

O.A. 932/2020 (S.B.)

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

Dated : 16/06/2021.

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

2. The learned counsel for the applicant submits that on telephone the applicant informed that his grievance has been redressed. Therefore the learned counsel desires to withdraw the O.A.

3. In view thereof, the O.A. stands disposed of as withdrawn. No order as to costs.

Vice-Chairman

dnk.

O.A. 1021/2018 (S.B.)

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

Dated : 16/06/2021.

None for the applicant. Shri A.M. Khadatkar, 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. 465/2020 (S.B.)

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

Dated : 16/06/2021.

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1 to 3. None for R-4.

2. The learned counsel for the applicant submits that the transfer order of applicant is modified and he has also joined his place of posting. The learned counsel for the applicant has filed on record Pursis dated 17/10/2020 to withdraw the O.A.

3. In view of Pursis, the O.A. stands disposed of as withdrawn. No order as to costs.

Vice-Chairman

dnk.

O.A. 660/2019 (S.B.)

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

Dated : 16/06/2021.

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

2. The Id. P.O. files reply on behalf of R-2. It is taken on record. Copy is given to the learned counsel for the applicant.

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

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

5. As per order dated 23/8/2019 in para-3, interim relief to continue till next date.

S.O. after four weeks.

Vice-Chairman

dnk.

O.A. 849/2018 (S.B.)

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

Dated : 16/06/2021.

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

At the request of Id. counsel for the applicant, **S.O. 28/6/2021.**

Vice-Chairman

dnk.

O.A. 955/2017 (S.B.)

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

Dated : 16/06/2021.

Shri P.P. Khaparde, 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. three weeks** for filing reply.

Vice-Chairman

dnk.

O.A. 454/2018 (S.B.)

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

Dated : 16/06/2021.

Shri A.D. Girdekar, 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. two weeks** for filing reply.

Vice-Chairman

dnk.

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

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

Dated : 16/06/2021.

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

Closed for orders.

Vice-Chairman

dnk.

O.A. 197/2018 (S.B.)

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

Dated : 16/06/2021.

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

S.O. 30/06/2021.

Vice-Chairman

dnk.

O.A. 726/2019 (S.B.)

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

Dated : 16/06/2021.

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

At the request of Id. P.O., **S.O. next week** for filing reply.

Vice-Chairman

dnk.

O.A. 1042/2019 (S.B.)

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

Dated : 16/06/2021.

Heard Shri A.D. Girdekar, Id .counsel
for the applicant and Shri A.P. Potnis, Id .P.O.
for the respondents.

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

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

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

S.O. two weeks.

Vice-Chairman

dnk.

O.A. 1052/2019 (S.B.)

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

Dated : 16/06/2021.

Shri S.N. Gaikwad, Id. counsel for the applicants and shri S.A. Sainis, 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. 280/2020 (S.B.)

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

Dated : 16/06/2021.

Heard Shri N.R. Saboo, Id .counsel for the applicant and Shri V.A. Kulkarni, Id .P.O. for the respondents.

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

S.O. 28/06/2021.

Vice-Chairman

dnk.

O.As. 466,467 & 468 of 2020 (S.B.)

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

Dated : 16/06/2021.

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

2. The learned P.O. files reply on behalf of R-1 to 3. Same are taken on record.

3. The O.As. are admitted and it be kept for final hearing.

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

S.O. 02/07/2021.

Vice-Chairman

dnk.

O.A. 731/2019 (S.B.)

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

Dated : 16/06/2021.

Heard Shri N.D. Thombre, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1 to 3. None for R-4.

2. The Id. P.O. files reply of R-1 to 3. It is taken on record. Copy is given to the learned counsel for the applicant.

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

4. The Id. P.O. waives notice for R-1 to 3.

S.O. last week of July,2021.

Vice-Chairman

dnk.

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

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

Dated : 16/06/2021.

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.

S.O. 21/6/2021.

Vice-Chairman

dnk.

O.A. 744/2016 (S.B.)

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

Dated : 16/06/2021.

Shri S.M. Tripathi, Id. counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1. Shri N. Majithia, Id .counsel for R-2 and none for other respondents.

S.O. four weeks.

Vice-Chairman

dnk.

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

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

Dated : 16/06/2021.

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

S.O. two weeks.

Vice-Chairman

dnk.

O.A. 924/2018 (S.B.)

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

Dated : 16/06/2021.

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

S.O. 25/6/2021.

Vice-Chairman

dnk.

O.A. 326/2019 (S.B.)

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

Dated : 16/06/2021.

Shri P.P. Khaparde, Id. counsel for
the applicant and Shri A.P. Potnis, Id. P.O. for
the respondents.

S.O. 28/6/2021.

Vice-Chairman

dnk.

O.A. 452/2021 (S.B.)

(Manish M. Khandare Vs. State of Mah. & Ors.)

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

Dated : 16/06/2021.

Heard Shri V.A. Kothale, learned counsel for the applicant and Shri A.M. Ghogre, learned P.O. for the State.

2. The applicant is still in service as Sanad Clerk. The respondent no.3 has issued recovery order dated 4/9/2020 (A-1,P-10) and along with the recover order, another punishment order has been also inflicted by stopping one increment without having effect on next increment. It is further mentioned that whatever leave the applicant has taken in this period will be decided lateron. In this situation, **the order dated 4/9/2020 (A-1,P-10) is stayed** till filing of reply by the respondents.

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

Vice-Chairman

dnk.

O.A. 453/2021 (S.B.)

(D.S. Pawar & Ors. Vs. State of Mah.)

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

Dated : 16/06/2021.

C.A. No. 153/2021 -

Heard Shri S.N. Gaikwad, Id. counsel for the applicant and Shri A.M. Khadatkhar, Id. P.O. for the State.

2. There are 24 applicants and all the applicants have similar grievances. The learned counsel for the applicant has filed C.A.No. 153/2021 for permission to file joint application.

3. The C.A.No. 153/2021 is allowed and disposed of on the condition that the learned counsel will file details of 24 applicants as filed for 19 candidates (A-1,P-14) the details of retirement date and other benefits within one week.

O.A. 453/2021 -

Heard Shri S.N. Gaikwad, Id. counsel for the applicant and Shri A.M. Khadatkhar, Id. P.O. for the State.

2. The learned counsel has filed details of 5 applicants in hand written at page no.15. He is directed to file typed copy as per page no.14 regarding these 5 applicants also.

3. The impugned order dated 7/6/2021 (A-9,P-58) is issued by the Assistant Director of Health Services (Malaria & Falaria), Akola regarding recovery for the applicants who are retired persons and this letter has been issued without giving any opportunity of hearing to the applicants.

4. In view of above, **the impugned order dated 7/6/2021 (A-9,P-58) is stayed** till filing of the reply by the respondents.

5. Issue notice to the respondents returnable **after six weeks**. Learned P.O. waives notice for State. Hamdast allowed.

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

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

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

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

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

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

S.O. after six weeks.

Steno copy is granted...

Vice-Chairman

dnk.

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

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

Dated : 16/06/2021.

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

2. The applicant was under suspension and D.E. has been completed. The applicant's pension is not finalised by the Pay Verification Unit due to non regularise of suspension period from 30/1/2009 to 26/7/2010. The learned counsel has filed correspondence dated 8/6/2021 issued by the Desk Officer, Government of Maharashtra, Tribal Development Department, Mumbai which is marked Exh-X. As per this correspondence, the Government has issued notice to the applicant. In response to this notice, the applicant has made representation dated 10/6/2021 which is marked Exh-X1.

3. The respondents are directed to take final decision on the applicant's representation dated 10/6/2021 within four weeks from the date of receipt of this order and communicate to the applicant and file on record before this Tribunal.

S.O. 14/7/2021.

Vice-Chairman

dnk.

O.A. 263/2021 (S.B.)

(Vinod P. Bhajbhujje Vs. State of Mah. & Ors.)

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

Dated : 16/06/2021.

ORDER

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

2. The learned P.O. has filed letter dated 16/6/2021 issued by the respondent no.3 (Collector, Nagpur). The respondent no.3 has requested two more weeks to file reply. Time is granted as prayed for. However as pointed out by the learned counsel, the suspension order is dated 19/11/2020 (A-1,P-10). Almost 7 months have lapsed and the learned counsel submits that till now no charge sheet has been served. The learned P.O. also did not deny this. In view of various Judgments of Hon'ble Apex Court and Hon'ble High Court, which has settled the issue of suspension period.

4. After hearing pleadings of both the sides, various Judgments of Hon'ble Apex Court and Hon'ble High Court and Government of Maharashtra G.Rs. were also considered. In view of this following Judgments of Hon'ble Apex Court are reproduced as follows –

(i) The Apex Court in Civil Appeal No. 1912 of 2015 (arising out of SLP No.31761 of 2013) in the case of Ajay Kumar Chaudhary Vs. Union of India through its Secretary and another in its Judgment dated 16/02/2015 in para no. 14, it has observed that :-

14 We, therefore, direct that the currency of a Suspension Order should not extend beyond three months if within this period the Memorandum of Charges/Chargesheet is not served on the delinquent officer/employee; if the Memorandum of Charges/Chargesheet is served a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the concerned person to any Department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognize that previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time limits to their duration. However,

the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a criminal investigation departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us.

(ii) The Hon'ble Apex Court in its Judgment in Civil Appeal No. 8427-8428 of 2018 (Arising out of S.L.P. (Civil) No. 12112-12113 of 2017) in the case of **State of Tamil Nadu Vs. Pramod Kumar IPS and Anr. delivered on 21/08/2018** in its para no. 24 had observed as follows:-

*24. This Court in **Ajay Kumar Choudhary v. Union of India, (2015) 7 SCC 291** has frowned upon the practice of protracted suspension and held that suspension must necessarily be for a short duration. On the basis of the material on record, we are convinced that no useful purpose would be served by continuing the first Respondent under suspension any longer and that his reinstatement would not be a threat to a fair trial. We reiterate the observation of the High Court that the Appellant State has the liberty to appoint the first Respondent in a non sensitive post.*

(iii) The Principal Bench of Maharashtra Administrative Tribunal Mumbai Bench in O.A. No. 35/2018 Judgment delivered on 11/09/2018 has also rejected continuation of suspension beyond 90 days.

(v) The Hon'ble High Court of Bombay, Bench at Nagpur in W.P. No. 7506/2018, Judgment delivered on 17.07.2019 was also on same principle. It has observed in para no. 2 that **facts of this case are squarely covered by Government Resolution G.A.D. dated 09/07/2019.**

(ii) fuyfcr 'kkI dh; I ocll; k T; k i d j . h 3 efgU; kpk dkyko/hr foHkxh; pkl'kh I q d: u nkskjki i = ctlo.; kr vkysulgh] v'kk i d j . h ek- I oclp U; k; ky; kpsvns k i kgrk] fuyæu I ekr dj.; k'kok; vU; i; k; jkgr ulgh- R; keGsfuyfcr 'kkI dh; I ocll; kcr foHkxh; pkl'kph dk; ðkgh I q d: u nkskjki i = ctlo.; kph dk; ðk; h fuyæuki kI u 90 fnoI l; k vkr dklVclki i . ksd;yh t kbÿ; ; kph n{krk@ [kcj nkjh ?s; ; kr ; koh-

(vi) The Government of Maharashtra vide its G.R. G.A.D. 'kkI u fu.kz d; 118@i zd;11@11v] fnucl 09-07-2019 in para nos. **1 (ii)** following decisions have been taken :-

fuyfcr 'kkI dh; I ocll; k T; k i d j . h 3 efgU; kpk dkyko/hr foHkxh; pkl'kh I q d: u nkskjki i = ctlo.; kr vkysulgh] v'kk i d j . h ek- I oclp U; k; ky; kpsvns k i kgrk] fuyæu I ekr dj.; k'kok; vU; i; k; jkgr ulgh- R; keGsfuyfcr 'kkI dh; I ocll; kcr foHkxh; pkl'kph dk; ðkgh I q d: u nkskjki i = ctlo.; kph dk; ðk; h fuyæuki kI u 90 fnoI l; k vkr dklVclki i . ksd;yh t kbÿ; ; kph n{krk@ [kcj nkjh ?s; ; kr ; koh-

5. This O.A. is squarely covered by Government of Maharashtra G.A.D. 'kkI u fu.kz d; 118@i zd;11@11v] fnucl 09-07-2019 and above Judgments of Hon'ble Apex Court and Hon'ble High Court.

6. The respondents have not followed settled legal principle about continuation of suspension period.

//3//

7. In view of above discussions, the order dated 19/11/2020 (A-1,P-10) requires to be revoked. Hence, the following order –

ORDER

(i) The suspension order **dated 19/11/2020 (A-1,P-10)** is revoked with immediate effect after receipt of this order. The respondents are directed to issue necessary orders along with suitable posting order as per observations made in para-24 above by the Hon'ble Apex Court in case of **State of Tamil Nadu Vs. Pramod Kumar IPS and Anr. delivered on 21/08/2018..**

(ii) The respondents are at liberty to continue with inquiry process as per existing rules and regulations.

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

Steno copy is granted...

Vice-Chairman

dnk.

**

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

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 16/06/ 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. As submitted by Id. counsel for the applicant; as per record Annexure-A-3, P.B., Pg. No. 24; a complaint against applicant was made by the complainant dated 12.07.2017. As per this document i.e. Annexure-A-3, P.B., Pg. No. 24; paragraph no. 1 complainant was made complaint on 05.04.2017 afterwards by 12.07.2017 (Annexure-A-3, P.B., Pg. No. 24). As per paragraph no. 2; complainant was submitted that grievances has been redressed and complaint has been taken back. Since, complaint has been taken back; there was no issue of any enquiry.

3. As per Annexure-A-1, P.B., Pg. No. 21, dated 12.07.2017; D.E. was ordered by Respondent no. 2. Since complaint has been withdrawn; the enquiry would not solved any purpose.

4. The Id. P.O. is directed to take instructions about the current status of enquiry.

5. **S.O. 23.06.2021.**

Vice Chairman

Date:-16/06/2021.

aps.

O.A.No.239/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 16/06/ 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. P.O. desires time to file reply but at the same time as per order dated 19.03.2021; the Id. P.O. is directed to take instructions regarding further date of D.P.C. of the applicant; **S.O. 30.06.2021.**

Vice Chairman

Date:-16/06/2021.
aps.

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

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 16/06/ 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. At the request of Id. P.O., **S.O. 30.06.2021 to file reply.**

Vice Chairman

Date:-16/06/2021.
aps.

O.A.No.122/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 16/06/ 2021.

M.C.A.No.09/2021:-

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

2. The Id. P.O. has earlier filed M.C.A. No. 07/2021 for extension of time and as per submission made by the Id. counsel for the applicant; M.C.A. No. 07/2021 was heard on 20.05.2021. The Id. counsel for the applicant was not present and he was not aware about the same. In view of this, order passed dated 20.05.2021 is recalled.

3. Now, M.C.A. No. 09/2021 is heard from both the counsels. In order dated 12.03.2021; as per Hon'ble Supreme Court Directions, specific order was given to complete the D.E. within 30 days from the date of receipt of this order. However, considering serious pandemic and lockdown situation during April and May, 2021; Respondents are further granted 30 days time from the date of receipt of order.

4. Issue final order in the D.E., if final order is not passed within 30 days from the date of receipt of this order, the applicant will be exonerated from all the charges and he will be entitled for all the

benefits. Hence, **M.C.A. No. 09/2021** is disposed of
with no order as to costs.

Vice Chairman

Date:-16/06/2021.

aps.

O.A.No.182/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 16/06/ 2021.

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

2. The Id. Counsel for the applicant has filed pursis dated 07.06.2021 to withdraw the O.A. Hence, **O.A. is disposed of as withdrawn.**

Vice Chairman

Date:-16/06/2021.
aps.

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

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 16/06/ 2021.

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

2. In order dated 17.05.2021 as pointed out by Id. C.P.O. out of total 83 applicants; only 11 applicants are from Vidharbha Region; rest 72 applicants are from Marathwada and other parts of Maharashtra. In view of that, this Bench scope is limited to the candidates related to the Vidharbha Region only. Today, the Id. counsel for the applicant has filed order of Principal Bench dated 07.06.2021 (marked Exh. – X for the purpose of identification) and in para no. 5 of the said order, Principal Bench has directed that all the applicants are allowed to continue with the said O.A. No. 383/2021 and agitate their issue before Nagpur Bench only. Since, already in order dated 17.05.2021 issue of 11 candidates have been decided in para no. 2.

3. The Id. counsel for the applicant has also relied upon order in O.A. No. 357/2021 of this Tribunal dated 06.05.2021, P.B., Pg. No. 261. As per grievances of all the 72 applicants of other parts of Maharashtra are concerned, already regarding similar applicants order have been passed by this Tribunal dated 06.05.2021 in O.A. No. 357/2021 and also in O.A. No. 383/2021 i.e. in this O.A. only on

17.05.2021, regarding 11 applicants out of 83 applicants. On the similar ground, considering the parity of the justice and similarity of grievances of these 72 applicants as per para no. 5 of order dated 06.05.2021 in O.A. No. 357/2021 and order dated 17.05.2021 in this O.A. i.e. 383/20021 will be applicable.

4. In view of this situation, considering the parity of grievances and justice, Respondents are directed that as per the order passed on 06.05.2021 in O.A. No. 357/2021 and order passed for 11 applicants in this O.A. on 17.05.2021 should be made applicable to these 72 applicants also. These applicants should be also included in training commencing from 21.06.2021, if otherwise eligible and similarly placed as per applicants in O.A. No. 357/2021 and first 1 to 11 applicants of this O.A. i.e. 383/2021.

5. In order dated 17.05.2021; C.A. No. 138/2021 was allowed for the applicant Nos. 1 to 11 only. However, in view of order in O.A. No. 383/2021 by Mumbai Bench dated 07.06.2021; in M.A. No. 182/2021 in para no. 5 of order C.A. No. 138/2021 is allowed for all the applicants from 1 to 83.

6. In view of similar grievances and conditions in O.A. No. 383/2021 and O.A. No. 357/2021 they should be tagged together and should be heard on next date of hearing.

7. **S.O. 14.07.2021.**

8. **Steno copy is granted.**

Date:-16/06/2021.
aps.

Vice Chairman

C.P.25/20inO.A.33/18withC.P.26/20in

O.A.219/18withC.P.27/20inO.A.96/18 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 16/06/ 2021.

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

2. The Id. counsel for the applicant has pointed out Judgment in O.A. Nos. 443/2017, 33/2018, 96/2018, 215/2018, 219/2018 & 246/2018 (P.B., Pg. No. 9, Annexure-C-1). In O.A. No. 96/2018 in which C.P. No. 27/2020 has been filed; the Id. counsel for the applicant has pointed out correspondence by Desk Officer, Planning Department to Collector, Chandrapur, Gadchiroli and Gondia vide correspondence dated 31.12.2019 (Annexure-C-5, P.B., Pg. No. 30) in which it is clearly mentioned that Joint Secretary, Law and Judiciary has given clear opinion; not to go in appeal against the order of MAT, Nagpur Bench dated 07.11.2019. The Id. counsel for the applicant submits that the order has been implemented by Chandrapur and Gondia District. However, order is yet to be complied by Gadchiroli District.

3. In view of this situation, the order dated 07.11.2019 in various O.As. have attained it's Judicially finality and after the Government directions; Respondents or anybody cannot take U-turn about Government order. The Id. counsel for the

applicant also pointed out correspondence dated 12.10.2020 by Collector, Gadchiroli to Divisional Commissioner, Nagpur on P.B., Pg. No. 97, it is mentioned that guidance was asked from Principal Secretary, Planning Department. On P.B., Pg. No. 27, it is mentioned that there is a proposal to appeal before Hon'ble High Court against the order passed by M.A.T. dated 01.08.2019 and 07.11.2019; this letter is dated 12.10.2020. However, it is made clear that Government of Maharashtra letter is 31.12.2019.

4. However, much before that Desk Officer, Planning Department has communicated Government Department vide letter dated 21.12.2019 (Annexure-C-5, P.B., Pg. No. 30, C.P. No. 27/2020) this letter has been addressed to Collector Chandrapur, Gadchiroli and Gondia. In this letter it is clearly advised by Joint Secretary, Law and Judiciary not to appeal against the order dated 01.08.2019 and 07.11.2019. So, it is clear that Government decision has been taken vide order dated 31.12.2019 much before the letter of Collector, Gadchiroli.

5. In this situation, the M.A.T., order dated 07.11.2019 has attained its legal finality and it needs to be implemented. Respondents are directed to implement the order and file the compliance **within three weeks**. Even at the cost of repetition, it is made clear that after policy decision taken by Government vide order dated 31.12.2019, M.A.T. order dated 01.08.2019 & 07.11.2019 attained legal finality and there is no question of now making any submission regarding appeal.

6. S.O. 07.07.2021.

7. Steno copy is granted.

Date:-16/06/2021.
aps.

Vice Chairman