

O.A. No.735/2018 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 29.06.2020

Shri S.P. Palshikar, 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.**
06/07/2020.

Member (J)

dnk.

O.A. No.211/2020 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 29.06.2020

Shri D.R. Rupnarayan, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. The learned counsel for the applicant submitted that he has filed service affidavit.

3. The learned P.O. seeks three weeks time to file reply. At his request, **S.O. three weeks.**

Member (J)

dnk.

O.A. No.290/2020 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 29.06.2020

Smt. P.T. Joshi, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. The learned counsel for the applicant submitted that the respondents are served and she would file service affidavit during the course of day.

3. The learned P.O. seeks four weeks time to file reply. At his request, **S.O. four weeks.**

Member (J)

dnk.

O.A. No.795/2018 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 29.06.2020

Shri P.P. Khaparde, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. The learned counsel for the applicant submitted that he is not ready to argue the matter and therefore he seeks further time.

3. At the request of learned counsel for the applicant, **S.O. 09/07/2020.**

Member (J)

dnk.

O.A. No.238/2020 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 29.06.2020

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

S.O. in due course.

Member (J)

dnk.

O.A. No.83/2019 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 29.06.2020

C.A. 161/2020 -

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

2. For the reasons stated in the application, the C.A.No. 161/2020 is allowed.

3. The Id. counsel for the applicant is directed to add the respondent no.3 as newly party forthwith in this matter.

4. After amendment, the respondent no.3 newly added party is directed to expedite the matter with the A.G. office.

O.A. 83/2019 -

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

2. The applicant stood retire from the service on 30th September, 2014, but till today his pension and other retiral benefits are not released by the Government. The learned counsel for the applicant has produced letter dated 25/06/2020 written by

the Regional Deputy Commissioner, Social Welfare Department, Nagpur. It is addressed to the A.G., Nagpur. Alongwith his letter, pension case of the applicant is forwarded to the A.G., Nagpur. The applicant has also produced copy of the letter dated 25/06/2020 written by the Commissioner, Social Welfare Department (M.S.), Pune. After reading this letter, it seems that directions are issued by the Department to release the amount of leave encashment to the applicant.

3. In view of this, as about before six years the applicant retired from the service, therefore, the respondent nos.2&3 are directed to expedite the matter with the A.G. office for immediate sanction of the pension case and to release all other retiral benefits.

S.O. four weeks.

Steno copy be supplied to the Id. P.O.

Member (J)

dnk.

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O.A.No.277/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/06/ 2020.

Heard Shri A.M.Sudame, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State. Await service of respondent no. 2.

2. The Id. P.O. desires two weeks time to file reply, S.O. 16.07.2020. The Id. P.O. will file reply and supply the copy of the same to the applicant before 16.07.2020.

3. **S.O. 16.07.2020.**

Chairman
Date:-29/06/2020.
aps.

Vice

O.A.No.139/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/06/ 2020.

Heard Shri D.B.Walthare, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State. C.F. applicant has not collected notices for the respondent no. 2 to 5.

2. As request by the Id. counsel for the applicant, Issue fresh notices to R-2 to 5, returnable on four weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced

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

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

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

Chairman

Date:-29/06/2020.

aps.

Vice

O.A.No.312/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/06/ 2020.

Heard Shri S.A.Sahu, 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 submitted that applicant was under suspension and suspension was revoked vide order dated 19.09.2019 and respondent no. 3 accepted the joining of the applicant on 05.10.2019 (P.B., Pg. No. 4 of the O.A.). However, the Id. counsel for the applicant submitted that applicant has not been paid salary since October, 2019 till date. His only request is to direct the department to pay the salary which is quite logical.

3. The Id. C.P.O. desires to file reply, matter will be heard after filing of the reply.

4. Issue notice to R-2 to 4, returnable on two weeks. Learned C.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. two weeks.**

11. *Steno copy is granted.*

Vice

Chairman

Date:-29/06/2020.

aps.

O.A.No.820/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/06/ 2020.

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State. None for the respondent no. 2.

2. As requested by Id. P.O., that the Id. counsel for the respondent no. 2; Shri H.D.Marathe is appearing in this matter and today he is unable to attend the Tribunal. **S.O.**
16.07.2020.

Vice

Chairman
Date:-29/06/2020.
aps.

O.A.No. 87/2020
(S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/06/ 2020.

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents. Shri Ashokkumar Laxminarayan Upadhyay i.e. respondent no. 5, present personally.

2. **Closed for orders.**

Chairman
Date:-29/06/2020.
aps.

Vice

O.A.No.218/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/06/ 2020.

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents. The Principal, Government Polytechnic College, Sakoli i.e. respondent no. 3, present personally.

2. The impugned order dated 09.04.2020 (Annexure-A-6, P.B., Pg. No. 25) was issued and applicant get suspended; though respondent no. 3 was not a competent authority to issue such an order and as pointed out by the Id. counsel for the applicant, Joint Director of Technical Education, Nagpur vide his letter dated 20.05.2020 (Annexure-A-12, P.B., Pg. No. 66) has communicated to the respondent no. 3 that this issuing of suspension order by respondent no. 3 is illegal. The same has been communicated by Regional Joint Director of Technical Education, Nagpur vide his letter dated 21.05.2020 (Annexure-A-13, P.B., Pg. No. 67).

3. According to the above situation, respondent no. 3 has no right to continue the order dated 09.04.2020 (Annexure-A-6, P.B., Pg. No. 25) and hence respondent no. 3 is directed to immediate follow the instructions given by Joint Director and Regional Joint Director and revoke the order dated 09.04.2020 with immediate

effect. If, he does not do so, the order will get automatically quashed after a week time i.e. 06.07.2020.

4. **S.O. 09.07.2020.**

5. *Steno copy be granted.*

Vice

Chairman

Date:-29/06/2020.
aps.

O.A.No.219/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/06/ 2020.

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents. The Principal, Government Polytechnic College, Sakoli i.e. respondent no. 4, present personally.

2. The impugned order dated 09.04.2020 (Annexure-A-4, P.B., Pg. No. 17) was issued and applicant get suspended; though respondent no. 3 was not a competent authority to issue such an order and as pointed out by the Id. counsel for the applicant, Joint Director of Technical Education, Nagpur vide his letter dated 20.05.2020 (Annexure-A-7, P.B., Pg. No. 40) has communicated to the respondent no. 3 that this issuing of suspension order by respondent no. 3 is illegal. The same has been communicated by Regional Joint Director of Technical Education, Nagpur vide his letter dated 21.05.2020 (Annexure-A-8, P.B., Pg. No. 41).

3. According to the above situation, respondent no. 3 has no right to continue the order dated 09.04.2020 (Annexure-A-4, P.B., Pg. No. 17) and hence respondent no. 3 is directed to immediate follow the instructions given by Joint Director and Regional Joint Director and revoke the order dated 09.04.2020 with immediate

effect. If, he does not do so, the order will get automatically quashed after a week time i.e. 06.07.2020.

4. **S.O. 09.07.2020.**

5. *Steno copy be granted.*

Vice

Chairman

Date:-29/06/2020.
aps.

O.A.No.314/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :29/06/ 2020.

Heard Shri S.P.Bhandarkar, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the State.

2. The Id. counsel for the applicant has pointed out impugned order dated 16.06.2020 (Annexure-A-3, P.B., Pg. No. 22) this has been given effect from 31.03.2020 (Annexure-A-1, P.B., Pg. No. 16). However, since order is from retrospective date and reply of the respondents are necessary.

3. Issue notice to R-2 & 3, 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:-29/06/2020.

aps.

O.A.No.1025/2018 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and**

Shri A.D.Karanjkar, Member(J)

Dated :29/06/2020.

M.C.A.No.22/2020 in O.A.No.1025/2018:-

Heard Shri A.M.Khadatkar, the Id. P.O. for the applicant nos. 1 & 2 (org. respondent) and Shri N.B.Rathod, the Id. Counsel for the respondents (Org. Applicant). None for the applicant nos. 3 & 4 (Org. respondent nos. 3 & 4).

2. **M.C.A. No. 22/2020 is allowed.** Further extension of two months time is granted from the date of this order to comply the order.

**Member(J)
Chairman
Date:-29/06/2020.
aps.**

Vice

O.A.No.309/2020

(D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and**

Shri A.D.Karanjkar, Member(J)

Dated :29/06/ 2020.

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

2. Issue notice to R-2 to 4, 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.**

Member(J)
Chairman
Date:-29/06/2020.
aps.

Vice

O.A.No.157/2019

(D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and**

Shri A.D.Karanjkar, Member(J)

Dated :29/06/ 2020.

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

2. As agreed by both the counsels, **S.O.**
13/07/2020.

**Member(J)
Chairman**

Date:-29/06/2020.

aps.

Vice

O.A.No.978/2019

(D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and**

Shri A.D.Karanjkar, Member(J)

Dated :29/06/ 2020.

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant, Shri M.I.Khan, the Id. P.O. for the respondent nos. 1 to 4. None for the respondent no. 5.

2. The Id. P.O. submitted that he has to file reply to the rejoinder. **S.O. 13.07.2020.**

Member(J)

Chairman

Date:-29/06/2020.

aps.

Vice

O.A.No.125/2020

(D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and**

Shri A.D.Karanjkar, Member(J)

Dated :29/06/ 2020.

C.A.No.163/2020:-

Heard Shri S.A.Deo, the Id. C.P.O. for the respondents.

2. It is submission of the Id. C.P.O. that the department is misguided by the order passed on 24.02.2020 and, therefore, clarification is required for satisfaction of the department. It is cleared that the impugned order dated 27.01.2020 is stayed by the Tribunal till filing of the reply by the respondents.

3. **C.A. No. 163/2020 is disposed of.**

4. **S.O. Thursday i.e. 02.07.2020.**

5. *Steno copy is granted.*

**Member(J)
Chairman**

Date:-29/06/2020.

aps.

Vice