

O.A. 667/2020 (S.B.)

(Shilpa M. Kharapkar Vs. State of Mah.& Ors.)

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

Dated : 03/06/2021.

ORDER

C.A. No. 142/2021 -

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

2. The applicant Smt. S.M. Kharapkar is an Ex-serviceman and she was appointed against the quota of Ex-serviceman. Her pay fixation was done by the Collector, Wardha vide order dated 8/1/2019 (A-6,P-25). Subsequently, Incharge Director, Sainik Welfare Department (M.S.), Pune revised the fixation of salary vide order dated 13/9/2019 (A-9,P-32) which is impugned order and under challenge. In this order, in para-3 it has been mentioned that fixation will be subject to Pay Verification Unit and A.G. (Audit) scrutiny. Para-3 of the said order is reproduced below –

^I nj orufuf'prhckr ys[kk vf/kdkjh] oru i MrkG.kh i Fkd r l p egkys[kkdkj ys[kk i fj {k.k i Fkd ; kps vk{k i kud kj ol yjh fu?kky; kl Jherh f'kyik ekjkrh [kj i dj] ftYgk l sud dY; k.k vf/kdkjh ; kpsMuu , djdeh ol yjh dj.; kr ; bly- ; kckr c/ki = ?ks; kr vkysvkg**

3. Aggrieved with this order, the applicant has approached to this Tribunal. The learned counsel for the applicant has also filed letter dated 4/1/2021 issued by the Deputy Director (Administration), Sainik Welfare Department, Pune which is marked Exh-X. In this letter also it is mentioned that the applicant's pay requires to be verified by the Pay Verification Unit, Nagpur and for that purpose they had written letter to the District Sainik Welfare Officer, Nagpur to submit service book of applicant and other documents. So it is clear that Sainik Welfare Board has admitted that their order will be subject to the verification of Pay Verification Unit and A.G. The Pay Verification Unit, Joint Director Accounts and Treasuries, Nagpur (R/3) has filed reply in O.A. on 25/3/2021 in which they are saying that it is not their responsibility which is not correct and it is not acceptable to this Tribunal. The respondent no.3 is directed to verify the pay of applicant after scrutinizing pay fixed by the Collector, Wardha dated 8/1/2019 (A-6,P-25) and pay fixed by the Incharge Director, Sainik Welfare Department (M.S.), Pune revising the fixation of salary vide order dated 13/9/2019 (A-9,P-32). After this scrutiny the respondent no.3 should finalise the pay fixation of the

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applicant according to the rules. When the matter was heard on 22/10/2020 in para-10 the status-quo was granted and that time applicant's pay fixed by Collector, Wardha vide letter dated 8/1/2019 (A-6,P-25) was enforce. Again matter was heard on 9/3/2021 and in para-6 the I.R. was continued.

4. The Collector, Wardha while fixing the pay has given reference no.1 GAD letter dated 10/9/2018 and other references from sr.nos. 2 to 6. These are to be also considered.

5. Today the learned counsel pointed out that the applicant has not been paid any salary Since February,2021. In view of this situation, the respondents are directed to pay salary to the applicant as per pay fixation done by the Collector, Wardha dated 8/1/2019 (A-6,P-25) till final opinion of the respondent no.3 as mentioned in their own fixation letter dated 13/9/2019 (A-9,P-32). The pay fixation done by the Sainik Welfare Board, Pune vide letter dated 13/9/2019 (A-9,P-32) be kept in abeyance till final opinion of the respondent no.3.

6. The respondent no.3 is directed to file on record their opinion after scrutinising both fixation orders .

7. In view of above, the C.A. is allowed and disposed of.

O.A. 667/2020 -

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

The Id. P.O. files reply on behalf of respondent no.3. It is taken on record. Copy is given to the other side.

S.O. four weeks.

Steno copy is granted.

Vice-Chairman

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O.A.No.414/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 03/06/ 2021.

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

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

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

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

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

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

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

8. **S.O. six weeks.**

Vice Chairman

Date:-03/06/2021.

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O.A.No.355/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 03/06/ 2021.

C.A.No.:- 47/2021:-

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

2. Applicant had filed O.A. No. 355/2020 in which prayer clause para 9 (i) on P.B., Pg. No. 9 is for promotion and request is as follow:-

"9 (i) It is therefore, prayed that this Hon'ble Tribunal, may kindly be pleased to direct the Respondent No. 1 to fill the vacant post of Regional Water Conservation Officer as provided in Notification dated 31.10.2019 at Annexure-A-5 and consider claim of promotion of applicant as per seniority dated 12.06.2020 at Annexure-A-3."

3. Today, the Id. counsel for the applicant has filed C.A. No. 47/2021; along with C.A. the Id. counsel for the applicant has filed Government order dated 03.11.2020 (Annexure-A-7, P.B., Pg. No. 4 of C.A.) in which applicant appear at Sr. No. 2, Shri Naresh Daulatrao Sahare and at Seniority No. 4 and applicant had been promoted. Since, the applicant had been promoted, the prayer clause of the O.A. has been solved.

4. However, the Id. counsel for the applicant submits that while issuing the promotion order certain aspects has not been considered and that

needs to be pointed out by the applicant in his application dated 14.12.2020 (Annexure-A-8, P.B., Pg. No. 6 of C.A.). The same application should be decided **within three months from the date of receipt of this letter**. Since, applicant is retiring in January, 2022 as submitted by Id. counsel for the applicant.

5. Since, the point of retirement date has not been mention in the application dated 14.12.2020. In view of this, applicant is at liberty to submit fresh application pointing out his date of retirement to respondents and request to decide the application at earliest. So that his retirement will be covered by all the issues related to the service condition.

6. Respondents are directed to decide representation dated 14.12.2020 and other application **within three months from the date of receipt of any other application by applicant**.

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

8. **Steno copy is granted.**

Vice Chairman

Date:-03/06/2021.

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