

**O.As. 168 & 169 of 2018 (S.B.)**

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

**Dated : 28/07/2021.**

Shri N.R. Saboo, Id. counsel for the applicants 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. 565/2019 (S.B.)

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

**Dated : 28/07/2021.**

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

The matter is related to time bound promotion.

Put up before **regular D.B.**

**Vice-Chairman**

dnk.

O.A. 594/2019 (S.B.)

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

**Dated : 28/07/2021.**

**C.A. 16/2020 in O.A. 594/2019 -**

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

**S.O. two weeks as a last chance.**

**Vice-Chairman**

dnk.

O.A. 707/2019 (S.B.)

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

**Dated : 28/07/2021.**

**C.A. 528/2019 -**

Heard Shri S.M. Khan, 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 on C.A.

**Vice-Chairman**

dnk.

O.A. 782/2019 (S.B.)

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

**Dated : 28/07/2021.**

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

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 the respondents.

**S.O. three weeks.**

**Vice-Chairman**

dnk.

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

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

**Dated : 28/07/2021.**

Shri N.R .Saboo, Id. counsel for the applicants, Shri A.M. Khadatkar, Id. P.O. for R-1 to 5 and Shri S.Y. Deopujari, Id .counsel for R-6 to 9 (Intervener).

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

**Vice-Chairman**

dnk.

**O.A. 763/2020 (S.B.)**

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

**Dated : 28/07/2021.**

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

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

**S.O. 18/8/2021** for filing rejoinder, if any.

**Vice-Chairman**

dnk.

O.A. 779/2020 (S.B.)

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

**Dated : 28/07/2021.**

Shri M.R. Khan, 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&3. It is taken on record.

**S.O. three weeks** for filing rejoinder, if any.

**Vice-Chairman**

dnk.



O.A. 333/2021 (S.B.)

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

**Dated : 28/07/2021.**

Shri B. Kulkarni, 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. four weeks** for filing reply.

**Vice-Chairman**

dnk.

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

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

**Dated : 28/07/2021.**

Shri Bhusari, Id .counsel holding for Shri S.N. Gaikwad, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1 to 3. Ms. Harshikar Bondre, Id. counsel holding for Mrs. S.P. Girdkar appears on behalf of R-4 and submits that she has filed Vakalatnama on behalf of R-4.

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

**Vice-Chairman**

dnk.

O.A. 464/2021 (S.B.)

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

**Dated : 28/07/2021.**

Shri N.R. Saboo, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1. Await service of R-2&3.

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

**Vice-Chairman**

dnk.

O.A. 465/2021 (S.B.)

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

**Dated : 28/07/2021.**

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

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

**Vice-Chairman**

dnk.

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

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

**Dated : 28/07/2021.**

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

2. The matter was heard on 9/7/2021 and in para-2 it was clearly observed that the Maharashtra Government Transfers Act, 2005 has not been followed.

3. The learned P.O. as well as Id. CPO submits that they require 10 days time to file reply. Time is granted as prayed for. However, it is made clear that at the Govt. level, they should always take precaution not to violate any act made by them. If Govt. starts to violate their own act, then the Govt. should not expect from their subordinate offices to follow Acts/ Rules made by the Government.

**S.O. 9/8/2021.**

**Vice-Chairman**

dnk.

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

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

**Dated : 28/07/2021.**

Heard Shri G.K. Bhusari, Id. counsel for the applicants and Shri A.P. Potnis, Id. P.O. for the respondents.

2. The matter was heard on 9/7/2021 and in para-2 it was clearly observed that the Maharashtra Government Transfers Act, 2005 has not been followed.

3. The learned P.O. as well as Id. CPO submits that they require 10 days time to file reply. Time is granted as prayed for. However, it is made clear that at the Govt. level, they should always take precaution not to violate any act made by them. If Govt. starts to violate their own act, then the Govt. should not expect from their subordinate offices to follow Acts/ Rules made by the Government.

4. It has been also observed in para-2 that during pleading, the learned counsel has submitted that while CTC obtained from the applicant by using coercing telephonically which is very bad on the part of the respondents.

**S.O. 9/8/2021.**

**Vice-Chairman**

dnk.

**O.A. 547/2021 (S.B.)**

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

**Dated : 28/07/2021.**

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

2. The Id. P.O. has filed correspondence dated 27/7/2021 by the Collector, Chandrapur i.e. respondent no.2. In view of this correspondence, the grievance of the applicant has been solved and therefore the O.A. has become infructuous. Hence, the O.A. stand disposed of. No order as to costs.

**Vice-Chairman**

dnk.

**O.A. 31/2019 (S.B.)**

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

**Dated : 28/07/2021.**

Shri Bhusari, Id .counsel holding for Shri S.N. Gaikwad, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1 and Shri H.D. Marathe, Id. counsel for R-4. Await service of R-2,3&5.

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

**Vice-Chairman**

dnk.



**O.A. 576/2021 (S.B.)**

**( Sayyad Abid Hussain Vs. State of Mah.)**

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

**Dated : 28/07/2021.**

**C.A.No. 204/2021 -**

Heard Shri S. Malode, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

2. The learned counsel has filed C.A. No.204/2021 and as per prayer in the C.A. he submits that the applicant be paid provisional pension till decision of the O.A.

3. The respondents are directed to pay provisional pension as per their rules and regulations with immediate effect till the O.A. is decided.

4. In view of above, the C.A. stands disposed of. No order as to costs.

**O.A. 576/2021 -**

Heard Shri S. Malode, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

2. As submitted by the learned counsel, the applicant retired on superannuation on 31/8/2001 as per page 6 of the O.A. The applicant was facing Court case as per page 36

of the O.A. There is a office note made by the Department in which it is mentioned that the applicant was facing Court case and in the Criminal Revision he was exonerated on 17/2/2014. However, till now the applicant has not been paid all the retiral benefits, therefore, the applicant has approached to this Tribunal.

3. The learned counsel has relied upon the order passed by this Tribunal in O.A. 1050/2019 with C.A. 20/2020 on 5/2/2020 (A-7,P-54) and submits that in the said O.A. similar issue was involved and order passed by this Tribunal is in favour of the applicant.

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

**Rev. A. St. 655/21 in O.A.868/20 (S.B.)**

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

**Dated : 28/07/2021.**

**C.A. 123/2021 in Rev.A.St.655/21 -**

Heard Shri S.P. Palshikar, Id. counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1&2 and none for R-3.

2. The Id. P.O. files reply on behalf of R-2 on C.A. It is taken on record and copy is supplied to the Id. counsel for the applicant.

3. The applicant has filed C.A. for condonation of delay and submits that the delay is 62 days only.

4. For the reasons stated in the application, the C.A. for condonation of delay is allowed and disposed of.

**Rev. A. St. 655/21 in O.A.868/20 -**

Heard Shri S.P. Palshikar, Id. counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1&2 and none for R-3.

2. It is submitted that the reply of R-3 is already filed on record.

**S.O. 9/8/2021.**

**Vice-Chairman**

dnk.

**O.A. 570/2021 (S.B.)**

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

**Dated : 28/07/2021.**

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

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

**Vice-Chairman**

dnk.

O.A. 657/2015 (S.B.)

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

**Dated : 28/07/2021.**

Shri S. Lambat, 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.**

**Vice-Chairman**

dnk.

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

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

**Dated : 28/07/2021.**

Shri Bhusari, Id. counsel holding for 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, **S.O. next  
week.**

**Vice-Chairman**

dnk.



O.A. 309/2018 (S.B.)

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

**Dated : 28/07/2021.**

Shri P.K. Bezalwar, 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. three weeks.**

**Vice-Chairman**

dnk.

O.A. 552/2018 (S.B.)

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

**Dated : 28/07/2021.**

Shri Bhusari, Id. counsel holding for 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. three weeks.**

**Vice-Chairman**

dnk.

O.A. 977/2018 (S.B.)

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

**Dated : 28/07/2021.**

Shri G.G. Bade, 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. 11/8/2021.**

**Vice-Chairman**

dnk.

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

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

**Dated : 28/07/2021.**

There is a leave note from Shri R.M. Fating, Id. counsel for the applicant. Shri A.P. Potnis, Id. P.O. for the respondents.

**S.O. 11/8/2021.**

**Vice-Chairman**

dnk.

O.A. 337/2020 (S.B.)

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

**Dated : 28/07/2021.**

Shri G.G. Bade, 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. 4/8/2021.**

**Vice-Chairman**

dnk.

**O.A. 564/2020 (S.B.)**

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

**Dated : 28/07/2021.**

Shri P.V. Thakre, 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. 4/8/2021.**

**Vice-Chairman**

dnk.

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

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

**Dated : 28/07/2021.**

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

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

**Vice-Chairman**

dnk.

**O.A. 645/2020 (S.B.)**

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

**Dated : 28/07/2021.**

Shri G.G. Bade, 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. 4/8/2021.**

**Vice-Chairman**

dnk.



O.A. 73/2017 (S.B.)

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

**Dated : 28/07/2021.**

Shri G.G. Bade, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 to 4 and Shri A.Y. Kapgade, Id. counsel for R-5.

At the request of Id. counsel for the applicant, **S.O. 2/8/2021.**

**Vice-Chairman**

dnk.

O.A. 304/2021 (S.B.)

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

**Dated : 28/07/2021.**

Heard Shri S.P. Palshikar, Id. counsel for the applicant, Shri A.P. Potnis, Id. P.O. for R-1, Shri D.M. Kale, Id. counsel for R-2 and Shri S.M. Bhagde, Id .counsel for R-3.

2. The learned counsel for the applicant has filed copy of relevant Judgment of Hon'ble Apex Court in case of **TSR Subramanian & Ors. Vs. Union of India & Ors. (2013) 15 SCC 732** delivered on 31<sup>st</sup> October,2013. It is taken on record and marked Exh-X for identification.

**Closed for orders.**

**Vice-Chairman**

dnk.

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

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 28/07/ 2021.**

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

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

**Vice Chairman**

**Date:-28/07/2021.**

aps.

O.A.No.66/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 28/07/ 2021.**

None for the applicant. 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. It is taken on record. Copy is served 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.**

6. *Meanwhile, the Id. counsel for the applicant is at liberty to file Rejoinder, if any.*

**Vice Chairman**

**Date:-28/07/2021.**

aps.

**O.A.No.205/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 28/07/ 2021.**

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

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

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

5. In order dated 05.03.2021, in para no. 2 following observation has been already recorded which is reproduced below:-

*"2 The Id. counsel for the applicant pointed out that vide order dated 30.08.2019 (A-1, P-22) the applicant's batchmate is at Sr. No. 708 Shri Vishal Dilip Chauhan was promoted from P.S.I to A.P.I. (P-24). The person at Sr. No. 708 is also facing case under Section 498 (A) of Cr.P.C. On perusal of promotion order dated 30.08.2019 (A-1, P-22) it appears that in para-2 the respondents have considered the G.Rs. dated 15.12.2017 and 30.08.2018. If these G.Rs. were considered*

*and candidate at Sr. No. 708 was promoted, then on the same parity and justice the applicant claims to get promotion, however, he has been denied and aggrieved with this, the applicant has approached to this Tribunal."*

6. With the consent of both the counsels, matter be finally heard on next hearing, **S.O. 18.08.2021.**

7. *Meanwhile, the Id. counsel for the applicant is at liberty to file Rejoinder, if any.*

**Vice Chairman**

**Date:-28/07/2021.**  
aps.

**O.A.No.318/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 28/07/ 2021.**

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

2. At the request of Id. C.P.O., **S.O. 25.08.2021 to file reply.**

**Vice Chairman**

**Date:-28/07/2021.**  
aps.

O.A.No.328/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 28/07/ 2021.**

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

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

**Date:-28/07/2021.**  
aps.

**Vice Chairman**



O.A.No.444/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 28/07/ 2021.**

None for the applicant. Shri S.A.Deo, the Id.  
C.P.O. for the State. Await service of respondent nos.  
2 to 4.

2. **S.O. four weeks to file service affidavit.**

**Vice Chairman**

**Date:-28/07/2021.**  
aps.

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

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 28/07/ 2021.**

**C.A.Nos.205,206,207&208/2021:-**

Heard Shri N.R.Saboo, the Id. Counsel for the applicant, Shri S.A.Deo, the Id. C.P.O. for the respondents and Shri R.V.Shiralkar, the Id. counsel for the Intervention.

2. The Id. counsel for the applicant is directed to carryout the amendment within one week as per Tribunal order dated 14.07.2021.

3. **C.A.Nos.205&207/2021 for Intervention are allowed.**

4. The Id. C.P.O. has filed reply of respondent nos. 1 & 2. It is taken on record. Copy is served to the other side.

5. In the interest of justice for the persons who have served for a long time and due for promotions and have not taken benefits of Caste; if their promotions are stayed and their retirements are in a very short span of time, then irreparable damage will be caused to their service. Considering these, Status-quo granted in para no. 4 of the order dated 30.06.2021 is vacated. Hence, **C.A.Nos.206&208/2021 for vacation of Interim relief are allowed.**

6. However, respondents are directed to make it clear to the Officers who are promoted that their promotions will be subject to outcome of the O.A..

7. Office is directed to issue notice to the newly added respondents by the Id. counsel for the applicant.

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

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

10. **S.O. as and when D.B. will be available.**

11. **Steno copy is granted.**

12. *The Id. counsel for the applicant is at liberty to file Rejoinder, if any.*

13. *Put up this matter along with O.A. Nos. 646, 647 & 648/2018.*

**Vice Chairman**

**Date:-28/07/2021.**

aps.

O.A.No.123/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 28/07/ 2021.**

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

2. The Id. P.O. desires three weeks time to file reply. As agreed by the Id. counsel for the applicant time is granted on the condition that if reply is not filed within three weeks time, **Interim relief will be considered during next hearing.**

3. **S.O. 18.08.2021.**

4. **Steno copy is granted.**

**Vice Chairman**

**Date:-28/07/2021.**  
aps.

**C.A.67/21inC.P.01/21inO.A.879/17 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 28/07/ 2021.**

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

2. The Id. P.O. has filed letter dated 06.07.2021 by Special I.G. (Establishment) of D.G. Police, Mumbai. It is marked Exh. 'X' for the purpose of identification. The same is taken on record. Copy is served to the other side.

3. It appears from the above letter that Respondent no. 2 has taken decision not to promote the applicant as per the provisions of G.R. dated 15.12.2017; para nos. 1.6 and 1.9 as mentioned in para no. 5 of the letter.

4. In order dated 21.06.2021 in para no. 7 in the last lines following observations have been made:-

*"7. With the above discussions, it is clear that admittedly applicant's name was first kept in sealed envelope during D.P.C. dated 26 and 27.04.2017 for the year 2016-2017. Again during second D.P.C. on 05.03.2019 for the year 2018-2019 it continued. Then the third D.P.C. which was taken by Circulation on 18.11.2020 applicant case was fully covered by para 1.9 of G.R. dated 15.12.2017. Since,*

*from the date of 26/27.04.2017 to 18.11.2020 the duration is more than three and half years. Whereas, para 1.9 of G.R. dated 15.12.2017 becomes effective only after two years of keeping the name of applicant in sealed cover during D.P.C.."*

5. Since first D.P.C. has taken place on 27.04.2021. Now, it is more than four years, whereas in para no. 1.9 of G.R. dated 15.12.2017 provides appointing authority should open sealed envelope after two years only and record the reasons for taking conscious decision about the applicant's promotion. In this case, since more than four years have passed after first D.P.C.; when applicant's name was kept in sealed envelope.

6. Respondent no. 2 is directed to use para no. 1.9 of G.R. dated 15.12.2017 and communicate the conscious decision with reasons as provided in the G.R. dated 15.12.2017 regarding promotion of the applicant to the Tribunal through Id. P.O.. This decision should be taken within sixty days from the date of this order.

7. **S.O. after sixty days.**

8. **Steno copy is granted.**

**Vice Chairman**

**Date:-28/07/2021.**

aps.

O.A.No.41/2019 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 28/07/ 2021.**

None for the applicant. Shri M.I.Khan, the Id. P.O. for the Respondent nos. 1 to 3. None for the respondent nos. 4 & 5.

2. The Id. P.O. submits that he has already filed reply on behalf of the respondent no. 2. He further submits that it is sufficient to decide the O.A..

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.**

6. *Meanwhile, the Id. counsel for the applicant is at liberty to file Rejoinder, if any.*

**Vice Chairman**

**Date:-28/07/2021.**

aps.

**C.P.No.22/2020inO.A.No.541/2016 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 28/07/ 2021.**

Heard Shri S.P.Palshikar, 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 submits that for granting monetary benefits of the applicant G.R. has already been issued on 03.05.2021. The Id. counsel for the applicant submits that he will file the copy of the G.R. during the course of the day and provide the same to the Id. P.O..

3. The Id. P.O. desires two weeks time to comply the order. **S.O. 11.08.2021.**

**Vice Chairman**

**Date:-28/07/2021.**  
aps.



**C.P.No.26/2021inO.A.No.229/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 28/07/ 2021.**

Heard Shri P.S.Verma, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the State.

2. The Id. counsel for the applicant submits that after passing the order of this Tribunal dated 15.03.2021 and staying the order till filing of the reply as per para no. 2. He further submits that further three instalments have been recovered by the respondents which is against the order passed by this Tribunal dated 15.03.2021.

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.Deo, the learned C.P.O. waives notice for respondent No. 7. Hamdast granted.

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

**Vice Chairman**

**Date:-28/07/2021.**

aps.

**O.A.No.526/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 28/07/ 2021.**

Heard Smt. R.D.Hajare, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. The Id. counsel for the applicant desires to make certain changes in the O.A.. The Id. counsel for the applicant is directed to file C.A. for amendment and after allowing C.A.; she will be able to amend the O.A..

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

**Vice Chairman**

**Date:-28/07/2021.**  
aps.

**C.P.No.33/2021inO.A.No.253/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 28/07/ 2021.**

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

2. The Id. P.O. has filed documents which is office note of Mantralaya. It is taken on record. Copy is served to the other side. It is marked Exh. 'X' for the purpose of identification.

3. As per above office note, it appears that for passing final order on appeal of the applicant file has been submitted to the Hon'ble Minister, Agriculture on 13.07.2021. It is also seen from record that Personal Secretary of Hon'ble Minister has received the file and signed on 26.07.2021. However, decision is still awaited. As per noting on the file, it appears that file is pending in the office of Hon'ble Minister, Agriculture.

4. 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.

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

6. S.O. six weeks.

Date:-28/07/2021.

aps.

**Vice Chairman**

**O.A.No.710/2019 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 28/07/ 2021.**

**C.A.No.192/2021:-**

Heard Shri G.K.Bhusari, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant has filed C.A.No.192/2021 for passing appropriate order along with C.A. he has also filed letter dated 06.07.2021 of Desk Officer, Mantralaya. He has written a letter to Collector, Nashik in which points have been cleared about recruitment of Kotwal. It appears that this direction has not reached to the office of Collector, Nagpur.

3. In this situation, the Id. P.O., desires two weeks time to take necessary instructions, **S.O. two weeks.**

**Vice Chairman**

**Date:-28/07/2021.**  
aps.

**O.A.No.772/2019 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 28/07/ 2021.**

Heard Shri S.G.Lancharwar, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. During hearing on 08.01.2021, the Id. P.O. was directed to produce original selection list as per merit list. He submits that he has received the file, he further seeks time to file it on record. He is directed to file on record and supply the same to the Id. counsel for the applicant.

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

**Vice Chairman**

**Date:-28/07/2021.**  
aps.