

O.A. 658/2020 (S.B.)

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

**Dated : 20/09/2021.**

Heard Shri H.P. Lingayat, 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. 6/10/2021**  
for filing reply.

**Vice-Chairman**

dnk.

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

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

**Dated : 20/09/2021.**

Shri A. Bhautik, Id. counsel holding for  
Shri R.L. Alone, Id. counsel for the applicant and  
Shri P.N. Warjurkar, Id. P.O. for the  
respondents.

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

**Vice-Chairman**

dnk.

O.A. 663/2021 (S.B.)

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

**Dated : 20/09/2021.**

Shri N.D. Thombre, Id .counsel for the applicant, Shri A.P. Potnis, Id. P.O. for R-1 to 3 and Shri S.C. Deshmukh, Id. counsel for R-4&5.

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

**Vice-Chairman**

dnk.

O.A. 685/2021 (S.B.)

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

**Dated : 20/09/2021.**

Shri N.R. Shiralkar, 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. 696/2021 (S.B.)

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

**Dated : 20/09/2021.**

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

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

**Vice-Chairman**

dnk.

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

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

**Dated : 20/09/2021.**

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

With the consent of Id. counsel for both the parties, **S.O. two weeks.**

**Vice-Chairman**

dnk.

O.A. 970/2020 (S.B.)

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

**Dated : 20/09/2021.**

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

With the consent of Id. counsel for both the parties, **S.O. 1/10/2021.**

**Vice-Chairman**

dnk.

O.A. 01/2019 (S.B.)

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

**Dated : 20/09/2021.**

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

At the request of Id. P.O., **S.O. next week.**

**Vice-Chairman**

dnk.



**O.A. 817/2019 (S.B.)**

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

**Dated : 20/09/2021.**

Shri A. Upasani, Id. counsel for the  
applicant and Shri M.I. Khan, Id. P.O. for R-1.  
None for R-2.

**S.O. four weeks for filing reply.**

**Vice-Chairman**

dnk.

O.A. 555/2021 (S.B.)

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

**Dated : 20/09/2021.**

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

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

**Vice-Chairman**

dnk.

**O.A. 213/2021 (S.B.)**

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

**Dated : 20/09/2021.**

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

2. It appears that the Id. counsel has not collected the hamdast. At the request of Id. counsel for the applicant, issue fresh notice to the respondents returnable **after four weeks**. Learned C.P.O. waives notice for State. Hamdast allowed.

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

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

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

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

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

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

**Vice-Chairman**

dnk.

O.A. 37/2021 (S.B.)

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

**Dated : 20/09/2021.**

**C.A. No. 194/2021 -**

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

The learned counsel has filed C.A. No.194/201 to condone the delay for 2 years, 3 months and 7 days. The Id. P.O. desires to file reply.

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

**Vice-Chairman**

dnk.

O.A. 698/2021 (S.B.)

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

**Dated : 20/09/2021.**

M.A. Deshkar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

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

**Vice-Chairman**

dnk.

O.A. 173/2019 (S.B.)

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

**Dated : 20/09/2021.**

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

2. The learned P.O. has filed today copy of order dated 13<sup>th</sup> September, 2021 in which the respondents have passed the order in D.E. It is taken on record and marked Exh.-X and copy is supplied to the Id. counsel for the applicant.

With the consent of Id. counsel for both the parties, **S.O. 29/09/2021.**

**Vice-Chairman**

dnk.

O.A. 642/2020 (S.B.)

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

**Dated : 20/09/2021.**

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

With the consent of Id. counsel for both  
the parties, **S.O. 29/09/2021.**

**Vice-Chairman**

dnk.



O.A. 824/2021 (S.B.)

( Shri R.B. Chatha Vs. State of Mah. & Ors.)

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

**Dated : 20/09/2021.**

Heard Shri G.K. Bhusari, Id .counsel for the applicant and Shri M.I. Khan, Id. P.O. for the State.

2. As submitted by the learned counsel, vide order dated 17/7/2019 (A-2,P-24) the applicant Shri R.S. Chadhha was transferred from Nagpur to Dhanora, Dist. Gadchiroli and his name appears at Sr.No.8. The applicant joined at Dhanora. Again vide order dated 30/08/2021 (A-1,P-14) the applicant Shri Ravindrasingh Bhagwatsing Chadhha has been transferred from Dhanora (South), Dist. Gadchiroli to Deori, Dist. Gondia and his name appears at Sr.No.46. In both the transfer orders, the applicant's name and place of postings are done in different fashion. In order dated 17/7/2019 (A-2,P-24) it is written as 'Dhanora' only, whereas, in order dated 30/08/2021 (A-1,P-14) it is written as 'Dhanora (South)'. However, the Id. counsel submits that both the posts are same and the person is also same. Since the applicant was first transferred vide order dated 17/7/2019 (A-2,P-24) from Nagpur to Dhanora, Dist. Gadchiroli, but before completion of normal tenure, vide transfer order dated 30/08/2021 (A-1,P-14) the applicant has been transferred from Dhanora (South), Dist. Gadchiroli to Deori, Dist. Gondia. However, as submitted by the Id. P.O., in transfer order dated 30/08/2021 (A-1,P-14) it is mentioned that the said order is issued as per provisions of Section 4 (4) & 4 (5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (In short "Transfers Act,2005"). The learned counsel submits that the applicant has not been relieved till now.

3. In this situation, **the transfer order dated 30/08/2021 (A-1,P-14) is stayed to the extent of applicant till filing of reply.**

4. Issue notice to respondents returnable **after three weeks**. Learned P.O. waives notice for State. 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 three weeks.**

Steno copy is granted.

**Vice-Chairman**

dnk.

**O.A. 846/2021 (S.B.)**

( Ku. Leena P. Patil Vs. State of Mah. & ors.)

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

**Dated :** 20/09/2021.

Heard Shri P.S. Patil, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The learned counsel has relied on Govt GAD G.R. dated 29/7/2021 (A-1,P-24 to 26) wherein on page nos.24&25 related portion is mentioned as below –

*“1/2 I oI k/Wj.k cnY; k; k, ddk dk; j r i nk; k 25 VDds, o<; ke; khr] cnyh vf/lfu; ekrhy dye 6 e/; suen dyy; k I {ke i kf/kdk; kP; keU; rrsdj.; kr ; k; kr-*

*1/3 I oI Fke I oI k/Wj.k cnY; kph dk; bghf muel 9 vWLV/2021 i; i ulcdj.; kr ; k-*

*1/4 I oI k/Wj.k cnY; kph dk; bgh i wkz >kY; kurjp] th insfjDr jkgrhy dG v'kk fjDr inkajp fo'ksk dkj. kLro cnY; kfmuel 10 vWLV/2021 rfmuel 30 vWLV/2021 ; kdkylo/hi; i vuk; jkgrhy-*

*1/6 rI p] fo'ksk dkj. kLro djko; kP; k cnY; k ; k cnyh vf/lfu; ekrhy dye 4 1/5 ud kj dye 6 e/; suen dyy; k I {ke i kf/kdk; kP; k yxrp; k ofj" B i kf/kdk; kP; k eU; rrsdj.; kr ; k; kr-*

*1/7 fo'ksk dkj. kLro djko; kP; k cnY; k ; k, ddk dk; j r i nk; k 10 VDds; i, o<; ke; khrp dj.; kr ; k; kr-\*\**

3. The learned counsel submits that as per document at Annex-A-3,P-30 the counselling was done for 19 candidates and order was issued on 30/08/2021 (A-4,P-31). The learned counsel has relied on para-7 of the G.R. on page no.25. As submitted by the Id. CPO in para-7 (P-8) of the O.A. following points have been mentioned which is reproduced as follows–

*“(7) It is state that as per the proforma provided by respondent no.3 office along with the circular dated 30/7/2021, applicant submitted her request application for transfer. The applicant has specifically stated the reasons on the basis of which she is entitled for transfer to the places of her choice stated in the application dated 3/8/2021. The said application was duly accepted by the office of respondent no.3 on the date of counselling. It is herewith clarify that on the day of counselling before respondent no.1, it is agreed that one Ku. Harshal Patil who is at*

**Sr.No.8 was agreed to transfer from Gullarghat to Amravati and one Smt. Leena Sandip Dhole was agreed before the Committee for transfer from Amravati to Dhanora and it is also accepted by respondent no.3 to transfer the services of applicant from Dhanora to Gullarghat. As such under this understanding, the counselling on 3/8/2021 was ended. The applicant was therefore expecting that she will get transfer order from Dhanora to Gullarghat on or before 9/8/2021 as per the time limit laid down by State Govt. vide G.R. dated 29/7/2021. But neither the applicant nor Harshal Patil and Smt. Leena Dhole received the order of transfer though it was agreed in the counselling proceeding held on 3/8/2021.”**

4. From the above facts, it appears that it will be cleared only after receiving reply by the respondents.
5. The learned counsel submits that the applicant is yet not relieved. In this situation, **the status-quo be maintained as on today so far as applicant is concerned, till filing of reply.**
6. Issue notice to the respondents returnable **after four weeks**. Learned C.P.O. waives notice for State. Hamdast allowed.
7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
8. 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.
9. 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.
10. 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.
11. 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**

**O.A. 495/2020 (S.B.)**

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

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

**Dated : 20/09/2021.**

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

2. The matter was heard on 2/7/2021 and proposal submitted by respondent no.2 vide his letter dated 29/7/2019 was not on record. Today, the learned P.O. has filed letter dated 28/1/2021 issued by the Under Secretary, Home Department, M.S., Mumbai along with that copy of proposal is attached. As per proposal dated 29/7/2019 the DGP Office has submitted a detailed proposal to the respondent no.1 for deciding deemed date of promotion to the applicant. Again vide letter dated 5/7/2021 the respondent no.2 has submitted points required by respondent no.1. Further vide letter dated 1/2/2021 (P-33) respondent no.2 has reminded the respondent no.1 to grant deemed date of promotion to the applicant.

3. In view of these documents, it is clear that the applicant's grievance is pending before respondent no.1 from 29/7/2019. It is not understood why the proposal is pending since

last two years when all the details have been submitted by the respondent no.2.

4. In view of this situation, the respondent no.1 is directed to decide the proposal dated 29/7/2019 submitted by respondent no.2 within two months from the date of receipt of this order.

**S.O. 15/11/2021.**

Steno copy is granted.

**Vice-Chairman**

dnk.

**O.A. 674/2021 (S.B.)**

( Sandip S. Bhimte Vs. State of Mah. & ors.)

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

**Dated : 20/09/2021.**

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

2. The matter was heard on 17/8/2021 and in para-6 following directions were given –

*“ (6) In this situation, merely due to relieving the applicant is one sided and it cannot be said as justice to the applicant. Hence, transfer order dated 9/8/2021 (A-1,P-11) is stayed and respondents are directed to give personal hearing to the applicant and then decide the posting and at the same time applicant should also appear before respondents with representation mentioning atleast three choices.”*

3. Today, the learned counsel has filed Pursis dated 20/9/2021 (P-46&47) and along with Pursis he has submitted Annex-P-1,P-2 & P-3. It appears that as per Annex-P-2 the applicant had appeared before the respondent

no.1 and submitted his application dated 3/9/2021. He has also mentioned three choices and he further submitted that out of three choices, choice no.1 i.e. in the office of Directorate of Geology and Mining, Nagpur is vacant today also. However, the learned counsel submits that till now the applicant has not been given any suitable posting.

4. In view of this situation, the respondent no.1 is directed to issue posting order to the applicant as per his application 3/9/2021 (A-P-2,P-50) submitted to the respondent no.1 within two weeks from the date of receipt of this order. It is also made clear that the applicant is relieved and he yet to join at any post without own fault. The period from when he was relieved and he will join, that period will be treated by respondent no.1 as compulsory waiting period for all purposes and he will be entitled for salary and other allowances.

**S.O. two weeks.**

Steno copy is granted.

**Vice-Chairman**

dnk.



**O.A. 735/2021 (S.B.)**

( Vinod C. Patil Vs. State of Mah. & Ors.)

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

**Dated : 20/09/2021.**

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

2. As pointed out by the learned counsel, in order dated 27/8/2021 in para-9 following line has not been mentioned though it was dictated on the dias. Now it is mentioned as below –

*“ No coercive action should be taken against the applicant before deciding the representation.”*

3. When the matter was heard on 27/8/2021 the respondents were directed to decide the applicant's representation dated 11/8/2021 (A-3,P-24). However, as pointed out by the learned counsel, till today the representation has not been decided. On the contrary, some of the posts mentioned in the representation dated 11/8/2021 have been filled by the respondents during month of September which is after 30/8/2021. The learned P.O. has objection that under what rule, the applicant has right to submit the representation. In the fairness of justice, any employee has fundamental right to submit his grievances by

way of application to the higher authority which right cannot be taken away from any employee and as per this settled principle of law, the applicant has submitted representation dated 11/8/2021 (A-3,P-24) and the respondents cannot deny it eventhough rules framed by them. Till now the representation has not been decided which is unfortunate part of public governance.

4. In view of above facts, the respondent is directed to decide the applicant's representation dated 11/8/2021 (A-3,P-24) within three weeks from the date of receipt of this order as per rules and regulations framed by them only.

5. The Id. P.O. submits that he will file reply within three weeks.

**S.O. 08/10/2021.**

Steno copy is granted.

**Vice-Chairman**

dnk.

**\*O.A. 815/2021 (S.B.)**

**( Nitin S. Madavi Vs. State of Mah. & Ors. )**

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

**Dated : 20/09/2021.**

Heard Ms. B.V. Reddy, Id .counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. Vide transfer order dated 9/8/2021 (A-1,P-15) the applicant has been transferred from Chandrapur to Khamgaon and his name appears at Sr.No.39. The applicant had completed his tenure at Chandrapur. The applicant had given representation dated 8/6/2021 as per Annex-A-2, P-26& 27 and on page no.27 the applicant has given 10 choices and out of 10 choices, 9 choices are from Mumbai only and only one choice is at Chandrapur. From the record, it appears that the applicant also tried to take political favour as per letter dated 16/8/2021 (A-5,P-32) written by the Hon'ble State Minister (Energy), M.S. Mumbai to the Hon'ble State Minister (Finance), M.S., Mumbai which is against the conduct rules of civil services. The respondents can start disciplinary action also for this kind of taking favour.

3. As submitted by the Id. CPO, vide order dated 31/8/2021 (A-3,P-28) the applicant has been relieved from the present post and his name appears at Sr.No.6.

4. Now in this situation, the applicant has no choice but to join at the place of posting and make fresh representation to the respondents for considering his problem during the next transfer season of 2022. The Id. CPO also pointed out that in transfer order dated 9/8/2021 (A-1,P-15) another employee at Sr.No.37 has been posted in place of applicant.

5. In view of this, only option is that the applicant should join at the place of posting and make fresh representation to the respondents for considering his problem during the next transfer season of 2022.

6. Issue notice to the respondents returnable **after four weeks**. Learned C.P.O. waives notice for State. Hamdast allowed.

7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
8. 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.
9. 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.
10. 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.
11. 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. 816/2021 (S.B.)**

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

**Dated : 20/09/2021.**

Heard Smt. K.N. Saboo, Id. counsel holding for Shri N.R. Saboo, Id .counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The applicant has submitted representation dated 3/9/2021 (A-6,P-31&32). The contention of the applicant is that the respondent no.4 was transferred to the choice given by the applicant vide order dated 30/8/2021 (A-4,P-24). The respondent no.4 name appears at Sr.No.10. Again the respondent no.5 was transferred to the choice given by the applicant vide order dated 24/8/2021 (A-5,P-28). The respondent no.5 name appears at Sr.No.2. So two choices given by the applicant were filled by the above orders and the applicant's application dated 3/9/2021 (A-6,P-31&32) was not considered. However, as pointed out by the Id. CPO, the representation of the applicant is after issuance of the orders. The applicant's application for the choices is not on record and the applicant's representation dated 3/9/2021 (A-6,P-31&32) is after the orders dated 24/8/2021 and 30/8/2021.

3. In view thereof, issue notice to the respondents returnable **after four weeks**. Learned C.P.O. waives notice for State. 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. 823/2021 (S.B.)**

**( Dr. Mahesh S. Manwar Vs. State of Mah.)**

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

**Dated : 20/09/2021.**

Heard Shri R.M. Fating, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. As submitted by the Id. counsel, the applicant was suspended vide order dated 4/2/2021 (A-20,P-70) by respondent no.2. Subsequently, the respondent no.2 by letter dated 29/7/2021 (A-21,P-71&72) i.e. almost after 5 months has written letter to the respondent no.1 and in last para request was made for ex-post-facto sanction of suspension order. The applicant has submitted application dated 14/7/2021 (A-22,P-73) for revocation of his suspension before respondent no.2. Again on 15/7/2021 (A-23,P-74&75) the applicant submitted application for reinstating and giving him posting. Again vide letter dated 27/7/2021 (A-24,P-76&77) the applicant has made representation to the respondent no.1 requesting for revoking his suspension and giving posting. It appears that vide letter dated 16/7/2021 (A-25,P-78) the respondent no.2 has requested to the respondent no.3 for reinstating the applicant. It is surprising that while issuing the suspension order dated 4/2/2021 (A-20,P-70) the respondent no.2 neither asked the respondent no.3 nor asked the respondent no.1, but issued the suspension order and asked subsequently for ex-post-facto sanction from the respondent no.1 vide order dated 29/7/2021 (A-21,P-71&72) and requested the respondent no.3 to reinstate vide correspondence dated 16/7/2021 (A-25,P-78). From all these letters, it appears that the respondent no.2 was not clear in mind what action should be taken at his level. Vide correspondence dated 4/8/2021 (A-26,P-79) the respondent no.2 has also written to the respondent no.1 that he has submitted proposal to the respondent no.3 for reinstating the applicant. Meanwhile, it is also on record that the respondent no.1 issued the transfer order dated 24/8/2021 (A-27,P-80 to 84) where the applicant's name appears at Sr.No.27 and he has been transferred from PHC, Bhambora, Tq. Ghatanji, Dist. Yavatmal to the District Health Officer Office, Yavatmal which makes clear that the respondent no.1 was not aware about suspension order issued by the respondent no.2 dated 4/2/2021 (A-20,P-70) and issued transfer order dated 24/8/2021 (A-27,P-80 to 84). The learned counsel submits that the G.R. dated 28/3/2012 (A-29,P-86&87) issued by the respondent no.1 and in the para-4 detailed direction has been given which is reproduced below –

^ i k f k f e d v l j k k ; d n k r h y o s k d h ; v f / k d k j h r s f t Y g k v l j k k ; v f / k d k j h ; k e / h y d l s k R ; k g h o s k d h ; v f / k d k & ; k l a d k r f t Y g k i z k k l u l p ; k d k g h r d k j h v l r h y r j ] R ; k l m h k a r h y r d k j h c k r e f ; d k ; b k j h v f / k d k j h ] f t Y g k i f j " l n ; k a u h i k f k f e d p k d ' l h d j k o h o R ; k r r f ; v k < G Y ; k l v k i Y ; k v f h k i k ; k l g i L r k o R o j h r ' k k l u k l l k n j d j k o k R ; k p c j k c j r d k j h p s L o # i x k k h j v l Y ; k l o d r d ; k i k l u n j B o . ; k p s x j t p s v l Y ; k l ' k k l u k d M u R ; k c k c r ; k k ; r h d k ; b k g h g k b i ; r f t Y g k i f j " l n p ; k e f ; k y ; k r l a d / k r o s k d h ; v f / k d k & ; k p h i n L F k i u k B o . ; k r ; k o h o ' k k l u k d M u i g h y i n L F k i u s k c r l k r f n o l k a v l n s k ? ; k o r - R ; k o j ; k k ; r h d k ; b k g h v l j k k ; f o h k k x t e k Q r R R i j r u s d j . ; k r ; b y - e f ; d k ; b k j h v f / k d k j h ] f t Y g k i f j " l n ; k a u h 0 ; D r h ' k % ; k c k c r n { k r k ? ; k o h e g l j k " V l p s j k T ; i k y ; k p s v l n s k k u d l j o u k o k a u s \* \*

3. The whole issue can be clarified after filing of reply by the respondents, but as of now it is very clear that issue has been totally mishandled by the respondent no.2. Admittedly, when the respondent no.1 has issued the order dated 24/8/2021 (A-27,P-80 to 84) related to the applicant, he has totally disagreed with all the orders of respondent no.2. However position can be clarified after the reply of respondent no.2.

4. Issue notice to the respondents returnable **1/10/2021**. Learned C.P.O. waives notice for State. 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. 1/10/2021.**

**Vice-Chairman**

dnk.



**O.A. 829/2021 (S.B.)**

**( Shri Subhash G. Ther Vs. State of Mah. )**

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

**Dated : 20/09/2021.**

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The same impugned order dated 10/8/2021 (A-1,P-15) was challenged in O.A. No. 760/2021 and which was heard on 01/09/2021 (A-12,P-85&86) and in paras-5&6 on page no.86 the following directions were given to the respondents –

*“ (5) The respondents are directed to give personal hearing and counselling to the applicant and disposed off the representation within 30 days from the date of this order.*

*(6) The respondents are directed to consider the standing order and condition of appointment letter and also Govt. G.R. dated 9/4/2018 (A-3,P-13 to 35) related to transfer.”*

3. The period of 30 days time is yet to be over and the Id. counsel has rushed to the Tribunal by filing present O.A.No.829/2021 with the same grievances. This O.A. is premature as on today since already in the O.A. No.760/2021

the order was passed on 1/9/2021 and the prescribed time is yet to expire. **Hence, the O.A. is dismissed.**

4. However, if the Id. counsel is aggrieved with the decision in the representation, he is at liberty to take further appropriate steps.

**Vice-Chairman**

dnk.

**Rev.A. 21/2021 in O.A. 445/2021 (S.B.)**

( State of Maharashtra & Ors. Vs. Dilip G. Potbhare )

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

**Dated : 20/09/2021.**

Heard Shri S.A. Sainis, Id. P.O. for the applicants (Org. Respondents) and Shri S.P. Palshikar, Id. counsel for the respondent (Org. Applicant).

2. The learned P.O. has filed Review Application in Tribunal's order dated 9/8/2021. The respondents had filed reply on 4/8/2021 in the O.A. which was considered by Tribunal while passing the order dated 9/8/2021. The reply is from page nos. 38 to 42. In para-6 of the reply on page no.40&41 respondents had submitted following para-

*“(6) It is further submitted that the applicant was promoted to the post of Assistant Police Inspector (API) vide order dated 28/04/2021. Needless to say that, on the date of his promotion the enquiry about the aforesaid incidences were going on and those are not finally decided till the order of promotion. The applicant was asked for choice posting. It is pertinent to note here that it is expected that the applicant should be relieved from the present post to join on his promoted post but as per the annexure-A-3 and particularly **Clause-5 which says that if the promoted person is in the list and if any departmental enquiry is pending or if any punishment was imposed or if he is under that punishment, the information should be placed before respondent no.2 for further direction.** It is not denied that the applicant was promoted on 28/04/2021 and the punishments are imposed by order dated 3/5/2021 and 8/6/2021.”*

3. The Clause-5 which says that if the promoted person is in the list and if any departmental enquiry is pending or if any punishment was imposed or if he is under that punishment, the information should be placed before respondent no.2 for further direction.

4. In view of above statement, specific question was asked from the Bench to the Id. P.O. (1) whether on the date of promotion order any departmental inquiry was pending against the applicant

and was that placed before the DPC, (2) Whether any punishment was imposed upon the applicant or if he was under that punishment, to these queries the Id. P.O. replied in negative.

5. So it is clear that when promotion order of applicant was issued on 28/4/2021, he was not covered by any of the conditions as prescribed in Clause-5 of the promotion order and submitted by the respondents in their reply para-6 dated 4/8/2021. In this situation, promotion order dated 28/4/2021 clearly covers applicant as promoted officer. Hence, there was no question of holding his promotion and not relieving him.

6. Considering all these points, the order dated 9/8/2021 was passed by the Tribunal apart from above, nothing extra document has been placed for review of the order. Hence, the following order

**ORDER**

- (i) The Review Application is dismissed.
- (ii) No order as to costs.

**Vice-Chairman**

dnk.....

O.A.No.755/2015 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 20/09/2021.**

Heard Shri V.Bhise, 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, the Id. P.O. is directed to supply the addresses of Respondent Nos. 12, 13 & 18 to the Id. counsel for the applicant. So that it will be easier for him to serve the notice.

3. **S.O. four weeks.**

**Vice Chairman**

**Date:-20/09/2021.**  
aps.

O.A.No.209/2019 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 20/09/ 2021.**

None for the applicant. Shri A.P.Potnis, 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:-20/09/2021.**  
aps.

O.A.No.675/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 20/09/ 2021.**

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

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

**Vice Chairman**

**Date:-20/09/2021.**  
aps.

O.A.No.324/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 20/09/ 2021.**

Heard Smt. 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. P.O., **S.O. four weeks to file reply.**

**Vice Chairman**

**Date:-20/09/2021.**

aps.



O.A.No.549/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 20/09/ 2021.**

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

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

**Vice Chairman**

**Date:-20/09/2021.**  
aps.

O.A.No.553/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 20/09/ 2021.**

Heard Shri N.D.Thombre, 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 to file reply.**

**Vice Chairman**

**Date:-20/09/2021.**  
aps.

O.A.No.563/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 20/09/ 2021.**

Heard Shri N.D.Thombre holding for Shri B.Kulkarni, 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. two weeks to file reply.**

**Vice Chairman**

**Date:-20/09/2021.**  
aps.

**O.A.No.672/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 20/09/ 2021.**

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

2. At the request of Id. C.P.O., **S.O. 11.10.2021.**

**Vice Chairman**

**Date:-20/09/2021.**  
aps.

**O.A.St.No.2387/2019 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman  
Dated : 20/09/ 2021.**

**C.A.Nos.501,502&503/2019:-**

Heard Shri A.S.Shukla, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State. Await service of respondent nos. 2 to 4.

2. At the request of Id. counsel for the applicant, **S.O. 27.09.2021.**

**Vice Chairman**

**Date:-20/09/2021.**  
aps.

**O.A.Nos.920,921,922,923&924/2019 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 20/09/ 2021.**

Heard Ms. J.V.Kuhete holding for Shri M.P.Kariya, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the Respondents.

2. The Id. P.O. has filed reply on behalf of the respondent nos. 2 & 3 (O.A. Nos. 920,921,922&923/2019) and reply of respondent no. 5 (O.A. No. 924/2019). It is taken on record. Copy is served to the other side.

3. Hence, O.A. is **admitted** and kept for final hearing.

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

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

6. *Meanwhile, the Id. counsel for the applicant is at liberty to file Rejoinder, if any.*

**Vice Chairman**

**Date:-20/09/2021.**

aps.

O.A.Nos.887,888&889/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 20/09/ 2021.**

None for the applicant. Shri H.K.Pande, the Id. P.O. for the respondents.

2. The Id. P.O. submits that he will file the reply during the course of the day. He further submits that he will serve the copy to the other side.

3. Hence, O.A. is **admitted** and kept for final hearing.

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

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

6. *Meanwhile, the Id. counsel for the applicant is at liberty to file Rejoinder, if any.*

**Vice Chairman**

**Date:-20/09/2021.**  
aps.

**O.A.Nos.523,524&525/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman  
Dated : 20/09/ 2021.**

None for the applicant. Shri A.P.Potnis, the  
Id. P.O. for the respondents. Await service of  
respondent nos. 10 to 14 in O.A. No. 523/2021.

2. At the request of Id. P.O., **S.O. 22.09.2021.**

**Vice Chairman**

**Date:-20/09/2021.**  
aps.



**O.A.No.709/2018 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 20/09/ 2021.**

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

2. At the request of Id. P.O., **S.O. 24.09.2021.**

**Vice Chairman**

**Date:-20/09/2021.**  
aps.

**O.A.No.803/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 20/09/ 2021.**

Heard Shri R.M.Fating, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. The Id. counsel for the applicant has pointed out first order dated 03.11.2017 (A-11, Pg. No. 67), second order dated 18.09.2019 (A-17, Pg. No. 78) and third order dated 10.09.2020 (A-20, Pg. No. 85).

3. In view of above three orders, first Id. counsel for the applicant has to file condonation of delay application.

4. **S.O. after one week.**

**Vice Chairman**

**Date:-20/09/2021.**  
aps.

**C.P.No.23/2021inO.A.No.278/2018 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman  
Dated : 20/09/ 2021.**

Heard Shri N.R.Shiralkar, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. three weeks to take instructions.**

**Vice Chairman**

**Date:-20/09/2021.**  
aps.