

O.A. 947/2018 (S.B.)

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

**Dated : 09/07/2021.**

None for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1 to 3&5 and none for R-4.

**S.O. four weeks.**

**Vice-Chairman**

dnk.

O.A. 773/2019 (S.B.)

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

**Dated : 09/07/2021.**

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

Put up before regular Division Bench.

**Vice-Chairman**

dnk.

O.A. 774/2019 (S.B.)

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

**Dated : 09/07/2021.**

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

Put up before regular Division Bench.

**Vice-Chairman**

dnk.

O.A. 208/2020 (S.B.)

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

**Dated : 09/07/2021.**

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

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

**Vice-Chairman**

dnk.

**O.A. 376/2020 (S.B.)**

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

**Dated : 09/07/2021.**

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

The Id. P.O. files reply of R-2. Copy is served on the applicant. The Id.P. O. submits that reply of R-2 is sufficient to decide the O.A.

The matter is admitted and kept for final hearing.

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

**S.O. 16/7/2021.**

**Vice-Chairman**

dnk.

**O.A. 415/2020 (S.B.)**

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

**Dated : 09/07/2021.**

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

The Id. P.O. files reply of R-2. Copy is served on the applicant. The Id.P. O. submits that reply of R-2 is sufficient to decide the O.A.

The matter is admitted and kept for final hearing.

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

**S.O. 16/7/2021.**

**Vice-Chairman**

dnk.

**O.A. 591/2020 (S.B.)**

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

**Dated : 09/07/2021.**

Heard Shri S.N. Gaikwad, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. for the respondents.

The Id. P.O. files reply of R-2. Copy is served on the applicant. The Id.P. O. submits that reply of R-2 is sufficient to decide the O.A.

The matter is admitted and kept for final hearing.

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

**S.O. 28/7/2021.**

**Vice-Chairman**

dnk.

O.A. 962/2020 (S.B.)

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

**Dated : 09/07/2021.**

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

**S.O. two weeks.**

**Vice-Chairman**

dnk.



**O.A. 19/2021 (S.B.)**

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

**Dated : 09/07/2021.**

Heard Shri N.B. Kalwaghe, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

The Id. P.O. files reply of R-1&2. Copy is served on the applicant. The Id.P. O. submits that reply of R-2 is sufficient to decide the O.A.

The matter is admitted and kept for final hearing.

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

**S.O. 6/8/2021.**

**Vice-Chairman**

dnk.

O.As. 144,145 & 146 of 2021 (S.B.)

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

**Dated : 09/07/2021.**

Shri S.G. Lacharwar, Id. counsel for the applicants and Shri S.A. Deo, Id. C.P.O. for the respondents.

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

**Vice-Chairman**

dnk.

O.A. 195/2021 (S.B.)

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

**Dated : 09/07/2021.**

Shri M.K. Mishra, 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. three weeks** for filing reply.

**Vice-Chairman**

dnk.

O.A. 196/2021 (S.B.)

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

**Dated : 09/07/2021.**

Shri M.K. Mishra, Id. counsel for the applicant and Shri A.M. Khadatkhar, Id. P.O. for the respondents.

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

**Vice-Chairman**

dnk.

O.A. 231/2021 (S.B.)

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

**Dated : 09/07/2021.**

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. 30/7/2021** for filing reply.

**Vice-Chairman**

dnk.

**O.A. 406/2021 (S.B.)**

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

**Dated : 09/07/2021.**

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

The Id. counsel for the applicant desires to amend the O.A. and for that he wants to file application for amendment. He is permitted to do so.

**S.O. one week.**

**Vice-Chairman**

dnk.

**O.A. 471/2021 (S.B.)**

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

**Dated : 09/07/2021.**

**C.A.No. 164/2021 -**

Heard Shri V.N. Patre, 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. 164/2021 for filing Jt. O.A. is allowed.

**O.A. 471/2021 -**

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

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

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

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

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

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

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

**S.O. four weeks.**

**Vice-Chairman**

dnk.



O.A. 475/2021 (S.B.)

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

**Dated : 09/07/2021.**

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

2. The learned counsel for the applicant has filed Pursis dated 9/7/2021 and along with the Pursis he has attached G.R. dated 3/3/1998 The relevant para-3 of the G.R. is reproduced below -

^ 'kkl u l d r i d s k d y ; k i k l u 5 o " k k p ; k v k r v t l d y k v l Y ; k l l k e k U ; i z k k l u f o H k k x ] i f j i = d d z t l e f n 1092@i z d z 49@92@r j k & v ] f n u k d 24 t w ] 1992 P ; k r i k l . k h l p h r t y 1 / 2 i r l y X u 1 / 2 i j k o s e k x o w ] r i k l u l e d / k r v f / k d k & ; k k ; k @ d e p k & ; k k ; k t l e f n u k d k r n j # L r h d j . k s v k o ' ; d u k g h v l s f o H k k x k p s e r v l Y ; k l r k s i L r k o l k e k U ; i z k k l u f o H k k x k d M s l k n j d j . ; k r ; s w u ; s l k e k U ; i z k k l u f o H k k x k d M s t l e f n u k d k r n # L r h c k r p k i L r k o i k B f o . ; k i w h z o j u e m d y y ; k f n u k d 24 t w 1992 P ; k i f j i = d k l k c r P ; k r i k l . k h l p h r t y l o z e n ; k p h [ k p n f o H k k x k u s r i k l . k h d j . k s v k o ' ; d v k g j r l p n # L r d j . ; k r ; s k k & ; k t l e r k j [ k e G s l e d / k r d e p k j h ' k k G P ; k ] f o ? k k i h B k P ; k e g l j k " V " y k d l o k v k ; k s k P ; k i j h { k l } f u o M e M G k P ; k i j h { k l } ' k k l d h ; l d r i d s k d j . ; k l k B h f o f g r d s y y ; k o ; k e ; k h s u d k j v i k = B j r t s f d o k d l s ; k c k c r g h r i k l . k h d j k o h - \*\*

3. The learned counsel has also filed copy of birth register and as submitted by the learned counsel, in service book the applicant's date of birth is recorded as 10/7/1963, whereas, as per birth register the applicant's date of birth is recorded as 9/5/1969. If the applicant's date of birth is taken as per service book, then the applicant will be retiring on 31/7/2021.

4. In the meanwhile, the learned P.O. desires time to file reply in this regard. Time is granted as prayed for. It is made clear that if the reply is not filed till the next date, the matter will be heard and decided on merits.

**S.O. 23/7/2021.**

**Vice-Chairman**

dnk.

Rev. A. 05/2020 in O.A. 481/2018 (S.B.)

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

**Dated : 09/07/2021.**

Shri R.V. Shiralkar, Id. counsel holding for Shri A.C. Dharmadhikari, 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. Next week** for filing reply.

**Vice-Chairman**

dnk.

**O.A. 863/2020 (S.B.)**

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

**Dated : 09/07/2021.**

**C.A.No. 331/2020 -**

Heard Shri R.V. Shiralkar, Id. counsel for the applicants and Shri V.A. Kulkarni, Id. PO for the State.

For the reasons stated in the application, the C.A.No. 331/2020 for filing Jt. O.A. is allowed.

**O.A. 471/2021 –**

Heard Shri R.V. Shiralkar, Id. counsel for the applicants and Shri V.A. Kulkarni, Id. PO for the State.

**S.O. 30/7/2021** for filing reply.

**Vice-Chairman**

dnk.

**O.A. 299/2018 (S.B.)**

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

**Dated : 09/07/2021.**

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

The Id. P.O. submits that reply has already filed.

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.

**Rev. A. 14/2020 in O.A. 605/2018 (S.B.)**

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

**Dated : 09/07/2021.**

Heard Shri S.U. Bhuyar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. PO for the State.

2. Issue notice on Review Application to the respondents returnable **in four weeks.** Learned P.O. waives notice for the State. Hamdast allowed.

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

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

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

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

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

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

**S.O. four weeks.**

**Vice-Chairman**

dnk.

**O.A. 469/2021 (S.B.)**

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

**Dated : 09/07/2021.**

Heard Shri Vilas Dongre, Id .counsel holding for Shri R.L. Kadu, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. Issue notice to the respondents returnable **on 16/7/2021.** Learned C.P.O. waives notice for the State. Hamdast allowed.

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

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

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

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



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

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

**S.O. 16/7/2021.**

**Vice-Chairman**

dnk.

O.A. 520/2021 (S.B.)

( Atmaram U. Dhabe Vs. State of Mah. )

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

**Dated : 09/07/2021.**

Heard Shri D.M. Kakani, Id. counsel holding for Shri G.K. Bhusari, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. As submitted by the Id. counsel, the applicant was posted as Project Officer, ITDP, Pusad, Dist. Yavatmal vide order dated 28/7/2020 (A-8,P-51). Again vide order dated 2/7/2021 (A-1,P-15) another Officer has been posted against the applicant. The first order of transfer of applicant is 28/7/2020 and second order is dated 2/7/2021. So it appears that the applicant has been transferred within one year only and the applicant has not completed his normal tenure as per order dated 28/7/2020. Nothing on record shows that the provision of Maharashtra Government Transfers Act,2005 has been followed. It is mentioned on page 10 of O.A. that the applicant is relieved to accommodate the respondent no.4. Apparently transfer and relieving the applicant vide order dated 2/7/2021 (A-1,P-15) is not as per Maharashtra Government Transfers Act,2005 and hence it is bad in law.

3. Issue notice to the respondents returnable **after two 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.

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

**S.O. after two weeks.**

Steno copy is granted.

**Vice-Chairman**

dnk.

**O.A. 521/2021 (S.B.)**

**( Vikas S. Rachelwar Vs. State of Mah.)**

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

**Dated : 09/07/2021.**

Heard Shri D.M. Kakani, Id. counsel holding for Shri G.K. Bhusari, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. As submitted by the Id. counsel, the applicant was posted as Project Officer, at ITDP, Deori, Dist. Gondia vide G.R. dated 14/1/2021 (A-1,P-50). Again vide order dated 2/7/2021 (A-1,P-15) the respondent no.4 has been posted in place of applicant. The first order of transfer of applicant is 14/1/2021 and second order is dated 2/7/2021. So it appears that the applicant has been transferred within seven months period only. It is against the provisions of Maharashtra Government Transfers Act,2005. No procedure has been also followed while issuing order dated 2/7/2021. As submitted by Id. CPO on page-8 O.A. it is mentioned the applicant has been relieved by signing CTC. However as submitted by the Id. Counsel, this action has been taken from the applicant by coercing him telephonically. The order dated 2/7/2021 is bad in law and cannot sustain validity in the eyes of legal scrutiny.

3. In view of this situation, **the order dated 2/7/2021 (A-1,P-15) is stayed** till filing of reply.

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

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

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

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

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

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

**S.O. after two weeks.**

Steno copy is granted.

**Vice-Chairman**

dnk.

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

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

**Dated : 09/07/2021.**

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

At the request of Id. counsel for the applicant, **S.O. 14/7/2021.**

**Vice-Chairman**

dnk.

O.A. 266/2019 (S.B.)

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

**Dated : 09/07/2021.**

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

2. The learned counsel has filed letter dated 25/05/2021 which is marked Exh-X for the purpose of identification. As per this letter dated 25/5/2021 of Revenue and Forest Department, it appears that the applicant's name has been considered for promotion from the post of RFO to ACF. As per order sheet dated 18/1/2021 the applicant was recruited as Forester and was getting promotion from Forester to RFO and he had taken benefit of G.R. dated 25/5/2004. The said G.R. dated 25/5/2004 is under challenge in SLP before the Hon'ble Apex Court and therefore till the decision in SLP is given by the Hon'ble Apex Court, this matter cannot be decided finally.

3. In the meanwhile, after filing the copy of final decision of Hon'ble Apex Court in SLP by the Id. counsel, the matter will be heard and decided.

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

**Vice-Chairman**

dnk.

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

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

**Dated : 09/07/2021.**

Heard Shri S.N. Gaikwad, Id. counsel holding for 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. 14/7/2021 (PH).**

**Vice-Chairman**

dnk.



**O.A. 196/2018 (S.B.)**

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

**Dated : 09/07/2021.**

Heard Shri D.S. Sawarkar, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. The main grievance of the applicant is that he is not paid house rent allowance etc. as per G.R. dated 24/5/2021 (A-1,P-14) and G.R. dated 19/4/2011 (A-2,P-16) and Circular dated 9/12/2013 (A-3,P-18). The respondents are directed to consider both the G.Rs. and the applicant's case and decide about his house rent allowance, license fee and conveyance as per existing rules and regulations within a period of 30 days from the date of receipt of this order.

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

**Vice-Chairman**

dnk.

O.A. 262/2019 (S.B.)

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

**Dated : 09/07/2021.**

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. 592/2019 (S.B.)**

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

**Dated : 09/07/2021.**

Heard Shri J.A. Fidvi, Id. counsel holding for Shri M.M. Sudame, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. As submitted by the learned P.O., the applicant has been posted to Mumbai vide order dated 6/8/2019 (A-I,P-26) in O.A.630/2019. The applicant is at Sr.No.2 and since the applicant has been already posted to Mumbai, he has no grievances.

3. In view of this, the O.A. has become instructuous and it is disposed of as infructuous. No order as to costs.

**Vice-Chairman**

dnk.

**O.A. 630/2019 (S.B.)**

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

**Dated : 09/07/2021.**

Heard Shri J.A. Fidvi, Id. counsel holding for Shri M.M. Sudame, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 to 3. None for R-4.

2. As pointed out by the learned counsel there are several representations at page nos. 32 to 51. The applicant has made representations to the respondents for transfer at Pune or Aurangabad on personal ground that his mother is suffering from Cancer. Considering, the medical ground of mother of the applicant, the respondents are directed to consider the representations of the applicant as and when vacancy arises at Pune/ Aurangabad at the earliest.

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

**Vice-Chairman**

dnk.

O.A. 1013/2019 (S.B.)

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

**Dated : 09/07/2021.**

Heard Shri N.W. Almelkar, Id .counsel  
for the applicant and Shri A.M. Ghogre, Id. P.O.  
for the respondents.

With consent of Id. counsel for both the  
parties, **S.O. 16/7/2021.**

**Vice-Chairman**

dnk.

O.A. 508/2020 (S.B.)

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

**Dated : 09/07/2021.**

Heard Deepali Sapkal, Id .counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1 to 3 & 5 and none for R-4.

2. The Id. counsel Shri H.D. Futane has filed Pursis and requested for withdraw the Power. He is allowed to withdraw the power.

3. The respondents have filed reply on 12/10/2020 and in reply in first para itself they have mentioned that the applicant was transferred from the post of Talathi, Khamgaon Part-1 to the post of Talathi, Temburna, Tq. Khamgaon. In para-5 of the reply they have mentioned that the applicant has been transferred from Khamgaon Part-I to Temburna Talathi Saza which is just within 5 Kms. from Khamgaon i.e. residence place of applicant. In para-8 it is also mentioned that the applicant has joined at Temburna saza and started working at talathi saza Temburna. As the applicant has already joined and started working on the transferred place, nothing survives in the O.A., therefore, the O.A. stands dismissed. No order as to costs.

**Vice-Chairman**

dnk.

**O.A. 920/2020 (S.B.)**

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

**Dated : 09/07/2021.**

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

2. The respondents have filed reply dated 14/6/2021 (P-30) and on page no.36 it is mentioned that the increment date of applicant is 1/6/2004. As per this, since the applicant retired on 30/6/2005, he must have been given increment on 1/6/2005. So after getting the increment he got only one month and retired on 30/6/2005. For working one month, he cannot claim for next increment as on 1/7/2005. In this situation, his claim of demanding increment of 1/7/2005 does not sustain. If he is denied next increment of 1/6/2005, the respondents should give due increment as on 1/6/2005 and then decide the retiral benefits.

3. The learned counsel desires to make correction in the relief clause. He is permitted to do so today only.

4. In view of above discussion and as amended by the Id. counsel in relief clause, the increment due on 1/6/2005 be given to the applicant and consequent to that all retiral

benefits be given to the applicant. The whole exercise should be done within 90 days from the date of receipt of this order.

5. In view of above 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 : 09/07/2021.**

Heard Shri P.P. Khaparde, 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. 14/7/2021.**

**Vice-Chairman**

dnk.

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

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

**Dated : 09/07/2021.**

Heard Shri P.P. Khaparde, 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. 14/7/2021.**

**Vice-Chairman**

dnk.

O.A. 581/2019 with C.A. 150/2021 (S.B.)

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

**Dated : 09/07/2021.**

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

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

**Vice-Chairman**

dnk.

**O.A. 518/2021 (S.B.)**

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

**Dated : 09/07/2021.**

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

2. The Id. counsel for the applicant has filed Pursis dated 9/7/2021 and submits that the applicant wants to withdraw the O.A.

3. In view of Pursis dated 9/7/2021 the O.A. stands disposed of as withdrawn. No order as to costs.

**Vice-Chairman**

dnk.

**O.A. 532/2021 (S.B.)**

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

**Dated : 09/07/2021.**

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

2. The suspension order was issued on 29/6/2021 (A-A,P-13) and the respondents are working in the process of issuing charge sheet and other formalities. As per law settled by the various Judgments of Hon'ble High Court and Hon'ble Apex Court and also as per Government Resolution G.A.D. dated 09/07/2019, the charge sheet must be served within 90 days from the date of order of suspension.

3. As per various Judgments of Hon'ble High Court and Hon'ble Apex Court and also as per Government Resolution G.A.D. dated 09/07/2019 the respondent have 90 days i.e. upto 29/9/2021 to serve the charge sheet. Therefore, at this stage no interference is required by this Tribunal. Hence, the O.A. stands dismissed. No order as to costs.

**Vice-Chairman**

dnk.\*\*

O.A.No.396/2018 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 09/07/ 2021.**

**C.A.No.514/2019:-**

Heard Shri N.D.Thombre, 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 copy of present representation dated 16.01.2020, which is marked Exh. 'X' for the purpose of identification. It is taken on record. Copy is served to the other side.

3. At the request of Id. P.O., **S.O. three weeks to file reply on C.A..**

**Vice Chairman**

**Date:-09/07/2021.**  
aps.

O.A.No.1003/2018 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 09/07/ 2021.**

**C.A.No.292/2020:-**

Heard Shri N.D.Thombre, the Id. Counsel for the applicant, Shri M.I.Khan, the Id. P.O. for the respondents and Shri N.Tamke holding for Shri P.D.Meghe, the Id. counsel for the respondent no. 6.

2. At the request of Id. P.O. as well as Id. counsel for the respondent no. 6, **S.O. 30.07.2021 to file reply.**

**Vice Chairman**

**Date:-09/07/2021.**  
aps.

**O.A.No.148/2020 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 09/07/ 2021.**

Heard Shri B.Kulkarni, 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 Rejoinder and along with the Rejoinder he has also filed copy of Judgment in W.P. No. 6326/2008 of Hon'ble High Court Mumbai, Bench at Nagpur. He further submits that the issue is cover by decision in the Writ Petition. Since pleadings are completed, O.A. is **admitted** and kept for final hearing.

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

4. **S.O. as and when D.B. will available.**

**Vice Chairman**

**Date:-09/07/2021.**

aps.



O.A.No.319/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 09/07/ 2021.**

**C.A.No.151/2021:-**

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

2. **C.A.No.151/2021 for Amendment is allowed.** The Id. counsel for the applicant is directed to carryout the amendment within one week. He is further directed to supply the amended copy to the other side.

3. As requested by Id. P.O., **S.O. three weeks to file reply.**

**Vice Chairman**

**Date:-09/07/2021.**  
aps.

**O.A.No.574/2020 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 09/07/ 2021.**

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

2. The Id. P.O. pointed out respondents reply on P.B., Pg. No. 45, para no. 7, which is reproduced below:-

*"7. Now there is only issue of regular pension, group insurance and benefit of DCRG which is payable to the applicant. It is submitted that the respondents will conduct inquiry as early as possible and subject to the decision of the inquiry appropriate decision will be taken in respect of regular pension, group insurance and DCRG benefits payable to the applicant."*

3. However, Id. counsel for the applicant desires to get further information regarding serving the chargesheet and other documents.

4. In view of this, two weeks time is granted,  
**S.O. 23.07.2021.**

**Vice Chairman**

**Date:-09/07/2021.**  
aps.

O.A.No.706/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 09/07/ 2021.**

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

2. At the request of Id. P.O., **S.O. 06.08.2021 to file reply.**

**Vice Chairman**

**Date:-09/07/2021.**  
aps.

O.A.No.879/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 09/07/ 2021.**

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

2. The Id. P.O. has filed reply of Respondent nos. 1, 2, 3 & 4. It is taken on record. The Id. P.O. submits that he will serve the copy to the other side.

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

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

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

**Vice Chairman**

**Date:-09/07/2021.**  
aps.

O.A.No.388/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 09/07/ 2021.**

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

2. At the request of Id. P.O., **S.O. 30.07.2021 to file reply.**

3. **I.R. is to be continued till filing of the reply.**

**Vice Chairman**

**Date:-09/07/2021.**

aps.

O.A.No.419/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 09/07/ 2021.**

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri P.N.Warjekar, 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:-09/07/2021.**  
aps.

O.A.No.425/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 09/07/ 2021.**

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

2. At the request of Id. counsel for the applicant, **S.O. four weeks to file service affidavit.**

**Vice Chairman**

**Date:-09/07/2021.**

aps.

O.A.No.559/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 09/07/ 2021.**

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

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

**Date:-09/07/2021.**  
aps.

**Vice Chairman**



O.A.No.248/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 09/07/ 2021.**

**C.A.No.143/2021:-**

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

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

**Vice Chairman**

**Date:-09/07/2021.**  
aps.

**C.P.No.10/2020inO.A.No.642/2010 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 09/07/ 2021.**

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State.

2. Order was passed in O.A. No. 642/2010 on 28.07.2017 and operative part of the order is on P.B., Pg. Nos. 14 & 15 which are reproduced below:-

"1. *The O.As. are partly allowed.*

2. *The respondents are directed to consider the case of the applicants and on satisfaction that they fulfil all other conditions laid down in the Medical Officers, Maharashtra Medical and Health Services, Group-A (one time absorption of Medical Officers on ad hoc basis in the Govt. of Maharashtra (Special), Rules 2009 and shall issue necessary orders, according to law.*

3. *No order as to costs."*

3. However, almost after two years respondents have issued G.R. dated 18.07.2019 (Annexure-A-4, P.B., Pg. No. 21) and on P.B., Pg. No. 21 in last para they have mentioned that applicant is absorbed in Group-B, which is contrary to the order.

4. Issue Notice to the respondents returnable in **after 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.

5. Shri A.M.Ghogre, the learned P.O. waives notice for respondent No. 1. Hamdast granted.

6. **S.O. after four weeks.**

**Vice Chairman**

**Date:-09/07/2021.**

aps.

O.A.No.519/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 09/07/ 2021.**

Heard Shri M.R.Khan, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the State.

2. The applicant was dismissed under article 311 (2) (b) and that was challenged under various O.A. No. 696/2013 with O.A. No. 313/2019 with O.A. No. 356/2019 with O.A. No. 126/2019, the Judgment was passed on 22.11.2019 from P.B., Pg. No. 41 to 55 and all impugned orders of dismissal were set aside. Respondents were given liberty to initiate enquiry against the applicants. As per the order of the Tribunal respondents reinstate the applicants and then started D.E..

3. However, the Id. counsel for the applicant submits that D.E. has been completed and respondents have issued 2<sup>nd</sup> show cause notice by order dated 15.06.2021 (Annexure-A-2, P.B., Pg. No. 31). The Id. counsel for the applicant desires to stay all the orders.

4. However, it will not be proper to interfere with the progress of D.E. process. **Respondents should not proceed with the Show Cause notice dated 15.06.2021 till filing of the reply.** At the same time the Id. counsel for the applicant is directed that he should advice the applicant to file

reply as per show cause notice dated 15.06.2021 to respondent no. 3.

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.

**Date:-09/07/2021.**  
aps.

**Vice Chairman**

**C.P.No.25/21inRev.09/18inO.A.19/08 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 09/07/ 2021.**

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

2. The applicant has filed Rev. Appl. No. 08/2018 in O.A. No. 18/2008 with Rev. Appl. No. 09/2018 in O.A. No. 19/2008 with Rev. Appl. No. 10/2018 in O.A. No. 20/2008 which was decided on 07.01.2021 and operative part is on P.B., Pg. No. 11, para no. 9 which is reproduced below:-

*"In view of this, we accept that there is apparent error in the decision as the material evidence was not before the Bench, therefore, we allow all the Review Applications and in consequence all the Original Applications are allowed in terms of prayer clauses nos. 1 & 2. No order as to costs."*

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.

Date:-09/07/2021.  
aps.

Vice Chairman



**O.A.No.346/2018 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 09/07/ 2021.**

Heard Shri P.S.Wathore, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents. None for the Respondent nos. 3 & 4.

2. The matter was initially heard on 07.05.2019 and in para no. 3 following observations were made:-

*"3. While publishing the results, the M.P.S.C. in point no. 2 of tip, they have mentioned certain regarding S.C. category. However, on top it is clearly mentioned that the posts to be filled in from S.C. category. It is not understood why M.P.S.C. has not taken same stand as per the Hon'ble High Court's order and the order of Principal Bench of this Tribunal, Mumbai while publishing the result of other category candidates, same action should have been taken in case of S.C. category also."*

3. On 12.06.2019; matter was heard and it was pointed out that as per order in W.P. No. 1285/2018 delivered on 28.06.2018 and Principal Bench order in O.A. No. 554/2018 delivered on 11.03.2019; it seems that no action on the part of M.P.S.C. regarding the candidate of S.C. category has been taken till now. Now, M.P.S.C. has declared result and filed on record which is at P.B., Pg. No. 166.

4. The applicant no. 2 is at Sr. No. 9 and had scored 43 marks and applicant no. 1 is at Sr. No. 10 and scored 42 marks. Now, as per advertisement by M.P.S.C. one post of S.C. category is to be filled. As per merit list applicant no. 2 becomes eligible for appointment under S.C. category.

5. In view of this situation, **M.P.S.C. (Respondent no. 2) is directed to take further action as per the result of merit list on P.B., Pg. No. 166 and fill the post within thirty days from the date of this order and it should be subject to outcome of this O.A..**

6. **S.O. after thirty days.**

7. **Matter be treated as P.H..**

**Vice Chairman**

**Date:-09/07/2021.**

aps.

O.A.No.792/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 09/07/ 2021.**

Heard Shri R.M.Fating, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents. None for the Respondent no. 5.

2. At the request of Id. P.O., **Put up the matter before regular D.B..**

3. *I.R. dated 17.12.2020 in para no. 20 and in order dated 09.02.2021 in para no. 3, both the I.Rs. are to be continued till outcome of the O.A.*

**Vice Chairman**

**Date:-09/07/2021.**  
aps.