

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

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

**Dated : 14/07/2021.**

Heard Shri G.K. Bhusari, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondent.

2. The learned P.O. submits that he has filed reply of R-1 in office and copy is given to the applicant. It is taken on record.

3. The matter is admitted and kept for final hearing.

4. The learned P.O. waives notice for the respondent.

**S.O. Next week.**

**Vice-Chairman**

dnk.

**O.A. 271/2020 (S.B.)**

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

**Dated : 14/07/2021.**

**C.A. No. 174/2021 -**

Heard Shri N.R. Saboo, Id. counsel for the applicants, Shri S.A. Deo, Id. CPO for the respondents and Shri S. Kulkarni, Id. counsel for Intervener.

2. For the reasons stated in the application, the C.A. 174/2021 for Intervention is allowed.

**O.A. 271/2020 –**

Heard Shri N.R. Saboo, Id. counsel for the applicants, Shri S.A. Deo, Id. CPO for the respondents and Shri S. Kulkarni, Id. counsel for Intervener.

2. At the request of Id. CPO as well as learned counsel for Intervener, **S.O. two weeks** for filing reply.

**Vice-Chairman**

dnk.

O.A. 343/2020 (S.B.)

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

**Dated : 14/07/2021.**

Shri V.B. Bhise, 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. two weeks** for filing reply.

**Vice-Chairman**

dnk.

**O.A. 47/2021 (S.B.)**

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

**Dated : 14/07/2021.**

Shri N.D. Thombre, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. 11/8/2021** for filing reply.

**Vice-Chairman**

dnk.

O.A. 82/2021 (S.B.)

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

**Dated : 14/07/2021.**

Shri A.M. Sharma, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1. Await service of R-2 to 5.

**S.O. six weeks** for filing service affidavit.

**Vice-Chairman**

dnk.

O.A. 161/2021 (S.B.)

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

**Dated : 14/07/2021.**

Shri N.D. Thombre, 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.**  
**11/08/2021** for filing reply.

**Vice-Chairman**

dnk.

O.A. 162/2021 (S.B.)

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

**Dated : 14/07/2021.**

Shri N.D. Thombre, 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. 11/8/2021** for filing reply.

**Vice-Chairman**

dnk.

O.A. 163/2021 (S.B.)

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

**Dated : 14/07/2021.**

Shri N.D. Thombre, 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. 11/8/2021** for filing reply.

**Vice-Chairman**

dnk.



O.A. 209/2021 (S.B.)

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

**Dated : 14/07/2021.**

Shri G.G. Bade, 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. 19/7/2021** for filing reply.

**Vice-Chairman**

dnk.

O.A. 238/2021 (S.B.)

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

**Dated : 14/07/2021.**

Shri N.D. Thombre, 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. 30/7/2021** for filing reply.

**Vice-Chairman**

dnk.

O.A. 413/2021 (S.B.)

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

**Dated : 14/07/2021.**

Shri S.W. Sambre, Id. counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for the respondents.

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

**Vice-Chairman**

dnk.

**O.A. 459/2021 (S.B.)**

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

**Dated : 14/07/2021.**

Shri S.N. Gaikwad, Id. counsel for the applicants and Shri V.A. Kulkarni, Id. P.O. for R-1. Await service of R-2 to 8.

**S.O. 4/8/2021** for filing service affidavit.

**Vice-Chairman**

dnk.

**O.A. 493/2021 (S.B.)**

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

**Dated : 14/07/2021.**

**MCA No. 14/2021 in O.A. 493/2021 -**

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

2. The final order passed on 28/06/2021 as per para-11 of the order "retirement of applicant will be subject to the outcome of this O.A." should be treated as final order and the respondents should take note in this regard.

3. In view of above, the MCA No. 14/2021 is allowed and disposed of.

Steno copy is granted.

**Vice-Chairman**

dnk.

**Rev. A. St. 655/21 in O.A. 868/2020 (S.B.)**

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

**Dated : 14/07/2021.**

**C.A. No. 123/2021 -**

Shri S.P. Palshikar, Id. counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1&2 and Shri M.M. Sudame, Id .counsel for R-3.

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

**Vice-Chairman**

dnk.

**O.A. 718/2020 (S.B.)**

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

**Dated : 14/07/2021.**

**C.A.No. 140/2021 -**

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

2. As per prayer clause, the respondents are directed to supply copy of duplicate service book with necessary entries to the applicant within 45 days from the date of receipt of this order.

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

**O.A. 718/2020 –**

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

**S.O. four weeks.**

Steno copy is granted.

**Vice-Chairman**

dnk.

**O.A. 790/2020 (S.B.)**

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

**Dated : 14/07/2021.**

Shri S.N. Gaikwad, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 to 3 and Shri V.B. Gawali, Id. counsel for R-4.

At the request of Id. counsel for the applicant, **S.O. 02/08/2021**.

**Vice-Chairman**

dnk.



O.A. 34/2021 (S.B.)

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

**Dated : 14/07/2021.**

There is a leave note from Shri M.R. Rajgure, Id. counsel for the applicant. Shri A.M. Khadatkar, Id. P.O. for R-1 and Shri T.M. Zaheer, Id. counsel for R-2 to 4.

**S.O. four weeks.**

**Vice-Chairman**

dnk.

**O.A. 906/2017 (S.B.)**

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

**Dated : 14/07/2021.**

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

2. The learned counsel has filed letter dated 24/10/2007 issued by the Additional Director General of Police (Administration), M.S., Mumbai in which it has been clearly mentioned that after suspension if simple punishment like **fine or strict censure**, then suspension period does not get justified or it becomes very difficult to justify.

3. In that case the applicant's case does not get justify vide Clause 72 (3) of the Maharashtra Civil Services (Joining time, Foreign Services & Payment during suspension, dismissal and removal) Rules 1981 which is reproduced below –

The Maharashtra Civil Services (Joining time, Foreign Services & Payment during suspension, dismissal and removal) Rules 1981-

*“Section 72 (3) Where the authority competent to order reinstatement is of the opinion that the suspension was wholly unjustified, the Government servant shall, subject to the*

*provision of sub-rule(8), be paid the full pay and allowances to which he would have been entitled, had he not be suspended”.*

4. The respondent no.2 has followed this order and passed the order on 13/7/2016 (A-3,P-11) in which it has been mentioned that the applicant is entitled to be paid all the salary and allowances whatever he was paid before suspension order.

5. However, as per Annex-A-4,P-12, the request of applicant for granting allowance has been rejected by the respondent no.2 which is impugned order and against the principle of natural justice and law quoted above. In fact, the respondent no.2 by his own orders on page nos.11&12 has taken contradictory stand. So in view of letter dated 24/10/2007 issued by the Additional Director General of Police (Administration), M.S., Mumbai and another order of respondent no.2 dated 13/7/2016, the applicant is entitled for all the salary and allowances during suspension period as he was getting before suspension.

6. In view of above discussion, the order dated 4/7/2017 (A-4,P-12) passed by respondent no.2 is quashed and set aside. The respondent no.2 is directed to pass suitable order in view of above discussions and disbursed all the pay and allowances to the applicant of his suspension period as per law

within 45 days from the date of receipt of this order.

7. With this direction, the O.A. stands disposed of. No order as to costs.

**Vice-Chairman**

dnk.

O.A. 927/2017 (S.B.)

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

**Dated : 14/07/2021.**

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

At the request of Id. counsel for the applicant, **S.O. 4/8/2021.**

**Vice-Chairman**

dnk.

**O.A. 996/2018 (S.B.)**

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

**Dated : 14/07/2021.**

Heard Shri T.U. Tathod, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. The learned counsel for the applicant has relied upon the Judgment passed in O.A.743/2016 on 30/03/2017 (A-6,P-36) by this Tribunal. The learned P.O. has also relied upon Section 68 (6) (a) of the Maharashtra Civil Services (Leave) Rules,1981 which is as under—  
*“Section 68 (6) (a) The authority competent to grant leave may withhold whole or part of cash equivalent of earned leave in the case of a Government servant who retires from service on attaining the age of retirement **while under suspension or while disciplinary or criminal proceedings are pending against him**, if in the view of such authority there is a possibility of some money becoming recoverable from him on conclusion of the proceedings against him. On conclusion of the proceedings, he shall become eligible to the amount so withheld after adjustment of Government dues, if any.”*

3. However, he has not pointed out “what disciplinary or criminal proceedings are pending against him.”. The learned counsel has filed Pursis dated 22/6/2021 along with the inquiry report and on page 19 of inquiry report, the Inquiry Officer has written that point nos.1 to 3 are not proved against the applicant. The learned counsel has annexed impugned order dated 24<sup>th</sup> September,2018 (A-4,P-29 & 30) issued by the Deputy Commissioner (Revenue), Divisional Commissioner office, Amravati and on page 30, it is mentioned as below –

^ i Lr q foHkxh; pkl'lh i dj.kkr varhe fu.kz; gkbLro 'kkl u  
vf/kl q uk fnukad 29@6@2006 ud kj dsy; k egkjk'V<sup>a</sup> ukxjh  
I ok ½j tk½fu; e]1981 psfu; e 68 ¼6¼v½e/ky rjrmUo; s  
Jh-Hkxoku I shkuj I sfu- mi foHkxh; vf/kdj]h] efrztkij] ft-  
vdkyk ; kulk vfr j tk jk[kdj.kkps yHk vnk djrk ; shk  
ukgh\*\*

4. However, after perusing Section 68 (6) (a) of the Maharashtra Civil Services (Leave) Rules,1981 there is mentioned regarding disciplinary proceeding as well as criminal proceedings and as submitted by Id. P.O., criminal proceeding is pending against the applicant.

5. In view of this situation, the order dated 24<sup>th</sup> September,2018 (A-4,P-29 & 30) passed by the Deputy Commissioner (Revenue), Divisional Commissioner office, Amravati (R/2) is remanded back to the respondent no.2 for re-consideration in the light of provisions in Section

68 (6) (a) of the Maharashtra Civil Services (Leave) Rules, 1981. The respondent no.2 should decide this issue and take decision within 60 days from the date of receipt of this order.

6. The learned counsel for the applicant is at liberty to raise this issue along with other issues before respondent no.2.

7. With this direction, the O.A. stands disposed of. No order as to costs.

**Vice-Chairman**

dnk.



O.A. 874/2017 (S.B.)

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

**Dated : 14/07/2021.**

Heard Shri T.U. Tathod, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

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

**Vice-Chairman**

dnk.

**O.A. 24/2018 (S.B.)**

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

**Dated : 14/07/2021.**

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

2. The learned P.O. has filed letter dated 20/03/2020 (P-99) issued by the Collector, Buldhana. As per this letter amount of provisional pension, GIS, GPF and Leave Encashment for 300 days has been paid and as submitted by the Id. P.O., papers of regular pension has been submitted to the Treasury Office. Copy of the said letter is supplied to the learned counsel for the applicant. The learned counsel is directed to contact his client and submit factual position on the next date.

**S.O. after two weeks (PH).**

**Vice-Chairman**

dnk.

O.A. 171/2018 (S.B.)

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

**Dated : 14/07/2021.**

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri A.P. Potnis, 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. 552/2018 (S.B.)

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

**Dated : 14/07/2021.**

Heard 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. 28/7/2021.**

**Vice-Chairman**

dnk.

**O.A. 552/2019 (S.B.)**

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

**Dated : 14/07/2021.**

Heard Shri R.V. Shiralkar, Id. counsel for the applicants and Shri S.A. Sainis, Id. P.O. for the respondents.

2. The father of applicant no.1 was working as ASI with the respondent no.3, i.e., Superintendent of Police, Washim. He was admitted in Hospital for treatment in January,2017. He expired on 29/4/2017, however, Department passed order on 27/4/2017 retiring him prematurely on the ground that "Not fit for Police duty". This order is annexed at Annex-A-4,P-17. In the reply filed by respondent nos.2 to 4 on page 47 of the reply it is mentioned that this order was received by bother of applicant no.1, i.e. Rupesh B. Tayade on 28/4/2017. The father of applicant no.1 was expired on 29/4/2017. The learned counsel has relied the Judgment in O.A.1040/20196 passed by the MAT, Mumbai on 26/4/2017 in which similar issue has been involved. The learned counsel has also filed Judgment in O.A. 176/2017 passed by the MAT, Mumbai on 14/6/2019. However, I personally feel that as relief granted in para nos. 9&10 of the

O.A.No.1040/2016 fully covered the grievance of the applicant which are reproduced as follows -

9) *These Judgments laid down the principles that are required to be borne in mind in considering the claims of the dependants of the deceased Government servant for compassionate appointments. It needs hardly be stressed that the facts are bound to differ. In the present set of circumstances, the facts are such where the enquiry hereinabove indicated has got to be made for a decision with regard to the compassionate appointment which would be just and proper. It is again made clear that it will not be an enquiry behind the back of the applicant and his family and the enquiry will have to be associated and concluded within the time limit set by this order, for otherwise, it should not become a matter of endless wait for the applicant and his family. They are entitled to know their fate one way or the other sooner than later.*

10) *This Original Application is disposed of with direction to the respondent no.1 to enquire into the aspect set out in detail in the body hereof, bearing in mind the directions therein and conclude it within a period of eight weeks from today. After the said enquiry, the issue of compassionate appointment of the applicant be decided within four weeks and communicate its outcome within one week thereafter to the applicant..*

3. The applicant no.2 wife of deceased employee has submitted application at Annex-A-5 Page no.18 and Annex-A-6, Page 19 for considering appointment on compassionate ground.

4. In view of discussions in above paras, following order –

**ORDER**

*(i) The respondent nos.2&3 are directed to enquire into the aspect of whole issue, bearing in mind that it should be concluded within a period of eight weeks from the date of receipt of this order. After the said enquiry, the issue of compassionate appointment of the wife of deceased be decided within four weeks and communicate its outcome within one week thereafter to the wife of deceased..*

(ii). With this direction, the O.A. stands disposed of. No order as to costs.

**Vice-Chairman**

dnk.

O.A. 631/2019 (S.B.)

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

**Dated : 14/07/2021.**

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

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

**Vice-Chairman**

dnk.



**O.A. 861/2019 (S.B.)**

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

**Dated : 14/07/2021.**

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

2. As submission made by the learned counsel for the applicants, the respondent no.4 i.e. the Project Officer, Integrated Tribal Development Project, Chandrapur has sanctioned earned leave of the applicant no.1 Shri D.S.Sahare for 212 days as per G.R. issued by the Tribal Development Department dated 24/7/2020 A-14,P-73, This G.R. has been issued with the consultation of Finance Department. The similar order has been passed for other applicants also by the Project Officer ITDP, Chandrapur. However, the respondent no.4 has failed to mention this G.R. in the reference of his order. He should have mentioned this G.R. in the reference of his order. As pointed out by the learned counsel, on page no.34 at Annex-A-10 the Additional Treasury Officer, Chandrapur has taken objections at point nos.3&4. The point no.3 for encashment of leave bill should be submitted separately and point no.4 mentions about relevant G.R. for encashment of leave to

these employees should be attached with the bill. Nowhere the Additional Treasury Officer has refused to pass the bill. The compliance of point no.3&4 of Additional Treasury Officer (A-10,P-34) is mandatory on the part of the respondents to comply. As per G.R. dated 24/7/2020 in para-2 it has been clearly mentioned that Teacher and other employees of the Govt. Ashram School are entitled for encashment of leave as per Civil Services Rules.

3. The respondent no.4 is directed to comply the objections raised by the Treasury Officer at Annex-A-10,P-34 regarding point nos.3&4 i.e. (i) should make separate bill for leave encashment for each employee as directed by the Treasury Officer and (ii) should supply the copy of G.R. dated 24/7/2020. He should also supply to the Treasury Officer by which direction has been received regarding this by the Commissioner , Tribal Development Department, Nashik i.e. respondent no.2 in this regard. After this compliance, if Treasury is not passing the bills, then the applicants are at liberty to approach this Tribunal.

4. The respondents should complete all these process within 60 days from the date of receipt of this order.

5. With this direction, the O.A. stands disposed of. No order as to costs.

**Vice-Chairman**

dnk.

O.A. 110/2021 (S.B.)

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

**Dated : 14/07/2021.**

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

The matter be kept **high on board on**  
**19/7/2021 (PH).**

**Vice-Chairman**

dnk.

O.A. 111/2021 (S.B.)

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

**Dated : 14/07/2021.**

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

The matter be kept **high on board on**  
**19/7/2021 (PH).**

**Vice-Chairman**

dnk.

**Rev. A. 08/2021 in O.A. 532/2021 (S.B.)**

**( Komal Narayan Sagale Vs. State of Mah. )**

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

**Dated : 14/07/2021.**

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

2. As submitted by the learned counsel for the applicant, in O.A. 532/2021 the matter was heard and the order was passed on 9/7/2021. However, today the learned counsel has filed Review Application and as submitted by the learned counsel that the suspension order dated 29/6/2021 (Annex-A-, P-13&14) of O.A. is covered by order given in O.A.No. 504/2021 on 2/7/2021. The circumstances and reasons of both the matters are similarly situated. Hence, O.A. No. 532/2021 is covered by order passed in O.A. 504/2021.

3. In view of this situation, the order passed in O.A. 532/2021 on 9/7/2021 is modified and on the lines of justice and parity, the suspension order dated 29/6/2021 (Annex-A,P-13&14) is stayed till further orders.

4. The Rev. A. 08/2021 is allowed and the O.A. No. 532/2021 is restored to file.

5. The O.A. No. 532/2021 will be heard along with O.A. No. 504/2021..

**S.O. 4/8/2021** along with O.A. 504/2021.

Steno copy is granted.

**Vice-Chairman**

dnk.\*



**O.A.No.450/2017 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 14/07/ 2021.**

**C.A.No.308/2017:-**

Heard Shri I.G.Meshram, 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 pointed out letter dated 30.09.2014 (Annexure-A-5, P.B., Pg. No. 23) by Principal, Government Engineering College, Amravati in subject it is clearly mentioned that applicant was on contract basis. Since, applicant was on contract basis, she has no right to ask for continuity.

3. However, G.R. dated 13.03.2015 (Annexure-A-7, P.B., Pg. No. 25) in which W.P. No. 2046/2010 delivered on 19.10.2013 has been mentioned. In view of this order of Hon'ble High Court, G.R. has been issued on 13.03.2015 (Annexure-A-7, P.B., Pg. No. 25) in the Annexure applicant name has been appeared at Sr. No. 49.

4. The Id. counsel for the applicant desires to make certain amendment in the O.A.. He should file amendment application for the same within one week after condoning the delay.

5. **S.O. two weeks.**

**Vice Chairman**

**Date:-14/07/2021.**

aps.



**O.A.No.465/2019 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 14/07/2021.**

Heard Shri V.G.Wankhede, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the State. Await service of respondent no. 2.

2. The Id. Counsel for the applicant has not served to the respondent no. 2. He is directed to serve it in a week time and file service affidavit. However, afterwards Id. P.O. desires three weeks time to file reply.

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

**Vice Chairman**

**Date:-14/07/2021.**  
aps.

**O.A.No.75/2020 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 14/07/ 2021.**

Heard Smt. H.S.Dhande, 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 respondent no. 4. It is taken on record. Copy is served to the other side. He further desires time to file reply on behalf of the respondent nos. 1 to 3.

3. Since, prayer clause 'B' on P.B., Pg. No. 27; G.R. dated 24.08.2017 issued by Respondent no. 3 has been agitated. In view of this, Id. P.O. is given four more weeks time to file reply of respondent nos. 1 to 3.

4. **S.O. four weeks.**

**Vice Chairman**

**Date:-14/07/2021.**

aps.

O.A.No.755/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 14/07/ 2021.**

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

2. At the request of Id. counsel for the applicant, **S.O. 28.07.2021 to file rejoinder.**

**Vice Chairman**

**Date:-14/07/2021.**  
aps.

O.A.No.823/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 14/07/ 2021.**

Heard Shri S.P.Palshikar, 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. 19.07.2021 to file reply.**

**Vice Chairman**

**Date:-14/07/2021.**

aps.

O.A.No.08/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 14/07/ 2021.**

None for the applicant. Shri A.M.Ghogre, 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:-14/07/2021.**  
aps.

O.A.No.124/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 14/07/ 2021.**

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

2. The O.A. was filed on 02.02.2021. Respondents have not filed reply till now. During hearing on 23.06.2021 in para no. 3; it was observed that if reply is not filed; matter will be heard on merit. Today again the Id. P.O. desires two weeks time to file reply. Since, reply is not filed by respondents after several hearing; **respondents are directed to maintain status-quo on enquiry as on today till filing of the reply.**

3. **S.O. two weeks.**

4. **Steno copy is granted.**

5. *The Id. counsel for the applicant is not made party to the enquiry officer, he is directed to make amendment and make enquiry officer as a party respondents.*

**Vice Chairman**

**Date:-14/07/2021.**  
aps.

O.A.No.242/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 14/07/ 2021.**

Heard Shri P.D.Meghe, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. As observed in order dated 22.03.2021, prayer clause 'A' and 'B' cannot be heard in the same O.A.. Today, the Id. counsel for the applicant submitted that in this O.A. he only press for prayer clause 'A'. He will file separate O.A. for prayer clause 'B'. The Id. P.O. agrees to file reply within two weeks time.

3. In view of this situation, Id. P.O. is directed to file reply within two weeks time at the same time Id. counsel for the applicant is directed to file separate O.A. for prayer clause 'B'. The Id. counsel for the applicant is directed to make party to the enquiry officer by doing amendment. **Respondents are directed to maintain status-quo till filing of the reply.**

4. **S.O. two weeks.**

**Vice Chairman**

**Date:-14/07/2021.**

aps.

**O.A.No.387/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 14/07/ 2021.**

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents. None for the R-3.

2. The Id. P.O. has filed reply on behalf of the respondent nos. 2 & 3. It is taken on record. Copy is served to the other side.

3. The Id. counsel for the applicant desires to file Rejoinder, if any. However, till filing of the reply, **I.R. is to be continued.**

4. **S.O. 30.07.2021.**

**Vice Chairman**

**Date:-14/07/2021.**  
aps.



**O.A.No.494/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 14/07/ 2021.**

**C.A.No.195/2021:-**

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

2. **C.A. No. 195/2021 for permission to include additional respondents and amendment is allowed.** The Id. counsel for the applicant is directed to carryout the amendment forthwith and supply the same to the Id. P.O..

3. The Id. counsel for the applicant has pointed out that list of respondents which is at P.B., Pg. No. 2 of the C.A. in which Sr. Nos. 3 to 48 are the lists of the respondents. Since, the Id. counsel for the applicant is not having addresses of these respondents. The Id. P.O. is directed to take addresses of these respondents and supply it to the Id. counsel for the applicant.

4. The Id. counsel for the applicant has also submitted that in para no. 3 of P.B., Pg. No. 3; certain corrections are required to be made in the third line while describing post and same needs to be corrected. He is permitted to make such corrections and supply the same to the Id. P.O..

5. The Id. counsel for the applicant further submitted that applicants have made representation

from P.B., Pg. Nos. 39 to 50. Respondents are at liberty to decide the representations till filing of the reply.

**6. S.O. 28.07.2021.**

**7. Steno copy is granted.**

**Vice Chairman**

**Date:-14/07/2021.**

aps.

**C.P.No.46/2020inO.A.No.815/2019 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 14/07/ 2021.**

Heard Shri N.D.Thombre, 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 no. 3. It is taken on record. Copy is served to the other side.

3. The Tribunal order was passed on 10.12.2019 (Annexure-A-1, P.B., Pg. No. 8) and in para no. 2 following directions are given which is reproduced below:-

*"The applicant was suspended vide order dated 19.09.2016 (A-1, P-15) and after the MAT, Nagpur Bench Judgment in O.A. No. 716/2016 decided on 19.07.2018, the applicant was reinstated as per the order dated 15.09.2018 (A-3, P-22), however, the applicant's suspension period is yet to be decided. The suspension period appears to be quite long and in the interest of justice the respondents must decide the applicant's representation dated 15.04.2019 within one month (10.01.2020) from the date of this order. If the respondents fail to decide the application within four weeks, the applicant's suspension period will be treated as duty period."*

4. However, today Id. P.O. has filed reply on C.P.. It appears that respondents have decided representation by order dated 02.02.2021, as per the order it has been decided almost after one year. In view of this situation, there decision in para no. 2 regarding suspension period is illegal against the order. The Id. counsel for the applicant has also pointed out order of this Tribunal dated 10.12.2019 was never challenged in Hon'ble High Court and hence, this order has attained its finality. At the same time, respondents have not approached to this Tribunal for filing extension of time for deciding the O.A.

5. In view of this situation, decision of suspension period in para no. 2 of order dated 02.02.2021 becomes illegal and it does not sustain in the eyes of law. The suspension period of applicant should be treated as per order dated 10.12.2019; as it has been observed that if the respondents have failed to decide the application within four weeks, the applicant's suspension period will be treated as duty period.

6. Since, the representation has been decided on 02.02.2021 after a gap of more than one year the suspension period will be treated as duty period.

7. **S.O. 04.08.2021.**

8. **Steno copy is granted.**

**Vice Chairman**

**Date:-14/07/2021.**

aps.

**O.A.No.1083/2019 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 14/07/ 2021.**

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

2. In this O.A., there is a challenge of G.R. dated 07.08.2012 regarding N.P.A. and this G.R. has been already stayed by the Hon'ble High Court.

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

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

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

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

7. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of

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

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

9. **S.O. four weeks.**

**Vice Chairman**

**Date:-14/07/2021.**

aps.

O.A.No.01/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 14/07/2021.**

None for the applicant. Shri P.N.Warjekar, the Id. P.O. for the respondents. None for the respondent no. 4.

2. Since reply has been filed. The matter is **admitted** and kept for final hearing.

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

4. **S.O. in due course.**

**Vice Chairman**

**Date:-14/07/2021.**  
aps.

**O.A.No.335/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 14/07/ 2021.**

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

2. The service condition of the applicant has been imposed on him by order dated 01.03.2021 (Annexure-A-11, P.B., Pg. Nos. 54 & 55) without giving any hearing to the applicant. **The same order is stayed till filing of the reply.**

3. Issue notice to Respondents, returnable on four weeks. Learned C.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:-14/07/2021.**

aps.

**C.P.No.28/2020inO.A.No.877/2018 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 14/07/2021.**

Heard Shri N.D.Thombre, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

2. The matter was heard on 12.03.2021 and in para no. 4 it is mentioned that the matter was remanded back to the respondent. The Id. P.O. desires to take instructions on this point.

3. **S.O. 04.08.2021.**

**Vice Chairman**

**Date:-14/07/2021.**  
aps.

**O.A.No.212/2019 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 14/07/ 2021.**

Heard Shri S.N.Gaikwad, 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. 04.08.2021.**

**Vice Chairman**

**Date:-14/07/2021.**  
aps.

O.A.No.858/2019 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 14/07/ 2021.**

Heard Shri N.D.Thombre, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **Matter be put up before regular D.B..**

**Vice Chairman**

**Date:-14/07/2021.**  
aps.