post on temporary basis. However, as admitted by Id. counsel for the applicant and Id. P.O., the applicant may be continued on this post only for this academic session, so that education of

his children's are not affected and after completion of academic session, the respondents are at liberty to transfer him as per rules as they are required.

In view of this, nothing survives in this O.A. Hence, O.A. is disposed off with no order as to costs.

**Member (A)**

aps.

O.A.No.495/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 23.08.2018.**

Heard Shri S.C.Deshmukh, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the Respondent nos. 1 to 3. Await service of respondent no. 4.

The Id. counsel for the applicant seeks two weeks time to file service affidavit. At his request, **S.O. two weeks.**

**Member (A)**

aps.

O.A.No.552/2018 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 23.08.2018.**

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

The Id. P.O. seeks four weeks time to file  
affidavit-in-reply. At his request, **S.O. four  
weeks.**

**Member (A)**

aps.

O.A.St.No.2296/2016 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 23.08.2018.**

**C.A.No.556/2016:-**

Shri S.D.Malke, Id. counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the Respondents.

The Id. P.O. submits that there is no need to file affidavit-in-reply on amended portion. The Id. counsel for the applicant has placed at P.B., Pg. No. 27, (Annexure-A-6) G.R. No. '111 u fu.12 d2 cBd&2010@i2d27@Q&9] dated 16/10/2012, by which the applicant was regularized. It is also seen that the G.R. has explained certain conditions under which applicant was to be regularized. After accepting those conditions, the applicant got regularized.

*Prima facie*, it appears that applicant can't go back and ask more than the stipulated



condition in G.R. dated 16/10/2012. Hence, the Id. counsel for the applicant is directed to go through the G.R.

The point of condonation of delay is kept open and it will be discussed at the time of final hearing.

**S.O. two weeks.**

**Member (A)**

aps.

O.A.No.792/2016 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 23.08.2018.**

**C.A.No.528/2016:-**

Shri S.S.Shingane, Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the Respondents.

The Id. counsel for the applicant submits that the matter is of 2016, already much more delay has been taken. Affidavit-in-reply should be filed as earliest. However, the Id. P.O. seeks two weeks time to file affidavit-in-reply. At his request, **S.O. 06/09/2018.**

**Member (A)**

aps.

O.A.No.881/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,**  
**Member (A)**

**Dated : 23.08.2018.**

Shri A.P.Sadavarte, Id. counsel for the applicant and Shri P.N.Warjurkar, Id. P.O. for the Respondents.

The Id. P.O. has submits the affidavit-in-reply on behalf of the respondent nos. 2 to 4. It is taken on record. Copy is served to the other side.

The Id. counsel for the applicant wants to go through the same. At the request of Id. counsel for the applicant, **S.O. two weeks, for Rejoinder, if any.**

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

**Member (A)**

aps.

O.A.No.985/2017 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 23.08.2018.**

Shri A.S.Deshpande, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the Respondents.

The Id. P.O. has submitted the affidavit-in-reply on behalf of the respondent nos. 1 & 2. It is taken on record. Copy is served to the other side.

The Id. counsel for the applicant and Id. P.O. submit that the matter is only related to the benefits of retirement. The issue of suspension has already been solved. In case of retirement also provisional pension has already been paid.

In affidavit-in-reply given by respondent no. 1 on P.B., Pg.No. 80:- Jh vkj-, I -i K/hy] ; kpk fnukd 19@11@2003 rs 18@04@2005 gk fuyacu dkyko/hh egkj k"V<sup>a</sup> ukxjh I dk %i nxxg.A vo/hh] Loh; &rj I dk vkf.A fuyacu] cMr Qhzo

I order that the respondent no. 1 on P.B. Pg. No. 81 para no. 3:-

The above order has been shown about the enquiry report. In affidavit-in-reply of respondent no. 1 on P.B. Pg. No. 81 para no. 3:-

mi jkDr oLrqlFArhps voykdu djrk vki .Ad dGfo.; kr ; rs dh] vtzhkj ; kpfso: /nP; k QkStnkjh xdlg; kP; k vuqfackusk[Ay [AVY; kr vtzhkj ; kl nksAeDr dys vl Y; kus foHkxh; pksl'Ah ckr i q;hy ; kx; rh dk; bkgh vki Y; k Lrjko: up dj .Asvko' ; d vkg l cc] i Lrqr izdj .Ah fu; ekud kj ; kx; rh dk; bkgh d: u R; kud kj ek- U; k; kf/Adj .AkI elg cktw ekM .Aslcr dk; bkgh dj.; kr ; koh] ghfourh-

In view of the facts reproduced in above paras, the respondent no. 3 is directed to clear all the pensionary benefits of the applicant within **three months** from the date of this order. The Id. counsel for the applicant wants to

consult his client. At his request, **S.O. one week** for disposal. Meanwhile, the Id. counsel for the applicant is at liberty to file Rejoinder, if any.

**Member (A)**

aps.

O.A.No.283/2016 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,  
Member (A)**

**Dated : 23.08.2018.**

Shri P.P.Khaparde, Id. counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the Respondents.

The Id. counsel for the applicant has not filed Rejoinder till today. In the last date, four weeks time has given to file the same.

In view of this, the matter is **admitted** and kept for final hearing in due course of time.

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

**Member (A)**

aps.

O.A.No.794/2016 (S.B.)

**Coram : Hon. Shri Shree Bhagwan,**  
**Member (A)**

**Dated : 23.08.2018.**

Heard Shri P.V.Thakre, Id. counsel for the applicant and Shri A.M.Ghogre, Id. P.O. for the Respondents.

The order dated 02/04/2018 in para no. 2:- *"A detailed order was passed on 05/03/2018 and the matter was adjourned and the Id. counsel for the applicant wanted to take instructions. The Id. P.O. submits that criminal case and departmental inquiry were pending against the applicant. The departmental inquiry is almost completed, except taking final action, but since the criminal case is pending, the action is not taken. In my opinion, even if the criminal case is decided in favour of the applicant, it may not affect the departmental inquiry and if he is convicted the department will always at liberty to take appropriate action."*



In this above order it is very much clear that the matter is only pending because of outcome of departmental inquiry. In view of that, it was accepted that the Id. P.O. will produce documents about action taken in the departmental inquiry, but today also it seems that there is no progress in the departmental inquiry.

It appears by the pleadings that the respondent no. 3 initiated the departmental inquiry.

In O.A. at P.B., Pg. No. 3 in para no. 6.5, it has been mentioned that applicant was due for superannuation on 31/08/2010. The same relevant order is placed at Annexure-A-3 at P.B., Pg. No. 11.

Since, the applicant is retired on 31/08/2010 almost eight years are passed and his retirement issues are yet to be sorted out.

In view of this, respondent no. 3 is directed to complete the departmental inquiry

**within 90 days** from the date of this order and process all the dues of retirement as early as possible.

Hence, O.A. is disposed off with no order as to costs.

**Member (A)**

aps.