

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

(Baburao D. Aasankar Vs. State of Mah. & Ors.)

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

Dated : 06/09/2021.

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

2. As per order dated 1/9/2021 passed by the Hon'ble Bombay High Court, Bench at Nagpur in Writ Petition No.3272/2021 filed by the Baburao S/o Durgadas Aasankar Vs. State of Maharashtra & Ors. and in view of the correspondence issued on 4/9/2021 received on e-mail, direction was given and the Petitioner was directed to appear before the M.A.T. on 6/9/2021. However, today nobody appeared for the applicant. The learned P.O. also submits that he has not received any correspondence related to this direction.

3. In view of this, the matter be kept **in Next week.**

Vice-Chairman

dnk.

O.A. 941/2018 (S.B.)

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

Dated : 06/09/2021.

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

2. As pointed out by the learned P.O. in this matter though there are 14 applicants, out of that Sr.No.1 is from Akola and Sr.No.5 is from Buldhana except these two applicants, other 12 applicants are from Marathwada and other Region.

3. In view of this situation, the grievance of applicants at Sr.No.1&5 only can be heard before this Bench.

4. The learned counsel is directed to file application for deleting the names of other 12 applicants whose cases are not within the jurisdiction of this Bench. They may approach before the respective Benches for their grievances.

S.O. four weeks.

Vice-Chairman

dnk.

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

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

Dated : 06/09/2021.

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

2. It appears that aggrieved with the order in D.E. the applicant has filed O.A. 732/2015 which was decided by this Tribunal on 26/9/2016. The operative part of the order in para-5 (P-14) which is reproduced below –

“ (5) Consequently, the O.A. is allowed. The impugned order dated 8/9/2015 is set aside and the respondent to proceed from the stage of receipt of the inquiry report according to law and pass the necessary order. This exercise be done before 31/12/2016.”

3. The only grievance of the applicant is that the said order dated 26/9/2019 in O.A 732/2016 has not been complied till now even after more than 5 years.

4. In view of this situation, the respondents are directed to comply the para-5 of the order dated 26/9/2016 within three months from the date of receipt of this order.

S.O. 15/11/2021.

Vice-Chairman

dnk.

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

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

Dated : 06/09/2021.

Heard Shri S.N. Gaikwad, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for respondent nos.1 to 3 and none for R-4.

The impugned order of suspension dated 10/2/2021 (A-2,P-14&15) was issued by the CEO, Z.P., Gadchiroli and by record it appears that when the matter was heard on 28/7/2021 one Mrs. S.P. Giratkar appeared on behalf of R-4 and also submitted that she has filed Vakalatnama on behalf of R-4, but today she is absent. In this situation, one more chance is given to the Zilla Parishad to defend the case on their side, otherwise the matter will be decided on merits.

S.O. 15/9/2021.

Vice-Chairman

dnk.

O.A. 551/2021 (S.B.)

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

Dated : 06/09/2021.

Shri S.N. Gaikwad, 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. 27/9/2021** for filing reply.

Vice-Chairman

dnk.

O.A. 583/2021 (S.B.)

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

Dated : 06/09/2021.

Shri N.R. Saboo, Id. counsel for the applicant and Shri M.I. Khan, 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. 697/2021 (S.B.)

(Ku. M. P. Patle Vs. State of Mah & Ors.)

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

Dated : 06/09/2021.

C.A. No. 267/2021 -

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

2. The learned counsel has filed C.A. and submits following facts :

3. In order dated 23/8/2021 of this Tribunal in para-3 it was clearly observed that's one Shri S.M. Yadao was transferred from Fulchur Naka to Kanahgaon-3 beat, Forest Range Deori, Gondia Forest Division and by record it appears that from that time nobody was posted against Shri S.M. Yadao.

4. The learned counsel further submitted that in view of the promotion of one Shri S.W. Tirpude, Forest Guard at C.F. Office Gondia, Wild Life, said post is also became vacant recently. In view of two vacant posts are available, the respondent no.2 was directed to consider the applicant's case and her husband's case also who is working in the Forest Department only. Before that the matter was heard on 18/8/2021 by the Hon'ble Chairperson and in Para-F following pleadings was made by the learned counsel which is reproduced as below –

“ (f) The learned counsel submits that the post at Fulchur Naka is vacant at present. Further he submits that she has made representations dated 15/7/2021 and 10/8/2021 to the Deputy Conservator of Forest about the modification in the order of the transfer and it is to be made as per request.”

5. The learned counsel submits that the applicant has made representations dated 16/7/2021 and 10/8/2021 to the respondent no.2 about modification in order of the transfer and it is to be made as per request.

6. The learned counsel has further relied on Govt. GAD G.R. dated 9/4/2018 (A-2,P-17 to 39) and in the internal page of that G.R. i.e. 15 out of 22 at P.B. page no.32 of the O.A. at Sr.No.5 the

Government policy has been expressed that if husband and wife are working and if there is availability of post, then as far as possible they should be posted at one place. In case of the applicant since her husband is also working not only at the same place rather in the same department. Considering this aspect, the respondent no.2 must decide the representation of the applicant according to Government policy.

7. Today, the learned counsel has filed C.A. and along with the order dated 29/8/2021 issued by the Additional Principal Chief Conservator of Forest on page no.4 of the C.A. In the said order at Sr.No.4 one Shri N.J. Kadam has been posted from Borkhedi, Kharangana Forest Range to Fulchur Naka, Gondia Forest Range, Gondia Forest Division. This order is entirely in violation of this Tribunal's order dated 18/8/2021 and 23/8/2021. Today, the learned P.O. submits that he desires one week time to take instructions from the respondents. However, it appears that the order dated 29/8/2021 is totally illegal and bad in law and the respondents are bound to come under the contempt of court. There was no necessity to issue order dated 29/8/2021 when there was already Tribunal's order.

8. The learned counsel is directed to add employee at Sr.No.4 as respondent in transfer order dated 29/8/2021 filed along with C.A. No.267/2021.

9. In view of this situation, **the order dated 29/8/2021 to the extent of other employee who has been posted at Fulchur Naka is stayed till further orders.**

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

O.A. 697/2021 –

The learned P.O. is directed to take instructions from the respondents before the next date.

S.O. two weeks.

Steno copy is granted.,

Vice-Chairman

dnk.

O.A. 777/2021 (S.B.)

(Shri N.B. Malekar & 2 ors. Vs. State of Mah.)

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

Dated : 06/09/2021.

C.A. No. 264/2021 -

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

For the reasons stated in the application, the C.A. for joining Jt. O.A. is allowed.

O.A. 777/2021 –

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

2. The respondents are directed to consider the representation of applicant no.1 dated 31/8/2021 (A-4,P-17), representations of applicant no.2 dated 13/7/2021(A-3,P-16), 28/6/2021 (A-6,P-19) & 31/8/2021 (A-7,P-21) and representation of applicant no.3 dated 16/7/2021 (A-9,P-23) within three weeks from the date of receipt of this order. The respondents are further directed that before issuing any transfer order, the representations of the applicants should be decided and then other transfers orders should be issued.

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

Steno copy is granted.

Vice-Chairman

dnk.

O.A.St.1640/2021 (S.B.)

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

Dated : 06/09/2021.

C.A. No. 258/2021 -

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

2. The learned counsel has filed C.A. for condonation of delay. However, the Id. P.O. submits that condonation of delay has been relaxed by the Hon'ble Apex Court after coming of Covid situation from March,2019 and impugned order is of May, 2018. However, in the interest of justice, C.A. for condonation of delay is allowed.

O.A.St.1640/2021 –

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. 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.St.1429/2021 (S.B.)

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

Dated : 06/09/2021.

C.A. No. 231/2021 -

Heard Shri D.S. Sawarkar, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the State.

2. The learned counsel has filed C.A. for condonation of delay. After perusing the C.A. application it appears that the delay is only for 6 months and 18 days. The condonation of delay has been relaxed by the Hon'ble Apex Court after coming of Covid situation from March,2019, therefore, the C.A. No.231/2021 for condonation of delay is allowed and disposed off.

O.A.St.1429/2021 –

Heard Shri D.S. Sawarkar, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the State.

2. Issue notice to the respondents returnable **after four weeks**. Learned 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. 776/2021 (S.B.)

(Prashant R. Bijwe Vs. State of Mah. & ors.)

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

Dated : 06/09/2021.

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

2. The learned counsel has filed Pursis dated 6/9/2021 mentioning that the applicant wants to withdraw the O.A.

3. In view of Pursis dated 6/9/2021, the O.A. stands disposed off as withdrawn. No order as to costs.

Vice-Chairman

dnk.

O.A. 884/2020 (S.B.)

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

Dated : 06/09/2021.

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

2. The applicant stood retired on 31/5/2020 and as submitted by the learned counsel except Provisional Pension, none of the retiral benefits have been paid to the applicant. In order dated 26/7/2021 of this Tribunal, the respondents were directed to sanction leave of applicant from 23/3/2020 to 31/5/2020 as leave whatever is balance in the service record of the applicant. However, the main point of contention is that the applicant has not submitted application, therefore, leave has not been sanctioned.

3. The learned counsel is directed to ask the applicant to submit leave application which were balance to him and the respondents are directed to sanction the leave of applicant between 23/3/2020 to 31/5/2020. If no leave is balance to the applicant, then the respondents are directed to sanction the leave period as without pay but to be considered for all other benefits including retiral/pensionary benefits. After sanctioning the leave, they should move other retiral benefits papers and ensure that the applicant get the retiral benefits at earliest.

S.O. four weeks.

Steno copy is granted.

Vice-Chairman

dnk.

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

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

Dated : 06/09/2021.

Heard Shri R. Deshpande, Id. counsel for the applicants, Shri P.N. Warjurkar, Id. P.O. for R-1 to 4 and R.N. Sen, Id. counsel for R-5.

2. The learned counsel has filed Pursis dated 4/8/2021 mentioning that the applicant no.2 wants to withdraw the prayer in para 9 clause (ii) and para-10 Clause (c) as this prayer relates to the appointment on compassionate ground. The applicant no.2 does not want to press these prayers and wants to file fresh application on these grounds therefore requested for deleting his name from the array of the applicants. In view of Pursis dated 4/8/2021 the learned counsel is permitted to do so and necessary amendment be carried out within one week and amended copy be supplied to the other sides.

3. The Id. P.O. and also Id. counsel for R-5, desire to file reply.

S.O. four weeks.

Vice-Chairman

dnk.

O.A. 641/2021 (S.B.)

(Satish N. Ghadge Vs. State of Mah. & Ors.)

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

Dated : 06/09/2021.

C.A. No. 266/2021 -

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

2. The learned counsel has filed C.A.No.266/2021 for appropriate direction and along with C.A. he has attached representation of the applicant dated 30/8/2021 (A-2,P-10). As submitted by the learned counsel, the post at Yavatmal is still vacant and it appears that there is no hurdle in considering the applicant's representation dated 30/8/2021.

3. In view thereof, the respondents are directed to decide the applicant's representation dated 30/8/2021 (A-2,P-10) before filing reply.

4. With this direction, the C.A. stands disposed off. No order as to costs.

O.A. 641/2021 -

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

2. The learned P.O. wants to file reply and for that purpose he seeks further time.

S.O. after two weeks.

Steno copy is granted.

Vice-Chairman

dnk

O.A. 734/2021 (S.B.)

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

Dated : 06/09/2021.

Heard Shri M.R. Patil, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the State.

2. As submitted by the learned counsel, the applicant retired on 31/12/2019. In para-4.2 on page no.3 of the O.A. in last three lines it is mentioned that the applicant neither joined the employment on a post reserved for Scheduled Tribe or from Open/ General Category which appears to be incorrect statement.

3. The initial appointment order dated 27/6/1991 (A-2,P-14) is filed on record. In the appointment letter, the category of applicant is not mentioned. It is not clear from the appointment letter that from which category the applicant was initially appointed in the Department.

4. Issue notice to the respondents returnable **after four weeks**. Learned 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 four weeks.

Vice-Chairman

dnk.

O.A. 772/2021 (S.B.)

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

Dated : 06/09/2021.

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the State.

2. The applicant Shri Vipin V. Bhandakkar was working as Planning Assistant in the office of Nagar Parishad, Katol. While working there an offence was registered against him vide Crime No. 58/2021 on 7/2/2021 and he was arrested as per Chief Officer, Nagar Parishad, Katol letter dated 8/3/2021 (A-3,P-17) written to the Deputy Director, Town Planning, Department, Pune. As submitted by the learned counsel, till now no formal suspension order has been issued to the applicant.

3. The respondents are directed to decide the representations of the applicant dated 7/6/2021 (A-6,P-22) and dated 24/6/2021 (A-7,P-24).

4. Issue notice to the respondents returnable **after four weeks**. Learned 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 four weeks.

Vice-Chairman

dnk.

O.A. 781/2021 (S.B.)

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

Dated : 06/09/2021.

Heard Shri S.P. Palshikar, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the State.

2. As submitted by the learned counsel, vide order dated 3/11/2017 (A-1,P-19A typed copy) issued by the respondent no.2, the applicant was posted at Gondia. As per correspondence dated 14/12/2017 (A-2,P-20) the applicant joined on 3/12/2017 (B.N.).

3. The learned counsel has relied on G.R. dated 6/8/2002 (A-3,P-21 to 28) and mainly relied on internal page-5 of the G.R. the clause M (2) which is as under –

^M (2) vkfnokl h {ls-kr fdeku 2 o"kr pkr ysdke dsy; k xV v o c P; k vf/kdk&; kdk nf[kr R; k; k i l rtp; k ftYg; kr I kbZud kj ue.kcdk ns; kr ; k0; kr**-

4. The applicant has completed 4 years at Gondia and after that he has submitted his choice posting as per representation dated 22/3/2020 (A-4,P-29&30) in which he has given three choices and all the three choices are for Pune. As submitted by the learned counsel, the transfer order dated 30/8/2021 (A-6,P-33) was issued by the office of respondent no.2 in which five Officers were transferred, out of that four Officers excluding Sr.No.2 were posted at Pune. However, the applicant's request application was not considered, it was ignored. The applicant is not challenging that order. The request of the applicant is that as per document A-7,P-35 at Sr.No.4 one Mohan B. Jagtap who is retiring on 31/10/2021 that post is at Pune and considering the applicant's tenure for about four years in tribal and naxalite area, the applicant's case should be considered.

5. Issue notice to the respondents returnable **after three 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 three weeks.

Vice-Chairman

dnk.

O.A. 785/2021 (S.B.)

(Kaushalya R. Singh Vs. State of Mah.)

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

Dated : 06/09/2021.

Heard Shri J.D. Doye, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the State.

2. Vide transfer order dated 30/8/2021 (A-1,.P-10 to 13) the applicant's name appears at Sr.No.13 Ku. K. R. Singh and she has been transferred from Khadsangi Buffer to Vanupaj Cheque Post, Bhisi, Chimur Range, Brahmapuri Forest Division and in remarks column it is written on administrative reason. Whereas, in the said transfer order in para-2 (P-10) it is mentioned that these transfers are done on request basis. In the said list, it appears that all other employees are transferred on request except the applicant, who is transferred on administrative reason. The learned counsel for the applicant submits that the applicant has not completed normal tenure at present post. The learned counsel further submits that the applicant has not been relieved till now.

3. In view of this situation, **the respondents are directed not to relieve the applicant till further orders, if at all not relieved.**

4. Issue notice to the respondents returnable **after four weeks**. Learned 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 four weeks.

Steno copy is granted.

Vice-Chairman

dnk

O.A. 970/2020 (S.B.)

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

Dated : 06/09/2021.

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

At the request of Id .counsel , **S.O.**
20/9/2021.

Vice-Chairman

dnk.

O.A. 892/2019 (S.B.)

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

Dated : 06/09/2021.

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

The matter be **kept on 15/9/2021 on high on board.**

Vice-Chairman

dnk.

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

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

Dated : 06/09/2021.

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

At the request of Id .counsel, **S.O.**
20/9/2021.

Vice-Chairman

dnk.

O.A. 210/2020 (S.B.)

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

Dated : 06/09/2021.

Heard Shri R.V. Shiralkar,, Id. counsel for the applicant, Shri A.M. Khadatkhar, Id. P.O. for R-1&2 and Shri N.S. Khandewale, Id. counsel for R-3.

Shri Shiralkar, Id. counsel files rejoinder on behalf of the applicant. It is taken on record. He submits that he will supply copy to the other side.

With the consent of Id. counsel for parties, **S.O. 22/9/2021.**

Vice-Chairman

dnk.

O.A. 620/2020 (S.B.)

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

Dated : 06/09/2021.

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

With the consent of Id. counsel for parties, **S.O. 22/9/2021.**

Vice-Chairman

dnk.

O.A. 49/2020 (S.B.)

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

Dated : 06/09/2021.

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

With the consent of Id .counsel for
parties, **S.O. 22/9/2021.**

Vice-Chairman

dnk.

O.A. 788/2020 (S.B.)

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

Dated : 06/09/2021.

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

2. As submitted by Id. counsel, the applicant Shri Santosh R. Bele working as a Statistical Assistant was transferred and posted at Gondia vide order dated 2/7/2013 (A-2, P-14&15). The Id .counsel submits that though in transfer session 2020 the applicant was due for transfer, but he has not been transferred. As per clause M ¼2½ of the G..R. dated 6/8/2002 the applicant should have been given choice posting. Again in transfer session in 2021 the respondents have published a list dated 7/4/2021 (A-4,P-20 to 23) of employees who are due for transfer and the applicant's name appears at page no.22 wherein it is clearly mentioned that the applicant has joined at Gondia on 1/7/2013 and he has completed 7 years 10 months and 30 days in difficult area. Hence, the applicant's case is squarely covered by the G.R. dated 6/8/2002.

3. The learned counsel further submits that there are 6 posts available in Nagpur Division

and out of that only 2 posts are filled up. The respondents are directed to decide the applicant's representations dated 10/8/2021 (A-5,P-24) and 31/8/2021 (A-7,P-26) within three weeks from the date of receipt of this order .

4. In view thereof, the O.A. stands disposed off. No order as to costs.

5. The learned counsel is at liberty to approach to this Tribunal if he is aggrieved.

Vice-Chairman

dnk.

O.A. 787/2021 (S.B.)

(Lalit R. Sonone Vs. State of Mah. & Ors.)

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

Dated : 06/09/2021.

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

2. The applicant was working as Deputy Engineer and Sub Divisional Water Conservation Officer, Soil and Water Conservation, Sub Division, Amravati. As submitted by the learned counsel, vide transfer order dated 1/9/2021 (A-1,P-20 to 22) by which the other employee i.e. the respondent no.5, Shri Pankaj A. Ugale in the O.A. has been posted in place of applicant and in the column in the order it is written that the service of the applicant is repatriated and vacancy created due to repatriation of the applicant, the respondent no.5 is posted there. The applicant was posted at Amravati on request by order dated 10/8/2020 (A-3,P-27). While comparing both these orders dated 10/8/2020 and 1/9/2021 it is apparently clear that the applicant's place of posting has been changed from Amravati to Khamgaon by way of repatriation. The applicant has not completed normal tenure as per order dated 10/8/2020 (A-3,P-27).

3. In view of this situation, **the respondents are directed not to relieve the applicant as per order dated 1/9/2021 (A-1,P-20 to 22) till filing of reply.**

4. Issue notice to the respondents returnable **after four weeks**. Learned 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 four weeks.

Steno copy is granted.

Vice-Chairman

dnk.*

O.A.No.937/2018 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 06/09/ 2021.

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

2. The Id. P.O. has filed reply on behalf of the respondent nos. 2 & 3. It is taken on record. Copy is served to the other side. 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:-06/09/2021.

aps.

O.A.No.209/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 06/09/ 2021.

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

2. The Id. P.O. submits that he requires more two weeks time to file reply. As agreed by Id. counsel for the applicant, **S.O. 20.09.2021.**

Vice Chairman

Date:-06/09/2021.
aps.

O.A.No.684/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 06/09/ 2021.

Heard Smt. Saboo, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents. None for the respondent no. 3.

2. Applicant retired on 31.08.2019; after completing the age of 60 years of service. Applicant has filed O.A. on 26.08.2019 and his representation dated 20.08.2019 (A-9, P.B., Pg. No. 27) was submitted to Director, Health Services, Mumbai in which he requested that retirement date to be extended to 62 years, even that 62 years expired on 31.08.2021. However, what happened to that representation that should be communicated through the Id. P.O., for that Id. P.O. is directed to take necessary instructions within two weeks time.

3. Matter is **admitted** and kept for final hearing.

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

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

6. **Steno copy is granted.**

Vice Chairman

Date:-06/09/2021.
aps.

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

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 06/09/ 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. The Id. counsel for the applicant has filed pursis which is marked Exh. "X" for the purpose of identification. He has also attached Medical Officer seniority list published by M.P.S.C. as on 2002. The Id. P.O. desires to file reply, **S.O. three weeks.**

Vice Chairman

Date:-06/09/2021.
aps.

O.A.No.929/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 06/09/ 2021.

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

2. The Id. P.O. has filed reply on behalf of the respondent nos. 3 & 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:-06/09/2021.
aps.

O.A.No.160/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 06/09/ 2021.

Heard Shri B.Kulkarni, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

2. The Id. P.O. has filed reply on behalf of the respondent no. 2. 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:-06/09/2021.
aps.

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

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 06/09/ 2021.

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

2. In order dated 12.07.2021 in para no. 2 following observation has been made:-

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

3. As pointed out by Id. counsel for the applicant, the matter was previously heard in O.A. No. 263/2016 and final order was passed on 10.11.2016 and in last para following observation has been made:-

" In the above state of affairs, the O.A. is disposed of with the direction to complete the enquiry within 6 weeks from the date of receipt of this order. The applicant to cooperate, with this direction the O.A. stands disposed of with no order as to costs."

4. It was very much clear that O.A. was disposed of with direction to complete the enquiry within six weeks. Respondents have not filed reply till today. The Id. P.O. desires three weeks to file reply. However, respondents were bound to complete the D.E. after the order dated 10.11.2016 within six weeks.

5. **S.O. three weeks.**

6. **Steno copy is granted.**

Vice Chairman

Date:-06/09/2021.

aps.

O.A.No.594/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 06/09/ 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. The Id. counsel for the applicant submits that he has file service affidavit today in the office. At the request of Id. P.O., **S.O. three weeks to file reply of respondent no. 2.**

Date:-06/09/2021.
aps.

Vice Chairman

Rev.02/21inO.A.384/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 06/09/ 2021.

None for the applicant. Shri A.M.Ghogre, the Id. P.O. for the respondents. None for the respondent no. 4.

2. As pointed out by Id. P.O. in order dated 11.01.2021 in para no. 2 following observation has been made:-

*"2. As pointed out by Id. P.O. relief clause 9 (A) at P.B., Pg. No. 21 has been already solved for the applicant. Both the counsels agreed for the same. As relief sought in O.A. in para no. 9 (A) related has been solved; the O.A. becomes infructuous. **Hence, O.A. is disposed of with no order as to costs.**"*

3. Since O.A. has become infructuous, nobody appears from the applicant side. However, matter is kept on board on Wednesday. If nobody appears on Wednesday, it will be disposed of. **S.O. 15.09.2021.**

Vice Chairman

Date:-06/09/2021.
aps.

O.A.No.762/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 06/09/ 2021.

C.A.No.259/2021:-

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

2. C.A. NO. 259/2021 for Jt. O.A. is allowed.

3. The Id. counsel for the applicant has placed on record A-1, Pg. No. 11 where '6' names of applicants are mentioned. He has also placed on record notification dated 06.03.2019 (A-2, Pg. No. 12); as per this notification on Pg. No. 13, clause no. 3 (C) following condition has been inserted:-

"%I h% ukofun%kkuso i n%kurhus d jko; k; k ue. kchps i %k.k
90%10 v l sjkghy"

According to this, these applicants are in 10% quota. Apart from this rule no. 3 of this Gazette Notification prescribed which are listed below in para no. 4 which is reproduced below:-

vuq	fuom l ferh	
1	vk; Ør rFk l pkyd] uxj i fj "kn i z kkl u l pkyuk;] epbz	v/; {k
2	Lkg l fpo@ mi l fpo] uxj fockl foHkx] 'kkl ukusukofun%kr dlyys	l nL;

3	'kl ukus ukefuni'kr dyyk voj l fpoki\$kk deh ntlpk ul yyk elxkl kofxZ vf/kdkjh	l nL;
4	mi l pkyd] uxjifj"kn izkl u l pkyuky;] epbz	l nL; &l fpo

4. The applicants have submitted their letter to Deputy Director, Municipal Counsel, Nagpur Circle and in first para they have mentioned that as per the condition they should complete five years on 30.11.2019. However, there is a short of 1 or 2 months as per the representation dated 06.11.2019 (A-4, Pg. NO. 17) to Commissioner and Director, Municipal Council Administration Directorate, Mumbai they have requested of considering their case. As submitted by Id. counsel for the applicant, this process has not processed till now for Chief Officer, Municipal Council.

5. In view of this, Id. P.O. is directed to take these details in reply of respondents. The applicants have further submitted that now they have completed five years of service. **If the said examination has not been taken place till now, the applicants representation dated 12.07.2021 (A-6, Pg. NO. 20) should be considered in 10 % quota of nomination for Chief Officer as per Gazette notification dated 06.03.2019 and disposed of before the examination.**

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

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

8. 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.

9. 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.

10. 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.

11. 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.

12. S.O. four weeks.

13. Steno copy is granted.

Date:-06/09/2021.

aps.

Vice Chairman

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

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 06/09/ 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. At the request of Id. counsel for the applicant, **S.O. two weeks to file rejoinder.**

Vice Chairman

Date:-06/09/2021.

aps.

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

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 06/09/ 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. At the request of Id. P.O. and as agreed by Id. counsel for the applicant, **S.O. 29.09.2021.**

Vice Chairman

Date:-06/09/2021.

aps.

C.P.No.19/2021inO.A.No.324/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 06/09/ 2021.

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

2. The Id. P.O. has filed letter dated 07.06.2021 by Under Secretary of the Department and letter dated 06.08.2021 by Assistant Chief Engineer, Irrigation, Nagpur. It appears that Department has taken permission of Law and Judiciary and they are in the process of challenging the order dated 18.02.2021 in O.A. No.324/2020 before Hon'ble High Court.

3. The Id. P.O. submits that he requires two weeks time to file the writ copy of the Hon'ble High Court.

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

Vice Chairman

Date:-06/09/2021.

aps.

O.A.No.945/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 06/09/ 2021.

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

2. At the request of Id. P.O., **put up this matter before regular D.B. as and when available.**

Vice Chairman

Date:-06/09/2021.

aps.

O.A.No.119/2015 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 06/09/ 2021.

Heard Shri D.G.Patil, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

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

Vice Chairman

Date:-06/09/2021.
aps.

O.A.Nos.194&195/2016 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 06/09/ 2021.

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

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

Vice Chairman

Date:-06/09/2021.
aps.

O.A.No.223/2018 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 06/09/ 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. As submitted by Id. counsel for the applicant, the merit list was published on 08.08.2017 (A-4, Pg. No. 23) in respect of Male (Superintendent). As per Para no. 4.4 of O.A. at Pg. No. 3; it has been mentioned that mark list published on 08.08.2017. Hence, one year will come on 08.08.2018. However, the Id. counsel for the applicant has approached to this Tribunal on 03.04.2018; by filing O.A. No. 223/2018. So, it means that he was well within one year to take legal redressal. Respondents also while filing reply have submitted in para no. 5 by table which is below:-

Total Post – 75	SBC 2 %
Post to be filled up as per percentage	1
Posts actually filled up.	0
Vacant post.	1

As submitted by respondents in para no. 13 of the G.R. dated 13.06.2018; it has been examined

and it is clear that applicant had approached to this Tribunal within one year and there is no hurdle before respondents to act on list published on 08.08.2017 to the extent of applicant.

3. The Id. counsel for the applicant has also submits that he is satisfied of the reply, he has further submitted that in reply at Pg. No. 78 in para no. 3 (b) in last line it has also mentioned that "*out of two post, one in S.B.C. and one in OPEN category are vacant*". So, there is no hurdle in giving appointment to the applicant based on merit list published on dated 08.08.2017. The Id. counsel for the applicant is also satisfied with the same point.

4. In view of this fact, **respondents are directed to issue appointment letter to the extent of applicant i.e. Male (Superintendent) within three weeks** as per there reply to the applicant and file it on record before the Tribunal through Id. P.O..

5. **S.O. three weeks.**

6. *Put up this matter along with O.A. No. 224/2018.*

Vice Chairman

Date:-06/09/2021.
aps.

O.A.No. 224/2018 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 06/09/ 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. counsel for the applicant, **S.O. three weeks.**

3. *Put up this matter along with O.A. No. 223/2018.*

Vice Chairman

Date:-06/09/2021.
aps.