

O.A. 311/2021 (S.B.)

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

Dated : 12/07/2021.

Heard Shri N.R. Saboo, Id. counsel for the applicant, Shri A.P. Potnis, Id. P.O. for R-1 to 3 and Shri R.D. Karode, Id. counsel for R-4 to 6.

2. During hearing on 7/7/2021 the learned counsel for the applicant had submitted that one week time may be granted as the applicant's representation is under consideration. Now learned counsel has filed Pursis dated 9/7/2021 and submits that the applicant desires to withdraw the present O.A. Hence, the O.A. is disposed of as withdrawn. No order as to costs.

Vice-Chairman

dnk.

O.A. 514/2018 (S.B.)

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

Dated : 12/07/2021.

C.A. 512/2019 -

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

At the request of Id .counsel for the applicant, **S.O. two weeks.**

Vice-Chairman

dnk.

O.A. 534/2020 (S.B.)

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

Dated : 12/07/2021.

Shri R.V. Shiralkar, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. 26/7/2021** for filing reply.

Vice-Chairman

dnk.

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

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

Dated : 12/07/2021.

Shri R. Wasnik, Id. counsel holding for
Shri I.N. Choudhari, Id. counsel for the applicant
and Shri V.A. Kulkarni, 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. 77/2021 (S.B.)

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

Dated : 12/07/2021.

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

2. The learned counsel for the applicant has pointed out the document dated 25/10/2018 (A-1,P-17) wherein the recovery order has been passed, because, the applicant was paid excess payment while fixing the revised pay scale, but this order has been passed without giving opportunity of hearing to the applicant.

3. In view of this, **dated 25/10/2018 (A-1, P-17) is stayed** till filing of reply.

S.O. four weeks.

Vice-Chairman

dnk.

O.A. 380/2021 (S.B.)

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

Dated : 12/07/2021.

There is a leave note from Shri S.P. Palshikar, Id. counsel for the applicant. Shri A.P. Potnis, Id. P.O. for the respondents.

S.O. 30/7/2021.

Vice-Chairman

dnk.

O.A. 384/2021 (S.B.)

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

Dated : 12/07/2021.

Heard Shri M.R. Khan, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

The Id. P.O. files reply of R-2&3. It is taken on record. Copy is served on the applicant.

The matter is admitted and kept for final hearing.

The Id. P.O. waives notice for the respondents.

S.O. 23/7/2021.

Vice-Chairman

dnk.

O.A. 389/2021 (S.B.)

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

Dated : 12/07/2021.

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

At the request of Id. P.O., **S.O. 23/7/2021** for filing reply.

Vice-Chairman

dnk.

O.A. 407/2021 (S.B.)

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

Dated : 12/07/2021.

Shri G.G. Bade, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1. Await service of R-2 to 4.

At the request of Id. counsel for the applicant, **S.O. 26/7/2021.**

Vice-Chairman

dnk.

O.A. 421/2021 (S.B.)

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

Dated : 12/07/2021.

Shri B.V. Chawhan, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1. Await service of R-2 & 3.

At the request of Id. counsel for the applicant, **S.O. Next week.**

Vice-Chairman

dnk.

O.A. 426/2021 (S.B.)

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

Dated : 12/07/2021.

Shri S.N. Gaikwad, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1. Await service of R-2 to 4.

At the request of Id. counsel for the applicant, **S.O. 28/7/2021.**

Vice-Chairman

dnk.

O.A. 503/2021 (S.B.)

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

Dated : 12/07/2021.

C.A.No. 175/2021 -

Heard Shri Rashi Deshpande, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for the State.

2. Since the grievances of the applicants are same, the C.A.No. 175/2021 for filing Jt. O.A. is allowed.

O.A. 503/2021 -

Heard Shri Rashi Deshpande, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for the State.

2. As per record A-3,P-21 the applicant was working as Attendant in IGMC, Nagpur and expired on 15/2/2021. The death certificate is annexed at A-2,P-19. As per Annex-A-4 page no.22 which is copy of service book of applicant wherein it is mentioned wife as Laxmi Arun Mahato, son as Deepak Arun Mahato and daughter as Jyoti Arun Mahato. As per page no.23 Form-I (nomination for Death cum retirement Gratuity) name of Laxmi Arun Mahato mentioned as wife, name of Deepak Arun Mahato and Jyoti Arun Mahato are also

mentioned. In DCRG he written 100% of DCRG to wife Laxmi Arun Mahato. For proof Id. Counsel has filed Adhar Cards of Laxmi Arun Mahato (No.842699405656), Deepak Arun Mahato (No.976814832281) and Jyoti Arun Mahato (No.441052720391), Id. Counsel also filed Election Card of Laxmi Arun Mahato, Deepak Arun Mahato and Jyoti Arun Mahato.

3. The Id. Counsel has also filed document at Annex-A-9 P-35 that the applicant had undergone bilateral Vatactomy.

4. As pointed out by Id. CPO, document at Annex-A-8 P-34 the applicant has taken LTC for Nagpur to Sawantwadi from 2/1/2012 to 8/1/2012 and in that document name of another girl Ku. Arvi Arun Mahato mentioned as daughter. Again on A-10, page no.36 which is document of Ration Card another name of lady Sheela is mentioned as wife and in that list name of girl Arvi is also mentioned as daughter. Now these facts on page no.34 & 36 the applicant has self contradicted members of family in various Govt. record.

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

S.O. after four weeks.

Vice-Chairman

dnk.

O.A. 336/2019 (S.B.)

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

Dated : 12/07/2021.

None for the applicant. Heard Shri M.I. Khan, Id. P.O. for R-1&4 and Shri R. Tajne, Id. counsel for R-2&3.

As submitted by Id. P.O. reply of R-2&3 has already filed. It is sufficient to decide the O.A.

The matter is admitted and kept for final hearing.

S.O. in due course.

Vice-Chairman

dnk.

O.A. 883/2019 (S.B.)

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

Dated : 12/07/2021.

None for the applicant. Heard Shri M.I. Khan, Id. P.O. for R-1 to 5 and Shri A. Deshpande, Id. counsel for R-6.

The Id. P.O. files reply of R-2&3. It is taken on record.

The matter is admitted and kept for final hearing. The Id. P.O. waives notice for R-1 to 5.

S.O. in due course.

Vice-Chairman

dnk.

O.A. 280/2020 (S.B.)

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

Dated : 12/07/2021.

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

At the request of Id. counsel for the applicant, **S.O. 16/7/2021.**

Vice-Chairman

dnk.

O.A. 499/2017 (S.B.)

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

Dated : 12/07/2021.

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

At the request of Id. counsel for the applicant, **S.O. 19/7/2021.**

Vice-Chairman

dnk.

O.A. 982/2018 (S.B.)

(C.R. Pusam Vs. State of Mah. & Ors.)

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

Dated : 12/07/2021.

Heard Shri P.D. Meghe, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. The issue involved in this matter is that during the period from 12/1/2007 to 1/1/2008 the applicant was absent from duty without any regular leave / order. The DE was conducted and charge sheet was served by letter dated 2/3/2010 (A-7,P-39). As per page no.41 total 9 charges were levelled against the applicant, , out of that this absence period was charge no.9. As per the Inquiry Officer report (P-131) charge no.9 has not been proved beyond doubt as per last line of the report and on page no.132 the Inquiry Officer has written the charge no.9 is not proved. However the charge no.2 is partially proved and charge no.5 is fully proved. However, Disciplinary Authority has not agreed with this and the Government has issued show cause notice vide letter dated 26/8/2014 (A-9,52) along with that letter inquiry report has been also given to the applicant.

3. Again Government vide letter dated 21/7/2016 (A-10,P-53) decided to do re-inquiry and vide order dated 27/7/2010 (P-53) another Inquiry Officer was appointed to go into the inquiry. The name of this Inquiry Officer is Shri Sharad Ramrao Choudhari as per para-2 of letter dated 21/7/2016. However, inquiry report signed on 12/6/2014 page

no.132 is by Mr. Ravindra Sawarkar. So inquiry report of Shri Sharad Ramrao Choudhari is not on record. The Id. Counsel is directed to file this report on record. Finally the Govt. has issued letter dated 1/3/2018 (A-1,P-32) this period of the applicant from 12/1/2007 to 1/1/2008 has been treated as absent period and sanction as special leave (without salary). The Id. Counsel is challenging this order and also order dated 28/3/2018 (A-2,P-33). While perusing the documents, it appears that two more documents are required to be examined (i) Commissioner, Social Welfare letter dated 21/12/2017 as mentioned in Govt. order dated 1/3/2018 (A-1,P-32) . The learned counsel directed to file this document also on record. In the Govt. letter dated 28/3/2018 (A-2,P-33) reference no.3 is mentioned as report of inquiry Officer dated 18/6/2014. This document is also not on record. The Id. Counsel is directed to file this document also on record.

S.O. two weeks.

Steno copy is granted.

Vice-Chairman

dnk.

O.A. 522/2019 (S.B.)

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

Dated : 12/07/2021.

Heard Shri N.R. Saboo, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1 to 3, None for R-4 and Shri S.N. Gaikwad, Id. counsel for R-5.

2. The learned counsel for the applicant has produced letter issued by the Government of Maharashtra, Agriculture, Animal Husbandry Dairy and Fisheries Department, Mumbai dated 7/8/2020 which is transfer order of various officers and the applicant is at Sr.No.3. Copy of the said letter is taken on record and marked Exh-X for the purposes of identification. The learned counsel for the applicant submits that by this transfer order, the grievance of the applicant has been redressed and therefore the O.A. has become infructuous. In view of this, the O.A. stands disposed of as infructuous. No order as to costs.

Vice-Chairman

dnk.

O.A. 523/2019 (S.B.)

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

Dated : 12/07/2021.

Shri A.P. Chaware, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 11/8/2021.**

Vice-Chairman

dnk.

O.A. 577/2017 (S.B.)

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

Dated : 12/07/2021.

Heard Shri D.M. Surjuse, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1,2&6 and none for R-3 to 5.

2. The learned counsel for the applicant has relied upon the common Judgment passed by the MAT, Aurangabad Bench on 18/4/2018 in O.A.Nos. 615/16,775/16 & 257/17. He has also relied upon the Judgment passed by the Hon'ble High Court, Bench at Aurangabad on 25/10/2010 in Writ Petition No.10069/2010. Copy of both the Judgments are placed on record and marked Exh-X and X1 for identification. The learned counsel for 3 to 5 is absent today. Hence, matter be kept for hearing on the next date.

S.O. Next week (PH).

Vice-Chairman

dnk.

O.A. 763/2018 (S.B.)

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

Dated : 12/07/2021.

Shri R.A. Haque, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 26/7/2021.**

Vice-Chairman

dnk.

O.A. 214/2020 (S.B.)

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

Dated : 12/07/2021.

Heard the applicant in person and Shri H.K. Pande, Id. P.O. for the respondents.

The learned P.O. submits that he has already filed reply of R-1 on record and copy is supplied to the applicant during the course of

day. The applicant is at liberty to file rejoinder or relevant document if any on the next date.

S.O. 19/7/2021.

Vice-Chairman

dnk.

O.A. 536/2020 (S.B.)

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

Dated : 12/07/2021.

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

The learned counsel desires to file relevant document on record and for that

purpose he seeks further time. He is permitted to do so.

At the request of Id. counsel for the applicant, **S.O. 23/7/2021 (PH)**.

Vice-Chairman

dnk.

O.A. 540/2021 (S.B.)

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

Dated : 12/07/2021.

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

2. The applicant was first transferred vide order dated 31/10/2020 in which it appears that the applicant is at Sr.No.8 and he has been transferred from Yavatmal to Arni on administrative ground (A-2,P-10). Now as per impugned order dated 5/7/2021 (A-3,P-14) the applicant has been transferred from Arni to Control Room, Yavatmal. As per provision of Section 22N of the Bombay Police Act,1951, it appears that the applicant has been transferred without completion of normal tenure. The learned counsel submits that no show cause, no charge sheet and no other reasons have been assigned to the applicant. The learned counsel further submits that the applicant is not relieved as on today.

3. In view of these circumstances, the impugned order dated 5/7/2021 (A-3,P-14) appears violative of Section 22N of the Bombay Police Act,1951 as well as principle of natural justice to the employees.

4. In view of this, **the impugned order dated 5/7/2021 (A-3,P-14) is stayed till filing of reply.**

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

S.O. after four weeks.

Steno copy is granted.

Vice-Chairman

dnk.

O.A. 539/2021 (S.B.)

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

Dated : 12/07/2021.

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

2. The learned counsel for the applicant is challenging recovery of salary due to improper fixation, however, Pay Verification Unit is not made party in this O.A. Therefore, the Id. counsel is directed to make party respondents as Pay Verification Unit. The amendment be carried out within three weeks. The learned counsel is also directed to supply amended copy to the learned CPO.

3. After amendment Issue notice to the respondent nos. 1 to 3 and newly added respondent returnable **after four weeks**. Learned C.P.O. waives notice for the 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.

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.

S.O. after four weeks.

Vice-Chairman

dnk.
**

O.A.No.756/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 12/07/ 2021.

Heard Ms. S.Maraskolhe holding for Shri A.P.Sadavarte, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. two weeks to file reply on amended part.**

Vice Chairman

Date:-12/07/2021.

aps.

O.A.No.193/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 12/07/2021.

There is a leave note of Id. counsel for the applicant. Shri M.I.Khan, the Id. P.O. for the respondents.

2. **S.O. 19.07.2021.**

Vice Chairman

Date:-12/07/2021.
aps.

O.A.No.891/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 12/07/ 2021.

C.A.No.168/2021:-

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

2. As submitted by Id. counsel for the applicant, the issue pertains to 2010 and respondents have started D.E. in 2020 i.e. after 10 years, the chargesheet was served to the applicant on 25.07.2020 (Annexure-A-1, P.B., Pg. No. 20).

3. In view of Hon'ble Apex Court Delhi Judgment in **Prem Nath Bali vs. Reg., High Court of Delhi & Anr. in Civil Appeal No. 958 OF 2010 decided on 16 December, 2015** and G.O.M., G.R. dated 24.02.1997. In G.R. it has been directed that once chargesheet is served; D.E. should be completed within 06 months and if any extra time is required; outer limit should be one year. In G.R. dated 24.02.1997, it has been observed in para no. 2 last line that whole enquiry should be completed within one year. It appears that still they are conducting enquiry and they have failed to comply the above orders.

4. Apart from this, though this O.A. is filed on 21.12.2020; respondents have not filed reply till now.

5. In view of above discussions, **respondents are directed not to proceed with the enquiry till filing of the reply.**

6. **S.O. two weeks.**

7. *The Id. counsel as well as Id. P.O. are directed to place on record the Hon'ble Apex Court order and G.O.M. G.R. too.*

Vice Chairman

Date:-12/07/2021.

aps.

O.A.No.159/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 12/07/ 2021.

C.A.No.183/2021:-

Heard Shri V.B.Gawali, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant has filed **C.A. No. 183/2021 for withdrawal of the O.A.** He further submits in para no. 3 of the C.A. which is below:-

"Accordingly the applicant visited the office of the respondent no. 2 on 12.05.2021 and given letter as demanded, assuring withdrawal of the original application subject to the appointment. The said letter is accepted by respondent no. 2 for further action. The copy of letter dated 12.05.2021 addressed to the respondent no. 2 is annexed herewith as Annexure-1."

3. Hence, prayer in the C.A. clause-iii is allowed and C.A. along with O.A. are **disposed of as withdrawn.**

Vice Chairman

Date:-12/07/2021.

aps.

O.A.No.310/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 12/07/ 2021.

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

2. The Id. P.O. has filed reply on behalf of the respondents. It is taken on record. Copy is served to the other side.

3. Hence, the matter is **admitted** and kept for final hearing.

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

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

Vice Chairman

Date:-12/07/2021.
aps.

O.A.Nos.326 & 327/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 12/07/ 2021.

C.A.Nos.162&163/2021:-

Shri M.R.Khan, 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 has filed C.A. Nos. 162 & 163/2021 for I.R. and submits that if posts are filled, applicant will suffer irreparable damage. **Respondents are directed to fill the posts subject to the outcome of the O.A..** Meanwhile, the Id. P.O. may take instructions from M.P.S.C. i.e. respondent no. 2.

3. Notice on C.A. to Respondents be issued returnable in **four weeks**.

4. Shri M.I.Khan, the learned P.O. waives notice for respondent no.1. Hamdast granted.

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 the O.A.

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 an affidavit of compliance in the Registry as far as possible once week before the date fixed by this Tribunal. 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:-12/07/2021.

aps.

O.A.No.434/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 12/07/ 2021.

None for the applicant. Shri P.N.Warjekar,
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:-12/07/2021.
aps.

O.A.No.436/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 12/07/ 2021.

None for the applicant. Shri M.I.Khan, the Id.
P.O. for the respondents.

2. **S.O. four weeks.**

Date:-12/07/2021.
aps.

Vice Chairman

C.P.No.34/2020inO.A.No.877/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 12/07/ 2021.

Shri I.N.Choudhari, the Id. counsel for the applicant and Shri V.A.Kulkarni, 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:-12/07/2021.
aps.

C.A.No.67/21inC.P.01/21inO.A.No.879/17 D.B.

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 12/07/ 2021.

There is a leave note of the Id. counsel for the applicant. Shri A.P.Potnis, the Id. P.O. for the respondents.

2. **S.O. 23.07.2021.**

Date:-12/07/2021.
aps.

Vice Chairman

O.A.No.357/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 12/07/ 2021.

Shri S.N.Gaikwad holding for Shri K.P.Mahalle, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. At the request of Id. counsel for the applicant, **S.O. 26.07.2021.**

Vice Chairman

Date:-12/07/2021.
aps.

O.A.No.383/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 12/07/ 2021.**

C.A.Nos.178&179/2021:-

Shri S.N.Gaikwad holding for Shri K.P.Mahalle, 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, **S.O. 26.07.2021.**

Date:-12/07/2021.
aps.

Vice Chairman

O.A.No.348/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 12/07/ 2021.

Shri I.A.Fidvi holding for Shri M.M.Sudame, the Id. counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

2. As pointed out by Id. P.O. the chargesheet has been served by order dated 05.06.2015 (Annexure-A-8, P.B., Pg. Nos. 61 to 70). In view of Hon'ble Apex Court Delhi Judgment in **Prem Nath Bali vs. Reg., High Court of Delhi & Anr. in Civil Appeal No. 958 OF 2010 decided on 16 December, 2015** and G.O.M., G.R. dated 24.02.1997.

3. As per the above directions and long delay, the D.E. is not desirable. The Id. P.O. desires four weeks time to file reply. **S.O. four weeks.**

Vice Chairman

Date:-12/07/2021.

aps.

O.A.No.538/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 12/07/2021.

C.A.No.189/2021:-

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

2. The Id. counsel for the applicant has filed C.A. in which Sr. Nos. 1 to 7 are from Vidarbha Region and from Sr. Nos. 8 to 13 are not from Vidarbha Region and these applicants are not coming in the Jurisdiction of this Tribunal. In view of this, Joint Application of C.A. is partly allowed i.e. to the extent of Sr. Nos. 1 to 7 only. Hence, **C.A. is partly allowed and disposed of.**

3. Respondents have published seniority list vide letter dated 04.05.2021 (Annexure-A-5, P.B., Pg. No. 154) and as per appendix seniority list is dated 01.01.2020 and applicants are having objection in this seniority list. Respondents are advice to examine the seniority list dated 01.01.2020 issued vide letter dated 04.05.2021 before proceedings with the same. However, if applicants are aggrieved with any order, they are at liberty agitate there grievance before the Tribunal.

4. The Id. counsel for the applicant desires to amend one name of private respondent, she is permitted to do the same.

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 to 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. Steno copy is granted.

Vice Chairman

Date:-12/07/2021.

aps.

O.A.Nos.87to89,97,122,165to167&190to

194/2021 (D.B.)

Coram:Shri Shree Bhagwan, Vice Chairman

Dated :12/07/ 2021.

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the Respondents.

2. The Id. P.O. has filed reply on behalf of the respondent nos. 1 to 4 (O.A. Nos. 87, 88, 97 & 112/2021). It is taken on record. Copy is served to the other side. The Id. P.O. further submits that he is adopting the same reply in other O.As. too.

3. The Id. counsel for the applicant has also relied in Bunch of Judgment in O.A. Nos. 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 311 & 315/2020 decided on 24.12.2020 by this Bench and he further relied on Judgment of O.A. Nos. 607/2019, 16, 452, 453/2020 decided by this Bench on 14.01.2021.

4. However, as submitted by both the counsels, the issue involved in these O.As. are covered by the Judgment mentioned in above O.As..

5. Hence, **Closed for orders.**

6. *The Id. counsel for the applicant is directed to file details of the applicant in chart format.*

Vice Chairman

Date:-12/07/2021.

aps.

O.A.No.37/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 12/07/2021.

There is a leave note of the Id. counsel for the applicant. Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. **S.O. 26.07.2021.**

Date:-12/07/2021.
aps.

Vice Chairman

O.A.No.65/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 12/07/ 2021.

Shri S.C.Deshmukh, the Id. counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

2. Respondents have filed their reply on 25.06.2021 and in para no. 5 on P.B., Pg. No. 33 following submissions have been made which are reproduced below:-

"It is submitted that, vide finance department G.R. dated 02.03.2019 issued sanctioned to grant three benefits in 7th Pay Commission in revised assured progressive scheme which is implemented w.e.f. 01.01.2016. Accordingly, as per the provisions of Clause (ix) of the said Finance Department G.R. dated 02.03.2019 'The Officer/ Employee who has completed 10 years of regular continuous service on or before 31.12.2015 will be entitled under three benefits scheme and such benefits will be sanctioned on 01.01.2016 as per eligibility.' That since the applicant has completed his regular continuous service of 10 years on 18.01.2011 thus he has been sanctioned first benefit by an order dated 12.10.2020 in seventh pay commission on 01.01.2016 under three benefit scheme revised assured progressive scheme,

however there was confusion in the action taken by the office of this answering respondent and there was flaw found in the said action taken, the correction in the order dated 12.10.2020 is expected, the applicant will be entitled for first benefit after 12 years as per Finance Department G.R. dated 01.04.2010 of Revised Assured Progressive Scheme."

3. The Id. counsel for the applicant submits that as per there submission, if action is taken grievance of the applicant will be solved.

4. In view of this situation, **respondents are directed to take decision as per their own reply of para no. 5 within four weeks from the date of receipt of this order.** Grant benefit of the applicant as per relief clause 10 (i) & (ii), If they find applicant otherwise eligible as per existing rules and regulations. In Relief clause 10 (ii) at P.B., Pg. No. 8 interest will be only as per M.C.S. Rules and no cost will be saddled on respondents.

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

Vice Chairman

Date:-12/07/2021.

aps.

C.P.No.27/2021inO.A.No.651/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 12/07/ 2021.

Shri S.A.Sahu, 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 submits that there are three typographical mistakes in the dates. He is at liberty to correct the same and supply the corrections to the Id. P.O. too.

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 S.A.Sainis, the learned P.O. waives notice for respondent No. 1. Hamdast granted.

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

Vice Chairman

Date:-12/07/2021.
aps.

O.A.No.390/2018 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 12/07/ 2021.

Shri S.M.Khan, 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. 19.07.2021.**

Vice Chairman

Date:-12/07/2021.
aps.

O.A.No.436/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 12/07/ 2021.

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

2. As per the request of Id. P.O., **put up the matter before regular D.B.**

Vice Chairman

Date:-12/07/2021.

aps.