

O.A.No.17/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman

Dated :25/03/ 2021.

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

2. In order dated 15.03.2021 specific question was made to Id. P.O. that whether chargesheet has been served or not? Today, the Id. P.O. is not clear that whether chargesheet has been served or not? However, the Id. counsel for the applicant has made statement that chargesheet has been served on 18.03.2021 i.e. after the order of Tribunal dated 15.03.2021. The matter was heard on 04.03.2021 and again on 15.03.2021. All these facts are reproduced below:-

"Dated : 04/03/2021.

ORDER

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

2. The respondent no.2 has filed reply on 2/3/2021 (P-35). In the reply, there is no whisper about reasons and procedures prescribed by time to time by the Government for extension of suspension period as done vide impugned order dated 23/10/2020 (A-6,P-26). On perusal of the record, it appears that when the State Minister, Home (Rural) passed the order as per page nos.33 & 34 in decision part, he mentioned certain conditions. The condition nos.3,4&5 are as below –

3- olnh Jh- fni d jked".k dkGh] i ksyhl fujh{kd] rRdk- ue- /kGs'kgj i ksyhl Bk.ls; kuk 3 o"kkZjhrk vdk; Zlkjh i nkoj Bb.; kr ; kos

4- olnh Jh- fni d jked".k dkGh] i ksyhl fujh{kd] rRdk- ue- /kGs'kgj i ksyhl Bk.ls; kuk 'kkI ul or # tndjrkuk l oZfu; ekpsi kyu d#u ukdjh dj. ; kpsgehi = R; kR; kdMuu ?ks ; kr ; kos

5- olnh Jh- fni d jked".k dkGh] i ksyhl fujh{kd] rRdk- ue- /kGs'kgj i ksyhl Bk.ls; kuk 2 o"kkZfujh{k.k.kk[kkyh Bb. i ksyhl egkl pkyd] egkjk"V'jkT;] epbz; kuh R; kckcr vgoiky njegk i ekf.kr djlok-**

3. However, there is no documents filed along with the reply whether condition nos.3,4 & 5 of Hon'ble Minister (Home) (Rural) order dated 29/8/2019 was complied or not, that relevant documents should be filed on record.

4. Whether there is any Review Committee at the respondent no.2 level for review of suspension period regarding extension or not and whether the applicant's case was placed before the Review Committee and what transpired in the minutes of that meeting, that documents should be also filed on record.

5. The learned counsel for the applicant pointed out at page no.27 first two lines of order where it appears that the applicant was reinstated in service only technically he was never taken in service after the order of Hon'ble Minister (Home) (Rural) dated 29/8/2019 if it is like that, then it shows violation of Government order.

6. The learned counsel for the applicant has pointed out in O.A. at page no.13 following facts –

“ It appears that the respondent no.2 Director General of Police has completely ignored the order passed by the Hon'ble Minister dated 29/8/2019. There is nothing but a colourable exercise of powers and lack of administration which needs to be deprecated. If the Higher Officer like Director General of Police who is Head of Police in the State of Maharashtra acted in such a fashion then certainly it would be difficult for any members of the Police Personnel to work in Police Department in the State of Maharashtra.”

7. If these facts are true, then it is difficult that under tower of justice, illegal orders can be accepted and justified. It may be any compulsion of respondent no.2 as per the requirement of his professional integrity, but in the administration of society at large, any action must be done as per the legal rules. In a democratic society like us governance requires legal rules for every action by all the pillars of democracy. Any anomaly to avoid legal precedences will never be acceptable in the eyes of law.

8. In view of above discussion, learned P.O. is directed to file documents on following two points -

(i) Compliance of Hon'ble Minister's order dated 29/8/2019 with regard to point nos.3,4&5 .

(ii) Detail report of Review Committee meeting along with its Minutes.

9. If report is not filed, the matter will be heard on merits.

S.O. 15/3/2021.

Steno copy is granted...

Dated : 15/03/2021.

ORDER

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

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

3. As submitted by the learned counsel, in order dated 4/3/2021 in para-8 (i) & (ii) queries were made. Now today as reply submitted by the P.O. in paras-2&3 on internal page no.2, it is mentioned that "the applicant informed the respondent that, he will submit undertaking after 15/3/2021", whereas, the Hon'ble Minister (Home) (Rural) has passed order on 29/8/2019 (A-8,P-33). Now, this gap is very difficult to understand, because, when order was passed by the Hon'ble Minister (Home) in 2019, it is duty of the Department to comply it and how the applicant informed that he will give undertaking after 15/3/2021. Similarly, questions asked regarding para-8 (i) & (ii) no satisfactory answer has been placed on record by learned P.O.

4. The applicant was suspended vide order dated 3/5/2017 (A-1,P-20) however along with reply, Annexures have been filed about review of suspension where the applicant's name appears at Sr.No.6 at page no.51 and suspension order dated is mentioned as 4/5/2017 and suspension period is also mentioned two months. At the same time, in remarks column it is only mentioned that ACB crime is under investigation. There is no mention about the D.E. or serving of charge sheet in response to the suspension order dated 3/5/2017 (A-1,P-20). As submitted by the learned counsel for the applicant as mentioned in O.A. at page no.10, in para (X) which is reproduced below –

"(X) It is further submitted that the applicant was put under suspension by order dated 3rd of May,2017 and as on date there is no full-fledged departmental inquiry initiated against the applicant for that purpose. It is to be noted that on 25/1/2019 a charge sheet has been submitted by the prosecution before the Competent Court of Law and therefore the order impugned is without any cogent reason and hence the same needs to be quashed and set aside."

5. In view of these anomalies, the Id. P.O.'s submission is that original suspension order dated 3/5/2017 (A-1P-20) and extension order dated 23/10/2020 (A-6,P-26) both are as on today become illegal. In view of settled principles of law for continuation of suspension by various Judgments of Hon'ble Apex Court and High Court and Government G.R. dated 9/7/2019 which are reproduced below-

(i) The Apex Court in Civil Appeal No. 1912 of 2015 (arising out of SLP No.31761 of 2013) in the case of Ajay Kumar Chaudhary Vs. Union of India through its Secretary and another in its Judgment dated 16/02/2015 in para no. 14, it has observed that :-

14 We, therefore, direct that the currency of a Suspension Order should not extend beyond three months if within this period the Memorandum of Charges/Chargesheet is not served on the delinquent officer/employee; if the Memorandum of Charges/Chargesheet is served a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the concerned person to any Department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognize that previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time limits to their duration. However,

the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a criminal investigation departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us.

(ii) The Hon'ble Apex Court in its Judgment in Civil Appeal No. 8427-8428 of 2018 (Arising out of S.L.P. (Civil) No. 12112-12113 of 2017) in the case of **State of Tamil Nadu Vs. Pramod Kumar IPS and Anr. delivered on 21/08/2018** in its para no. 24 had observed as follows:-

*24. This Court in **Ajay Kumar Choudhary v. Union of India, (2015) 7 SCC 291** has frowned upon the practice of protracted suspension and held that suspension must necessarily be for a short duration. On the basis of the material on record, we are convinced that no useful purpose would be served by continuing the first Respondent under suspension any longer and that his reinstatement would not be a threat to a fair trial. We reiterate the observation of the High Court that the Appellant State has the liberty to appoint the first Respondent in a non sensitive post.*

(iii) The Principal Bench of Maharashtra Administrative Tribunal Mumbai Bench in O.A. No. 35/2018 Judgment delivered on 11/09/2018 has also rejected continuation of suspension beyond 90 days.

(iv) The Hon'ble High Court of Bombay, Bench at Nagpur in W.P. No. 7506/2018, Judgment delivered on 17.07.2019 was also on same principle. It has observed in para no. 2 that **facts of this case are squarely covered by Government Resolution G.A.D. dated 09/07/2019.**

(ii) fuyfcr 'kkl dh; I ocll; k T; k i dzj .lh 3 efgl; kpk dkyko/hr foHkxh; pkl'lh l q d: u nkskjk i = ctlo.; kr vkysulgh] v'kk i dzj .lh ek- l oclp U; k; ky; kpsvnsk i lgrk] fuyæu l ektr dj.; k'kok; vl; i; k; jkgr ulgh- R; keGsfuyfcr 'kkl dh; I ocll; kcr foHkxh; pkl' kph dk; ðkgh l q d: u nkskjk i = ctlo.; kph dk; ðk; h fuyæuki kl u 90 fno l kl; k vkr dkVclj i .ksdyh t kbÿ ; kph n{krk@ [kcj nkjh ?s; kr ; koh-

(v) The Government of Maharashtra vide its G.R. G.A.D. 'kkl u fu.kz dæ 118@i zdæ11@11v] fnukd 09-07-2019 in para nos. **1 (ii)** following decisions have been taken :-

fuyfcr 'kkl dh; I ocll; k T; k i dzj .lh 3 efgl; kpk dkyko/hr foHkxh; pkl'lh l q d: u nkskjk i = ctlo.; kr vkysulgh] v'kk i dzj .lh ek- l oclp U; k; ky; kpsvnsk i lgrk] fuyæu l ektr dj.; k'kok; vl; i; k; jkgr ulgh- R; keGsfuyfcr 'kkl dh; I ocll; kcr foHkxh; pkl' kph dk; ðkgh l q d: u nkskjk i = ctlo.; kph dk; ðk; h fuyæuki kl u 90 fno l kl; k vkr dkVclj i .ksdyh t kbÿ ; kph n{krk@ [kcj nkjh ?s; kr ; koh-

6. However, the Id. P.O. is directed to take instructions regarding the charge sheet whether it has been served or not? For this query, the matter be kept on Friday.

S.O. 19/3/2021

Steno copy is granted."

3. The matter was first heard on 11.01.2021, 15.02.2021, 23.02.2021, 02.03.2021, 04.03.2021, 15.03.2021 and 19.03.2021. In order dated 15.03.2021 specific question was asked from Id. P.O. that whether chargesheet was served or not? Now this question was raised by Id. P.O. that S.P., Buldana should be the party

because he has suspended the applicant. During seven hearings Id. P.O. has never took objection that S.P., Buldana should be a party and today at the last stage of hearing Id. P.O. has taken objection that S.P., Buldana should be a party as respondent because he has passed the suspension order dated 03.05.2017. At the time of filing reply of respondent no. 2 he took responsibility of all the respondents then it was not necessary to file separate reply of S.P., Buldana and in order dated 23.10.2021 at P.B., Pg. No. 26 where operative part is at P.B., Pg. No. 27. Order of S.P., Buldana, since order has been merged in the order dated 23.10.2020 and responsibility has been owned by respondent no. 2. So, question does not arise and it was never objected by Id. P.O. till today. Now, today objection cannot be tenable since the matter is at final stage. During the hearing on 15.03.2021, the Id. P.O. produced reply of respondent no. 2 along with certain documents relied to review suspension which was not very much satisfying to the Bench. Though, the contention in the reply has been considered.

4. Now, the applicant, if even they have served the chargesheet they have violated the guidelines given by Judgment of Hon'ble Apex Court as well as Government of Maharashtra G.R. dated 09.07.2019. In view of this on technical ground the impugned order dated 03.05.2017 (Annexure-A-1, P.B., Pg. No. 20) and order dated 23.10.2020 (Annexure-A-6, P.B., Pg. No. 26) are required to be quashed and set aside.
5. In view of the above discussions the matter is closed to pass final order in the afternoon.

Date:-25/03/2021.
aps.

Vice Chairman

O.A.No.17/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :25/03/ 2021.

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

2. The applicant entered into service on 17.08.1992 as a Police Sub Inspector thereafter on 24.10.2010 he was further promoted as Assistant Police Inspector. Subsequently, on 10.05.2007 he was further promoted as Police Inspector. During the service tenure when applicant was working as a Police Inspector and was posted at Dhule Police Station offence was registered against him vide offence No. 44/2013 Food and Civil Supply 2006 and also offence punishable under Sections 420, 467, 468 and 471. A D.E. was initiated against the applicant however, he was not put under suspension. In all there were eight charges framed against the applicant in the D.E., the enquiry officer came to the conclusion that charges levelled against the applicant nos. 1,2,3,4,7 & 8 were proved. So far as charge no. 6 is concerned it was partially proved and so far as charge no. 5 was concerned it was not proved. Thereafter applicant was compulsorily retired from service on conclusion of D.E. by respondent no. 2. Applicant preferred an appeal before the competent authority and matter was heard before Hon'ble Minister, Home (Rural) of Maharashtra. The Hon'ble Minister passed an order on 29.08.2019 in this order the Hon'ble Minister quashed the order of compulsory retirement and changed the punishment that applicant should work on original post of Police Inspector for a period of three years. Hon'ble Minister as put several conditions also while passing the order as shown on P.B., Pg. No. 34. In order dated 29.08.2019, the Hon'ble Minister has put 1 to 7 conditions while reducing the punishment. Subsequently, applicant was posted in April, 2017 at Malkapur as Police Inspector in District Buldhana. While working at Malkapur, applicant was suspended vide order dated 03.05.2017 by S.P., Buldana (Annexure-A-1, P.B., Pg. No. 20). This order was continued by respondent no. 2 vide order dated 23.10.2020 (Annexure-A-6, Pg. No. 26) and in the process order dated 03.05.2017 passed by S.P., Buldhana (Annexure-A-1, Pg. No. 20) was merged with order dated 23.10.2020 by respondent no. 2 (Annexure-A-6, Pg. No. 26). As per relief clause 8, Pg. Nos. 14 & 15 order dated 03.05.2017 (Annexure-A-1, Pg. No. 20) and order dated 23.10.2020 (Annexure-A-6, Pg. No. 26) are impugned order and applicant is aggrieved with these orders and approached to the Tribunal. Respondent no. 2 had filed reply on 22.03.2021 which has been argued during the pleading and he also filed reply on 15.03.2021 clarifying certain points.

3. The matter was extensively heard on 04.03.2021 by Id. counsel for the applicant and Id. P.O. along with the reply of respondent no. 2 filed on 02.03.2021 (Pg. No. 35) on impugned order dated 23.10.2020 (A-A-6, Pg. No. 26). The respondent no.2 has filed reply on 2/3/2021 (P-35). In the reply, there is no whisper about reasons

and procedures prescribed by time to time by the Government for extension of suspension period as done vide impugned order dated 23/10/2020 (A-6,P-26). On perusal of the record, it appears that when the State Minister, Home (Rural) passed the order as per page nos.33 & 34 in decision part, he mentioned certain conditions. The condition nos.3,4&5 are as below –

3- *olnh Jh- fni d jked".k dkGh] i ksyhl fujh{kd] rRdk- ue- /kGs'kgj i ksyhl Bk.ks; kauk 3 o"kkZjhrk vdk; Zlkjh i nkoj B0.; kr ; kos*

4- *olnh Jh- fni d jked".k dkGh] i ksyhl fujh{kd] rRdk- ue- /kGs'kgj i ksyhl Bk.ks; kauk 'kkl ul or #twdjrkuk l oZfu; ekpsikyud #u ukdjhdj.; kpsgehi = R; kR; kdMuu ?ks; kr ; kos*

5- *olnh Jh- fni d jked".k dkGh] i ksyhl fujh{kd] rRdk- ue- /kGs'kgj i ksyhl Bk.ks; kauk 2 o"kkZfujh{k.k.kk[kkyh B0u i ksyhl egkl pkyd] egkj"Vjkt;] epbz; kauhR; kckcr vgoxy njegk i ekf.kr djkok.***

4. However, there is no documents filed along with the reply whether condition nos.3,4 & 5 of Hon'ble Minister (Home) (Rural) order dated 29/8/2019 was complied or not, that relevant documents should be filed on record.

5. Whether there is any Review Committee at the respondent no.2 level for review of suspension period regarding extension or not and whether the applicant's case was placed before the Review Committee and what transpired in the minutes of that meeting, that documents should be also filed on record.

6. The learned counsel for the applicant pointed out at page no.27 first two lines of order where it appears that the applicant was reinstated in service only technically he was never taken in service after the order of Hon'ble Minister (Home) (Rural) dated 29/8/2019 if it is like that, then it shows violation of Government order.

7. The learned counsel for the applicant has pointed out in O.A. at page no.13 following facts –

" It appears that the respondent no.2 Director General of Police has completely ignored the order passed by the Hon'ble Minister dated 29/8/2019. There is nothing but a colourable exercise of powers and lack of administration which needs to be deprecated. If the Higher Officer like Director General of Police who is Head of Police in the State of Maharashtra acted in such a fashion then certainly it would be difficult for any members of the Police Personnel to work in Police Department in the State of Maharashtra."

8. If these facts are true, then it is difficult that under tower of justice, illegal orders can be accepted and justified. It may be any compulsion of respondent no.2 as per the requirement of his professional integrity, but in the administration of society at large, any action must be done as per the legal rules. In a democratic society like us governance requires legal rules for every action by all the pillars of democracy. Any anomaly to avoid legal precedences will never be acceptable in the eyes of law.

9. In view of above discussion, learned P.O. is directed to file documents on following two points -

- (i) Compliance of Hon'ble Minister's order dated 29/8/2019 with regard to point nos.3,4&5 .
- (ii) Detail report of Review Committee meeting along with its Minutes.

10. If report is not filed, the matter will be heard on merits.

11. As submitted by the learned counsel, in order dated 4/3/2021 in para-8 (i) & (ii) queries were made. Now today as reply submitted by the P.O. in paras-2&3 on internal page no.2, it is mentioned that "the applicant informed the respondent that, he will submit undertaking after 15/3/2021", whereas, the Hon'ble Minister (Home) (Rural) has passed order on 29/8/2019 (A-8,P-33). Now, this gap is very difficult to understand, because, when order was passed by the Hon'ble Minister (Home) in 2019, it is duty of the Department to comply it and how the applicant informed that he will give undertaking after 15/3/2021. Similarly, questions asked regarding para-8 (i) & (ii) no satisfactory answer has been placed on record by learned P.O.

12. The applicant was suspended vide order dated 3/5/2017 (A-1,P-20) however along with reply, Annexures have been filed about review of suspension where the applicant's name appears at Sr.No.6 at page no.51 and suspension order dated is mentioned as 4/5/2017 and suspension period is also mentioned two months. At the same time, in remarks column it is only mentioned that ACB crime is under investigation. There is no mention about the D.E. or serving of charge sheet in response to the suspension order dated 3/5/2017 (A-1,P-20). As submitted by the learned counsel for the applicant as mentioned in O.A. at page no.10, in para (X) which is reproduced below –

"(X) It is further submitted that the applicant was put under suspension by order dated 3rd of May,2017 and as on date there is no full-fledged departmental inquiry initiated against the applicant for that purpose. It is to be noted that on 25/1/2019 a charge sheet has been submitted by the prosecution before the Competent Court of Law and therefore the order impugned is without any cogent reason and hence the same needs to be quashed and set aside."

13. In view of these anomalies, the Id. P.O.'s submission is that original suspension order dated 3/5/2017 (A-1P-20) and extension order dated 23/10/2020 (A-6,P-26) both are as on today become illegal. In view of settled principles of law for continuation of suspension by various Judgments of Hon'ble Apex Court and High Court and Government G.R. dated 9/7/2019 which are reproduced below-

(i) The Apex Court in Civil Appeal No. 1912 of 2015 (arising out of SLP No.31761 of 2013) in the case of Ajay Kumar Chaudhary Vs. Union of India through its Secretary and another in its Judgment dated 16/02/2015 in para no. 14, it has observed that :-

14 We, therefore, direct that the currency of a Suspension Order should not extend beyond three months if within this period the Memorandum of Charges/Chargesheet is not served on the delinquent officer/employee; if the Memorandum of Charges/Chargesheet is served a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the concerned person to any Department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognize that previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time limits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a criminal investigation departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us.

(ii) The Hon'ble Apex Court in its Judgment in Civil Appeal No. 8427-8428 of 2018 (Arising out of S.L.P. (Civil) No. 12112-12113 of 2017) in the case of **State of Tamil Nadu Vs. Pramod Kumar IPS and Anr. delivered on 21/08/2018** in its para no. 24 had observed as follows:-

24. This Court in **Ajay Kumar Choudhary v. Union of India, (2015) 7 SCC 291** has frowned upon the practice of protracted suspension and held that suspension must necessarily be for a short duration. On the basis of the material on record, we are convinced that no useful purpose would be served by continuing the first Respondent under suspension any longer and that his reinstatement would not be a threat to a fair trial. We reiterate the observation of the High Court that the Appellant State has the liberty to appoint the first Respondent in a non sensitive post.

(iii) The Principal Bench of Maharashtra Administrative Tribunal Mumbai Bench in O.A. No. 35/2018 Judgment delivered on 11/09/2018 has also rejected continuation of suspension beyond 90 days.

(iv) The Hon'ble High Court of Bombay, Bench at Nagpur in W.P. No. 7506/2018, Judgment delivered on 17.07.2019 was also on same principle. It has observed in para no. 2 that **facts of this case are squarely covered by Government Resolution G.A.D. dated 09/07/2019.**

(ii) fuyfcr 'kkI dh; I oclh; kT; k i dJ. h 3 efgU; kpk dkylo/hr foHkxh; pksd' h l q d: u nks'kjki i = ctko.; kr vkyulgh] v'kk i dJ. h ek- I oclp U; k; ky; kpsvlnsk i lgrk] fuyeu I ektr dj.; k'kok; vU; i; k; jlgr ulgh- R; keGsfuyfcr 'kkI dh; I oclh; kcr foHkxh; pksd' kthph dk; b'gh l q d: u nks'kjki i = ctko.; kph dk; bk; h fuyeu ki kI u 90 fnoI k; k vkr d'kVclg i .ksdsh t'kby; ; kph n{krk@ [kc]nkjh?ks; kr ; koh-

(v) The Government of Maharashtra vide its G.R. G.A.D. 'kkI u fu.k; dz 118@i zcz11@11v] fnukcl 09-07-2019 in para nos. **1 (ii)** following decisions have been taken :-

fuyfcr 'kkI dh; I oclh; kT; k i dJ. h 3 efgU; kpk dkylo/hr foHkxh; pksd' h l q d: u nks'kjki i = ctko.; kr vkyulgh] v'kk i dJ. h ek- I oclp U; k; ky; kpsvlnsk i lgrk] fuyeu I ektr dj.; k'kok; vU; i; k; jlgr ulgh- R; keGsfuyfcr 'kkI dh; I oclh; kcr foHkxh; pksd' kthph dk; b'gh l q d: u nks'kjki i = ctko.; kph dk; bk; h fuyeu ki kI u 90 fnoI k; k vkr d'kVclg i .ksdsh t'kby; ; kph n{krk@ [kc]nkjh?ks; kr ; koh-

14. However, the Id. P.O. is directed to take instructions regarding the charge sheet whether it has been served or not? For this query, the matter be kept on Friday i.e. on 25.03.2021. In order dated 15.03.2021; this specific question was made to Id. P.O. that whether chargesheet has been served or not? Today, i.e. on 25.03.2021 the Id. P.O. is not clear that whether chargesheet has been served or not? However, the Id. counsel for the applicant has made statement that chargesheet has been served on 18.03.2021 i.e. after the order of Tribunal dated 15.03.2021.

15. In view of discussions and pleadings on 04.03.2021, 15.03.2021, 19.03.2021 and finally on 25.03.2021, it is clear that respondents have violated the continuation of suspension of applicant vide impugned order dated 23.10.2020 (A-A-6, Pg. No. 26) in the background of Hon'ble Apex Court Judgment in various cases and guidelines as discussed above. They have also violated Government of Maharashtra G.A.D., G.R. dated 09.07.2019; so original suspension order dated 03.05.2017 (A-A-1, Pg. No. 20) and extension of this order dated 23.10.2020 (A-A-6, Pg. No. 20) are not supported by legal settled principles. So, these orders are required to be quashed and set aside on technical grounds. Hence, following orders:-

ORDER

- A. Order dated 03.05.2017 (Annexure-A-1, P.B., Pg. No. 20) and order dated 23.10.2020 (Annexure-A-6, P.B., Pg. No. 26) both are quashed and set aside on technical ground.
- B. Respondents are at liberty to proceed with Departmental Enquiry as per existing Rules and Regulations.
- C. Since, both the orders have been quashed on technical grounds. Hence, respondents are directed to reinstate the applicant with immediate effect with suitable posting order as per para no. 24 of **State of Tamil Nadu Vs. Pramod Kumar IPS and Anr. delivered on 21/08/2018.**
- D. With these directions, O.A. stands disposed of with no order as to costs.

Vice Chairman

Date:-25/03/2021.

aps.

O.A.No.252/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :25/03/ 2021.

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

2. As submitted by Id. counsel for the applicant as per G.R. dated 13.09.2020 (Annexure-A-1, P.B., Pg. No. 9) Meera-Baiyandar-Vasai-Virar a new Commissionerate has been created and 05 posts from Police Inspector are to be taken from Nagpur Commissionerate. For that Nagpur Commissionerate has recommended 08 names as per letter dated 11.11.2020 (Annexure-A-6, P.B., Pg. No. 28). Till now respondents has taken only one person as per letter dated 07.12.2020 (Annexure-A-7, P.B., Pg. No. 29).

3. The Id. counsel for the applicant desires that Tribunal should ask respondents to take decision regarding other 04 posts.

4. Respondents are directed to take decision as per existing rules and regulations. With this direction, **O.A. stands disposed of with no order as to costs.**

Vice Chairman

Date:-25/03/2021.

aps.

O.A.No.253/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :25/03/ 2021.

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

2. The applicant was working as Assistant Conservator of Forest (Tendu and Wild Life) Wardha Division. He was facing D.E. in which chargesheet was served vide letter dated 24.06.2014 (Annexure-A-1, P.B., Pg. No. 6) an order was passed vide order dated 10.12.2014 (Annexure-A-2, P.B., Pg. Nos. 12 to 16 both inclusive) the operative part of punishment is at P.B., Pg. No. 16. The applicant has preferred an appeal before Principal Secretary, Revenue and Forest Department i.e. Respondent no. 1 vide letter dated 28.01.2015 (Annexure-A-3, P.B., Pg. No.17) till now this appeal has not been decided.

3. As submitted by Id. counsel for the applicant, applicant was called twice for hearing as per letter dated 17.07.2015 (Annexure-A-4, P.B., Pg. No. 51) and as per letter dated 05.10.2020 (P.B., Pg. No. 53) the second hearing was through Video Conferencing. However, till now appeal has not been decided. Now almost more than six years have been passed.

4. In view of this Respondent no. 1 is directed to decide the appeal dated 28.01.2015 (Annexure-A-3, P.B., Pg. No. 17) **within sixty days from the receipt of this order.**

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

Vice Chairman

Date:-25/03/2021.

aps.

O.A.No.254/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :25/03/ 2021.

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

2. As submitted by Id. counsel for the applicant as per G.R. dated 13.09.2020 (Annexure-A-1, P.B., Pg. No. 11) Meera-Baiyandar-Vasai-Virar a new Commissionerate has been created and 05 posts from Police Inspector are to be taken from Nagpur Commissionerate. For that Nagpur Commissionerate has recommended 08 names as per letter dated 11.11.2020 (Annexure-A-7, P.B., Pg. No. 32). Till now respondents has taken only one person as per letter dated 07.12.2020 (Annexure-A-8, P.B., Pg. No. 33).

3. The Id. counsel for the applicant desires that Tribunal should ask respondents to take decision regarding other 04 posts.

4. Respondents are directed to take decision as per existing rules and regulations. With this direction, **O.A. stands disposed of with no order as to costs.**

Vice Chairman

Date:-25/03/2021.

aps.

O.A.No.255/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :25/03/ 2021.

Heard Shri N.R.Saboo, the Id. counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State.

2. The Id. counsel for the applicant submits that applicant is working as a Vanmazoor since 22.08.1983. He claims regularization as per G.Rs. dated 16.10.2012 and 31.01.1996.

3. Issue notice to Respondents, returnable on six 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. six weeks.**

Vice Chairman

Date:-25/03/2021.

aps.

O.A.No.256/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :25/03/ 2021.

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

2. The applicant was working as Forest Guard and came to be transfer to Jalgaon Jamod Range, at Kuwardeo-I Beat and he was suspended vide order dated 22.02.2021 (Annexure-A-1, P.B., Pg. No. 9). The applicant has preferred an appeal to Respondent no. 3 dated 05.03.2021 (Annexure-A-9, P.B., Pg. No. 26). Further applicant has also made an appeal to Respondent no. 2 i.e. C.C.F., Amravati vide letter dated 09.03.2021 (Annexure-A-10, P.B., Pg. No. 28).

3. Hence, Respondent nos. 1 & 2 both are directed to decide the representations pending before them **within 45 days from the date of receipt of this order.**

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

5. **Steno copy is granted.**

Vice Chairman

Date:-25/03/2021.
aps.

O.A.No.257/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :25/03/ 2021.

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

2. The Id. counsel for the applicant is aggrieved with impugned order dated 01.03.2021 (Annexure-A-11, P.B., Pg. No. 28) and has approached to this Tribunal. The applicant is presently working as Clerk-Cum-Typist and his parent department is Education Department as per Annexure-A-7, P.B., Pg. No. 24. The applicant applied for the post of Librarian in response to advertisement published by G.A.D. dated 12.06.2019 (Annexure-A-2, P.B., Pg. No. 14) and after selection applicant has been appointed by letter dated 18.08.2020 by G.A.D. at Annexure-A-6, P.B., Pg. NO. 22. Subsequently, vide impugned order dated 01.03.2021 (Annexure-A-11, P.B., Pg. No. 28) G.A.D. has issued impugned order and they have inserted the clause 5(D)(5) and according to that they have cancelled the deputation. As per this order at para no. 2 last line; it is mentioned that after three months applicant's deputation will end automatically and in para no. 2; Dr. Punjabrao Deshmukh, Training Institute has been asked to issue suitable posting order to applicant to his Principal Department. Applicant is aggrieved with this condition.

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.**

Vice Chairman

Date:-25/03/2021.

aps.

O.A.No.258/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :25/03/ 2021.

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

2. The applicant was initially appointed as Junior Engineer on 01.03.1984 with the respondents in Public Works Department (Electrical). After completion of service; applicant stood retired on 31.07.2020. Till now, applicant's pension has not been paid. The Id. P.O. submits that he desires to take instructions from the respondents.

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.**

Vice Chairman

Date:-25/03/2021.
aps.

O.A.No.259/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :25/03/ 2021.

Heard Shri G.K.Bhusari, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. As submitted by Id. counsel for the applicant Home Loan was disbursed by respondent no. 3 vide letter dated 10.02.2020 (Annexure-A-1, P.B., Pg. Nos. 12 & 13) and Clause Nos. 4, 5 & 10 on P.B., Pg. Nos. 13 & 14; following conditions have been imposed:-

4- $\frac{1}{2}$ % of the loan amount to be paid by the applicant towards the interest on the loan account. The interest rate shall be 26% per annum. The interest shall be compounded quarterly. The interest shall be payable in arrears. The interest shall be payable on the 15th day of each month. The interest shall be payable in cash. The interest shall be payable to the State Bank of India. The interest shall be payable to the State Bank of India. The interest shall be payable to the State Bank of India. The interest shall be payable to the State Bank of India.

5- The applicant shall be liable to pay the penalty of 2% per annum on the outstanding amount of the loan account. The penalty shall be payable in arrears. The penalty shall be payable on the 15th day of each month. The penalty shall be payable in cash. The penalty shall be payable to the State Bank of India. The penalty shall be payable to the State Bank of India. The penalty shall be payable to the State Bank of India. The penalty shall be payable to the State Bank of India.

10- The applicant shall be liable to pay the penalty of 2.75% per annum on the outstanding amount of the loan account. The penalty shall be payable in arrears. The penalty shall be payable on the 15th day of each month. The penalty shall be payable in cash. The penalty shall be payable to the State Bank of India. The penalty shall be payable to the State Bank of India. The penalty shall be payable to the State Bank of India. The penalty shall be payable to the State Bank of India.

3. G.R. dated 26.09.1997 (Annexure-A-7, P.B., Pg. No. 29) also provides condition no. 2 for penalty of 2.75% which is below:-

2- vfxekl lBh tks i pfyr 0; kt nj v lgs R; ki qkk : i ; s 2-75
i fr'kr tklr njkusnMuh; 0; kt v kdkj. ; kr ; kos

4. Details of loan is given below:-

8	Jherh ostqibz x.kkjko 'kordj	ouj{kd] /kkj.kh i fj{ks-	Rk; kj ?kj [kjnh dj.kk dfjrk	1762000	, dmk&192 glrs i kh ifgyk glrk 9193 : i ; s o moljr 191 glrs9177 : i ; si ek.kk
---	---------------------------------------	--------------------------------	------------------------------------	---------	---

5. Considering the pandemic situation of Covid-19 vide order dated 01.06.2020 (Annexure-A-2, P.B., Pg. No. 16) further three months extension has been given. So, first three months expired on 10.05.2020 and second three months expired on 10.08.2020 as documentary evidence submitted by Id. counsel for the applicant. Applicant submitted documents on dated 26.10.2020 at P.B., Pg. No. 22 that he has used the loan money for purchasing of home. So, there was delay from 10.08.2020 to 26.10.2020. Respondent no. 3 has passed recovery order as per order dated 09.12.2020 (Annexure-A-4, P.B., Pg. Nos. 23 & 24, both inclusive) where applicant name appeared at Sr. No. 5. The Id. counsel for the applicant has also placed on record Judgment in O.A. No. 312/2017 of Principal Bench, MAT, Mumbai which is in applicant's favour.

6. Below table shows recovery order at Annexure-A-4, P.B., Pg. Nos. 23 & 24 applicant name is at Sr. No. 5:-

5	Jherh oslrkbtth 'kordj] ouj{kd] oi v] /kj.lh	1762000	9177	192	2-75%	389659	ifgyk glrk : i ; s 8160@& o moljr 47 glrs : i ; s 8177@& iek.ls
---	---	---------	------	-----	-------	--------	---

7. Considering all these facts, Issue notice to Respondents, returnable on four weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

9. 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.

10. 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.

11. 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.

12. 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.

13. **S.O. four weeks.**

Vice Chairman

Date:-25/03/2021.

aps.

O.A.No.260/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :25/03/ 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. The Id. counsel for the applicant submits that deficit court fees be paid during the course of the day; since, I.P.O. was not available on that day. Applicant was working as Naik in Deputy Commissioner, Labour, Amravati Office and he stood retired on 30.11.2020 by impugned letter dated 01.03.2021 (Annexure-A-2, P.B., Pg. No. 10). Applicant has been issued notice for recovery of Rs. 8,25,692/- and in para no. 2 of the said letter; it has been mentioned that pension paper are hold till the clearance of this recovery.

3. The Id. counsel for the applicant relied on G.R. dated 26.02.2019 (Annexure-A-4, P.B., Pg. No. 12) and on P.B. Pg. No. 13 in para no. 3 (1) (e) Government has taken decision that after five years any access payment paid to Class-III and Class-IV employees should not be recovered. Recovery order of applicant is of during the fixation of pay in 2006 and since applicant retired on 30.11.2020; from fixation day it became 14 years and impugned order issued after 17 years.

4. In view of Justice and Equity, **the impugned order dated 01.03.2021 (Annexure-A-2, P.B., Pg. No. 10) is stayed till filing of the reply.**

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

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

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

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

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

10. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

11. **S.O. four weeks.**

12. *During pendency of impugned order dated 01.03.2021, respondents may proceed with the pension papers keeping in mind that controversial amount can be recovered from gratuity and leave encashment.*

Vice Chairman

Date:-25/03/2021.
aps.

O.A.No.657/2015 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :25/03/ 2021.**

Heard Shri A.C.Dharmadhikari, the Id. counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the Respondents .

2. The Id. counsel for the applicant has filed rejoinder. It is taken on record. Copy is served to the other side.

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

Vice Chairman

Date:-25/03/2021.
aps.

O.A.No.631/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :25/03/ 2021.**

Heard Shri R.M.Fating, 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. four weeks.**

Vice Chairman

Date:-25/03/2021.
aps.

O.A.No.896/2017withC.A.No.119/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :25/03/ 2021.**

Heard Shri G.G.Bade, 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 he wants to withdraw the O.A. and he filed pursis dated 09.03.2021 in this regard. Hence, **O.A. along with C.A. stands disposed of as withdrawal.**

3. *With liberty to file an appeal before Mantralaya, Secretary, Home Department.*

Vice Chairman

Date:-25/03/2021.
aps.

O.A.No.559/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/03/2021.

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

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

Vice Chairman

Date:-25/03/2021.
aps.

O.A.No.248/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/03/ 2021.

Shri M.R.Patil, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. Issue notice to Respondents, returnable on four weeks. Learned C.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:-25/03/2021.

aps.

C.P.No.24/2020 in O.A.No.897/2017 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/03/2021.

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

2. In Tribunal's order dated 23.01.2020 in O.A. No. 897/2017 in para no. 5; specific directions were given. However, today the Id. counsel for the applicant submits that letter dated 17.03.2020 by respondent no. 3 to applicant in last para; it is explained that it has been done as per Section 130 (C) of Maharashtra Civil Services (Pension) Rules, 1982.

3. Issue Notice to the respondents returnable in **four weeks** under Rule 8 of the MAT (Contempt of Courts) Rules, 1996 as to why they should not be proceeded for committing contempt of this Tribunal's order and as to why they shall not be punished under the Contempt of Court Act.

4. Shri A.M.Khadatkar, the learned P.O. waives notice for respondent No. 1. Hamdast granted.

5. **S.O. four weeks.**

Vice Chairman

Date:-25/03/2021.

aps.

O.A.No.537/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/03/2021.

Shri S.A.Marathe, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the Respondents.

2. There is a dispute regarding Government policies and G.Rs. regarding promotion of Group-D employees to Group-C employees. Previously Group-D employees who were 12 passed were allowed to be promoted to Group-C category then subsequently the policy was changed and only Graduate employees of Group-D Category were allowed to be promoted to Group-C Category. As submitted by both the counsels again the policy was changed and now the Employees who were 12 passed can also be promoted to Group-C employees.

3. Now in this situation, today the Id. P.O. submits that he had tried alot to contact the Mantralaya persons regarding reply telephonically. However, reply has not been filed by respondents.

4. In this situation, C.A. filed by Id. counsel for the applicant **bearing no. 83/2021 requires to be allowed** in O.A. NO. 537/2019. **Respondents are directed not to hold scheduled D.P.C. dated 27.03.2021 for promotion of Group-D employees till filing of the reply.**

5. S.O. three weeks.

Date:-25/03/2021.
aps.

Vice Chairman

O.A.No.261/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 25/03/2021.

Shri S.A.Marathe, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State.

2. There is a dispute regarding Government policies and G.Rs. regarding promotion of Group-D employees to Group-C employees. Previously Group-D employees who were 12 passed were allowed to be promoted to Group-C category then subsequently the policy was changed and only Graduate employees of Group-D Category were allowed to be promoted to Group-C Category. As submitted by both the counsels again the policy was changed and now the Employees who were 12 passed can also be promoted to Group-C employees.

3. In view of above situation, relief clause no. 8 (ii) at P.B., Pg. No. 11, requires to be granted in the interest of justice. Hence, **Respondents are directed not to hold scheduled D.P.C. dated 27.03.2021 for promotion of Group-D employees till filing of the reply.**

4. Issue notice to Respondents, returnable on four weeks. Learned 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.**

Vice Chairman

Date:-25/03/2021.

aps.