

O.A. No. 676/2017 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 17.02.2020

None for the applicant. Shri A.P. Potnis, Id. P.O. for R-1, Shri R.R. Darda, Id. counsel holding for Shri H.D. Marathe, Id. counsel for R-2 and none for R-3 to 5.

2. The learned counsel for R-2 submitted that he would file reply within two days and for that purpose he seeks further time. At his request, **S.O. 26/02/2020.**

Member (J)

dnk.

O.A. No. 131/2019 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 17.02.2020

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

2. The learned P.O. files reply on behalf of R-2&3. It is taken on record. The learned P.O. submitted that vide order dated 18/6/2019 the impugned transfer order dated 10/1/2019 is cancelled and the applicant was directed to join his original post. The learned P.O. also submitted that the applicant has already resumed duty at Nagpur.

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

Member (J)

dnk.

O.A. No. 348/2019 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 17.02.2020

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

2. The learned P.O. files reply on behalf of R-1 to 4. The Id. P.O. submitted that reply of R-5 is not necessary.

Heard. Admit.

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

S.O. 26/2/2020.

Member (J)

dnk.

O.A. No. 792/2019 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 17.02.2020

Smt. K.N. Saboo, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1 to 3. None for R-4.

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

Member (J)

dnk.

O.A. No. 861/2019 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 17.02.2020

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

2. The Id. P.O. files reply on behalf of R-3. It is taken on record. The Id. P.O. submitted that the O.A. may be admitted for final and in the meantime he will file reply of other respondents.

Heard. Admit.

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

S.O. 4/3/2020.

Member (J)

dnk.

O.A. No. 1051/2019 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 17.02.2020

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. three weeks** for filing reply.

Member (J)

dnk.

O.A. No. 1052/2019 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 17.02.2020

C.A. 494/2019 -

Heard Shri S.N. Gaikwad, Id. counsel for the applicants and Shri S.A. Sainis, Id. P.O. for the State.

2. By this C.A., the applicants are seeking leave to sue jointly. For the reasons stated in the C.A., leave to sue jointly as prayed for is granted, subject to the applicants paying requisite court fees, if not already paid. C.A. stands disposed of accordingly.

O.A. 1052/2019 -

S.O. four weeks for filing reply.

Member (J)

dnk.

O.A. No. 09/2020 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 17.02.2020

There is a leave note from Shri S.P. Palshikar, Id. counsel for the applicant. Shri H.K. Pande, Id. P.O. for the respondents.

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

Member (J)

dnk.

O.A. No. 10/2020 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 17.02.2020

There is a leave note from Shri S.P. Palshikar, Id. counsel for the applicant. Shri H.K. Pande, Id. P.O. for the respondents.

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

Member (J)

dnk.

O.A. No. 530/2009 with C.As. 498/11 &
94/2012 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 17.02.2020

Heard the applicant in person and Shri A.M. Ghogre, Id. P.O. for R-1 to 3. There is a leave note from Shri S.P. Palshikar, Id .counsel for R-4.

2. The applicant submitted that now he is retired from the service, therefore, he has no desire to challenge the impugned transfer and posting order. The applicant has submitted Pursis dated 10/2/2020 on record.

3. In view of this, the O.A. stand disposed of as infructuous. The C.As. also stand disposed of accordingly. No order as to costs.

Member (J)

dnk.

O.A. St. 1295/08 with C.A. 289/08 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 17.02.2020

Heard the applicant in person and Shri A.M. Ghogre, Id. P.O. for the respondents.

2. The present O.A. is filed for challenging the adverse remarks. The O.A. No.71/2017 is filed by the applicant for promotion. Now the applicant is retired from the government servant. In view of the nature of both the proceedings, I direct that this O.A. be tagged with O.A. 71/2017.

S.O. in due course.

Member (J)

dnk.

O.A. No. 954/2019 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 17.02.2020

The applicant in person. Shri A.M.
Ghogre, Id. P.O. for the respondents.

S.O. 25/2/2020 for filing reply.

Member (J)

dnk.

O.A. No. 1084/2019 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 17.02.2020

Shri P.S. Raut, Id. counsel holding for
Shri P.S. Patil, 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. three
weeks** for fling reply.

Member (J)

dnk.

O.A. No. 1085/2019 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 17.02.2020

Shri P.S. Raut, Id. counsel holding for
Shri P.S. Patil, 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. three
weeks** for fling reply.

Member (J)

dnk.

O.A. No. 110/2020 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 17.02.2020

Heard Shri D.R. Rupnarayan, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. The impugned order of recovery is stay till filing of the reply by the respondents.

3. Issue notice to the respondents returnable **after four weeks**. Learned P.O. waives notice for R-1. Hamdast allowed.

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

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

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

limitation and alternate remedy are kept open.

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

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

S.O. after four weeks.

Member (J)

dnk.

O.A. No. 402/2016 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 17.02.2020

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

2. Two weeks time is granted to the
respondents to comply the order dated
23/1/2020.

S.O. two weeks.

Member (J)

dnk.

O.A. No. 29/2018 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 17.02.2020

There is a leave note from Shri S.P. Palshikar, Id. counsel for the applicant. Shri M.I. Khan, Id. P.O. for the respondents.

S.O. 6/3/2020.

Member (J)

dnk.

O.A. No. 71/2016 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 17.02.2020

There is a leave note from Shri S.P. Palshikar, Id. counsel for the applicant. Shri M.I. Khan, Id. P.O. for the respondents.

S.O. 6/3/2020.

Member (J)

dnk.

O.A. No. 922/2017 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 17.02.2020

There is a leave note from Shri S.P. Palshikar, Id. counsel for the applicant. Shri M.I. Khan, Id. P.O. for the respondents.

S.O. 6/3/2020.

Member (J)

dnk.

O.A. No. 550/2019 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 17.02.2020

Shri S.N. Gaikwad, 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. 26/2/2020**.

Member (J)

dnk.

O.A. No. 808/2019 (SB)

**Coram : Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 17.02.2020

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

2. Considering the facts it seems that the applicant was posted at D.Ed. College, Amravati since year 2012. As the applicant has already completed two normal tenures at Amravati, therefore, he was over due for transfer and in view of the mandatory language of Section 3 of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (in short "Transfers Act,2005"), the respondents were bound to transfer the applicant.

3. The learned counsel for the applicant submitted that the applicant is handicapped person. The learned counsel for the applicant has placed reliance on the Government Circular dated 15/12/2004 and submitted that direction is issued by the Government not to transfer the physically handicapped Government servant. In this regard, I would like to point out that the

Transfers Act,2005 is a latter act and Government Circular of G.R. cannot over-ride the statute, therefore, it is not possible to accept that the impugned order of transfer is illegal,

4. But considering the facts that the applicant is physically handicapped government servant and as representation dated 20/4/2019 is pending for consideration, it will be suitable if direction is given to the respondents to consider the grievance of the applicant at the time of the general transfers of the year 2020. The respondents are directed to consider the case of the applicant at the time of general transfers of the year 2020.

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

Member (J)

dnk.

O.A.No.17/2020 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and**

Shri A.D.Karanjkar, Member(J)

Dated :17/02/2020.

None for the applicant. Shri V.A.Kulkarni,
the Id. P.O. for the State. Await service of
respondent nos. 2 & 3.

2. **S.O. three weeks.**

**Member(J)
Chairman**

Date:-17/02/2020.

aps.

Vice

O.A.No.957/2018 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and**

Shri A.D.Karanjkar, Member(J)

Dated :17/02/2020.

None for the applicant. Shri V.A.Kulkarni,
the Id. P.O. for the State. Await service of
respondent nos. 2 & 3.

2. **S.O. three weeks.**

**Member(J)
Chairman**

Date:-17/02/2020.

aps.

Vice

O.A.No.1081/2019 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and**

Shri A.D.Karanjkar, Member(J)

Dated :17/02/2020.

None for the applicant. Shri V.A.Kulkarni,
the Id. P.O. for the State. Notices are yet not
collected by respondent nos. 2 to 6.

2. **S.O. three weeks.**

**Member(J)
Chairman**

Date:-17/02/2020.

aps.

Vice

O.A.No.38/2020 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and**

Shri A.D.Karanjkar, Member(J)

Dated :17/02/2020.

None for the applicant. Shri P.N.Warjekar,
the Id. P.O. for the Respondents.

2. **S.O. three weeks.**

Member(J)

Chairman

Date:-17/02/2020.

aps.

Vice

O.A.No.37/2020 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and**

Shri A.D.Karanjkar, Member(J)

Dated :17/02/2020.

There is a leave note of the Id. counsel for the applicant. Shri S.A.Sainis, the Id. P.O. for the Respondents.

2. **S.O. three weeks.**

**Member(J)
Chairman**

Date:-17/02/2020.

aps.

Vice

O.A.No.35/2020 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and**

Shri A.D.Karanjkar, Member(J)

Dated :17/02/2020.

Ms. D.Khandelwal, the Id. counsel for the applicant. Shri P.N.Warjekar, the Id. P.O. for the State. Await service of respondent nos. 2 to 4.

2. The Id. counsel for the applicant submitted that she will file service affidavit during the course of the day. **S.O. three weeks.**

**Member(J)
Chairman**

Date:-17/02/2020.

aps.

Vice

O.A.No.55/2020 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and**

Shri A.D.Karanjkar, Member(J)

Dated :17/02/2020.

Shri W.G.Paunikar, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the State. Notices are yet not collected by Id. counsel for the respondent nos. 2 & 3.

2. The Id. counsel for the applicant submitted that he will file service affidavit during the course of the day, **S.O. two weeks.**

Member(J)

Chairman

Date:-17/02/2020.

aps.

Vice

O.A.No.500/2017 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and**

Shri A.D.Karanjkar, Member(J)

Dated :17/02/2020.

Shri A.P.Tathod, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the Respondent nos. 1 & 3. Await service of respondent no. 2.

2. The Id. counsel for the applicant wants to verify about the service report of respondent no.

2. **S.O. next week.**

Member(J)

Chairman

Date:-17/02/2020.

aps.

Vice

O.A.No.113/2015 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and**

Shri A.D.Karanjkar, Member(J)

Dated :17/02/2020.

Shri P.S.Sahare, the Id. counsel for the applicant, Shri H.K.Pande, the Id. P.O. for the Respondent nos. 1 to 3. None for the respondent no. 4. Shri Bharat D. Pawar, the applicant in person for the respondent no. 5, Shri Sudarshan S. Chitkulwar, the applicant in person for the respondent no. 6 and Shri Ujjwal J. Karawande, the applicant is person for the respondent no. 7. Await service of respondent nos. 5 to 9.

2. The Id. counsel for the applicant submitted that he will file service affidavit during the course of the day.

3. The respondent no. 7 submitted that his name is incorrectly written and also his address and he has received copy of his application. The respondent no. 7 given his correct name and address. The Id. counsel for the applicant is directed to supply the copy of the O.A. to the respondent no. 7 and to correct the name and address of the respondent no. 7.

4. **S.O. one week.**

Member(J)
Chairman
Date:-17/02/2020.
aps.

Vice

O.A.No.786/2018 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and**

Shri A.D.Karanjkar, Member(J)

Dated :17/02/2020.

Shri N.R.Saboo, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the State. Await service of respondent nos. 2 to 22.

2. The Id. counsel for the applicant submits pursis and informed that in relation to the seniority in O.A. No. 545/2015 decided on 05/11/2018 order is passed at the seniority list on 07/11/2015 is quashed and that decision is not challenged in Writ Petition No. 7683/2018. The applicant is intending to withdraw this application with liberty to approach this Tribunal after decision in writ petition.

3. With the above directions, **O.A. stands disposed of as withdrawn with no order as to costs.**

Member(J)

Chairman

Date:-17/02/2020.

aps.

Vice

O.A.No.727/2018 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and**

Shri A.D.Karanjkar, Member(J)

Dated :17/02/2020.

None for the applicant. Shri H.K.Pande,
the Id. P.O. for the respondents.

2. The Id. P.O. has filed reply on behalf of the
respondent no. 2. It is taken on record. He further
submits that he will serve the copy to the other
side.

3. **S.O. three weeks.**

**Member(J)
Chairman
Date:-17/02/2020.
aps.**

Vice

O.A.No.520/2017 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and**

Shri A.D.Karanjkar, Member(J)

Dated :17/02/2020.

Shri D.Karnik, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. The Id. P.O. has filed reply on behalf of the respondent no. 4. It is taken on record. Copy is served to the other side.

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

4. The Id. P.O. waives notices for the respondent nos. 1, 3 & 4.

5. **S.O. next week.**

6. *The Id. counsel for the applicant is yet to file on record received of joining letter.*

Member(J)

Chairman

Date:-17/02/2020.

aps.

Vice

O.A.No.703/2017 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and**

Shri A.D.Karanjkar, Member(J)

Dated :17/02/2020.

Shri N.R.Saboo, 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. 3. It is taken on record. Copy is served to the other side.

3. The Id. P.O. has filed letter dated 17/02/2020 by Principle Secretary, Maharashtra Government it appears that proposal has been recommended by Civil Services Board and after approval by Hon'ble Minister it is placed before Hon'ble Chief Minister. The respondent no. 1 is directed to take decision as per the letter dated 17/02/2020 **within two weeks** from the date of this order.

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

5. *Steno copy is granted.*

**Member(J)
Chairman**

Date:-17/02/2020.

aps.

Vice

O.A.No.278/2012 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and**

Shri A.D.Karanjkar, Member(J)

Dated :17/02/2020.

Shri G.G.Bade, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. It is submitted that the statement of Medical Officer and the lady Ms. Nisha were recorded during enquiry but these statements are not in the enquiry papers. In this regard, the respondent no. 3 is directed to appear in person on the next date of hearing and explain the reason for the same. In the meantime, he shall try to trace out the material documents as it is valuable evidence in the matter.

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

**Member(J)
Chairman**

Date:-17/02/2020.

aps.

Vice

O.A.No.996/2017 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and**

Shri A.D.Karanjkar, Member(J)

Dated :17/02/2020.

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

2. The matter is **admitted** and kept for final
hearing.

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

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

Member(J)

Chairman

Date:-17/02/2020.

aps.

Vice

O.A.No.579/2018 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and**

Shri A.D.Karanjkar, Member(J)

Dated :17/02/2020.

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

2. The Id. P.O. submitted that when applicants were repatriated it was specifically submitted by the applicants that they were ready to accept the repatriation after losing their seniority and directions were issued to seek undertaking from the respective nurses who requested for the repatriation.

3. The Id. P.O. is directed to produce that material before the bench, **S.O. two weeks.**

4. Matter is treated as P.H.

Member(J)

Chairman

Date:-17/02/2020.

aps.

Vice

O.A.No.538/2018 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and**

Shri A.D.Karanjkar, Member(J)

Dated :17/02/2020.

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

2. As submitted by Id. counsel for the applicant on P.B., Pg. No. 39 (Annexure-A-9) Government has communicated to the P.C.C.F. about the candidate fit for the promotion and list is attached as per P.B., Pg. No. 42; applicant is at Sr. No. 17. It is written that applicant is from O.B.C. category (applicant is fit for promotion subject to fate of criminal case).

3. Now, the Id. counsel for the applicant has filed decision of Chandrapur Court case no. 136/2008 delivered on 10/12/2019, P.B., Pg. No. 34 in the case the applicant is acquitted. Now as per in the result of D.P.C. meeting, Government is bound to issue the promotion order to the applicant.

4. In view of this, respondents are directed to issue promotion order **within two weeks** from the date of receipt of this order.

5. With the above directions, **O.A. along with C.A. are disposed of with no order as to costs.**

6. *However, question of deemed date is kept open.*

7. **Steno copy is granted.**

**Member(J)
Chairman
Date:-17/02/2020.
aps.**

Vice

O.A.No.370/2016 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and**

Shri A.D.Karanjkar, Member(J)

Dated :17/02/2020.

Shri A.P.Tathod holding for Shri A.D.Girdekar, the Id. counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondent nos. 1 to 4. None for the respondent no. 5.

2. The Id. P.O. has filed letter dated 06.02.2020 by Director, Public Health written to Principle Secretary, Government Health Department (Service-1), Mantralaya, Mumbai. It is taken on record. Copy is served to the other side.

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

Member(J)

Chairman

Date:-17/02/2020.

aps.

Vice

O.A.No.644/2019 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and**

Shri A.D.Karanjkar, Member(J)

Dated :17/02/2020.

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

2. There is no dispute about the facts that one Criminal Case is pending against the applicant and that offence was registered in the year 2014. The Id. counsel for the applicant submitted that the meeting of the D.P.C. is scheduled in the month of March, 2020 and direction be given to consider the applicant.

3. The Government has already issued G.R. dated 15/12/2017 and has laid down the procedure to be followed by the D.P.C. while considering the case of the Government Servant who is facing disciplinary proceedings or criminal trial.

4. In view of this, we direct the respondents to consider the applicant for promotion whenever D.P.C. will be held and follow the procedure laid down in G.R. dated 15/12/2017.

5. With this directions, **O.A. is disposed of with no order as to costs.**

Member(J)
Chairman
Date:-17/02/2020.
aps.

Vice

O.A.No.779/2019 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and**

Shri A.D.Karanjkar, Member(J)

Dated :17/02/2020.

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

2. **S.O. three weeks.**

Member(J)

Chairman

Date:-17/02/2020.

aps.

Vice

O.A.No.111/2020 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
and**

Shri A.D.Karanjkar, Member(J)

Dated :17/02/2020.

N.R.Wange, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the State.

2. The applicant is challenging the order issued by the respondent no. 3 giving him posting for a period of 11 months. In similar matters interim relief is granted, therefore, as per the law of parity the respondents are directed not to terminate the services of the applicant till filing of the reply. If the respondents have urgency in this matter, they can file reply immediately in the matter so that matter would be heard expeditiously.

4. Issue notice to the respondent nos. 2 & 3, returnable **after three weeks**. Learned P.O. waives notice for R-1. 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.

10. **S.O. after three weeks.**

**Member(J)
Chairman**

Date:-17/02/2020.

aps.

Vice

O.A.No.122/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :17/02/ 2020.

Heard Smt. P.Suryawanshi holding for Shri D.I.Charlewar, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent no. 4.

2. The applicant was suspended vide order dated 10.12.2001 (Annexure-A-1, P.B., Pg. No. 14). The Judgment was delivered "In the Court of Special Judge : Bhandara in Special Case (Anti Corruption) No. 1 of 2002; dated 18/04/2012 and offence was registered under Sections 7, 12, 13 (1)(d) punishable under Section 13 (2) of the prevention of Corruption Act read with 120-B of the Indian Penal Code and at P.B., Pg. No. 39 accused nos. 1 & 2 are acquitted under Sections 7, 12, 13 (1)(d) punishable under Section 13 (2) of the prevention of Corruption Act read with 120-B of the Indian Penal Code.

3. The Id. P.O. is pointed out the contents of para no. 32 of the Judgment which is reproduced below:-

"In the totality of the circumstances, in my opinion, the evidence adduced by the prosecution is not at all sufficient beyond reasonable doubt to hold the accused persons guilty of any offence. In view of

the same, a reasonable doubt is certainly created about the nature and quality of the evidence adduced by the prosecution. Hence, the accused should be entitled for benefit of reasonable doubt. I, therefore, pass the point nos. 2 to 5 in the negative."

4. As submitted by Id. P.O., Department has not preferred appeal against this order till today.

5. By record on P.B., Pg. No. 59 (Annexure-R-1, dated 26/12/2013) it appears that Deputy Director, Public Health Nagpur Circle had written letter to Principle Secretary, Government Health Section, (Service-4), Mantralaya, Mumbai by which it appears that as there was departmental enquiry was pending against the applicant that clarification was sought by the Nagpur office in pursuance of the order dated 10.12.2013, that whether the order for regularizing the suspension period should be communicated to the applicant or not?

6. After applicant's exoneration by Hon'ble Special Court order dated 18/04/2012 department has not gone in appeal against the court order but it appears that department has preferred D.E. against the applicant. The Id. P.O. is directed to take necessary instructions from the department about the progress of D.E. and file on record details about the D.E..

7. **S.O. two weeks.**

8. Matter is treated as P.H.

Vice

Chairman
Date:-17/02/2020.
aps.

O.A.No.452/2016 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :17/02/2020.

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

2. **S.O. three weeks.**

Vice

Chairman
Date:-17/02/2020.
aps.

O.A.Nos.958&959/18&284/19

(S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :17/02/2020.

Shri S.S.Patil, 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 reply on behalf of the respondent nos. 4 & 5 in O.A. Nos. 958/2018 and reply on behalf of the respondent nos. 2 & 3 in O.A. No. 284/2019. The Id. P.O. further submits that he is going to adopt the same reply of O.A. Nos. 958/2018 and 284/2019 in O.A. No. 959/2018.

3. The Id. counsel for the applicant submits that since the applicants are not Government servant so there is a question of maintainability of O.A.

4. Since the pleading is completed in this matter, matter is **admitted** and kept for final hearing.

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

6. **S.O. 02.03.2020.**

Chairman

Vice

Date:-17/02/2020.
aps.

O.A.No.654/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :17/02/ 2020.

Shri A.A.Mardikar, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant has challenged the letter dated 24/07/2018 by Commandant, S.R.P.F., Group No. 9, Amravati by which application dated 03.03.2018 has been rejected in view of G.R. dated 2015. However, Id. counsel has relied on G.R. dated 21/09/2017 at P.B., Pg. No. 96 mainly on para no. 21 of the said G.R. at P.B., Pg. No. 115.

3. The respondent no. 3 i.e. Commandant, S.R.P.F., Group-9, Amravati is directed to consider the case of the applicant in view of the G.R. dated 21/09/2017 for appointment on compassionate ground and particularly its provisions contained in clause 21 of the said G.R.. The applicant's application dated 03/03/2018 (Annexure-A-8, P.B., Pg. No. 22 and 25) should be decided accordingly by respondent no. 3 **within one month** from the date of this order.

4. With the above directions, **O.A. stands disposed of with no order as to costs.**

Chairman

Vice

Date:-17/02/2020.
aps.

O.A.No.1026/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :17/02/ 2020.

Ms. D.Khandelwal, 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 03/12/2019 by Desk Officer, Medical Education and Medicine Department. It is taken on record. Copy is served to the other side.

3. The Id. P.O. further submits that there is a connected O.A. bearing no. 818/2019, it was already admitted and fixed for final hearing in due course. So, this O.A. should also be admitted. Hence, matter is **admitted** and kept for final hearing. Meanwhile, the Id. P.O. is directed to file reply of other respondents.

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

5. S.O. in due course.

6. *Put up along with the O.A. No. 818/2019.*

Vice

Chairman
Date:-17/02/2020.
aps.

O.A.No.683/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :17/02/2020.

Ms. P.Agrawal, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. The Id. P.O. has filed reply of respondent no. 5. It is taken on record. Copy is served to the other side.

3. The Id. P.O. further requires two weeks to file reply of respondent nos. 2 and 3. **S.O. two weeks.**

Vice

Chairman

Date:-17/02/2020.

aps.

O.A.No.115/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :17/02/2020.

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

2. The Id. P.O. requested time. At his request, **S.O. 25.02.2020.**

Vice

Chairman
Date:-17/02/2020.
aps.

O.A.No.919/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :17/02/2020.

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 reply of respondent nos. 1 & 2. It is taken on record. Copy is served to the other side.

3. **S.O. 02.03.2020.**

Chairman
Date:-17/02/2020.
aps.

Vice

O.A.No.969/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :17/02/2020.

Shri A.D.Tote, 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 reply of respondent no. 2. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the matter.

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

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

5. **S.O. 25.02.2020.**

Vice

Chairman

Date:-17/02/2020.

aps.

O.A.No.121/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :17/02/2020.

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

2. The applicant has made representation dated 20.05.2013 which has been received by respondents. The respondent no. 2 is directed to consider the applicant's application which has been received by respondent no. 2 i.e. 20.05.2013 (Annexure-A-8, P.B., Pg. No. 25) as per existing G.R. for appointment on compassionate ground **within one month** from the date of this order.

3. With the above directions, **O.A. stands disposed of with no order as to costs.**

4. *The applicant is at liberty to approach this Tribunal, if he is aggrieved by the order of the respondents.*

Vice

Chairman

Date:-17/02/2020.

aps.

O.A.No.603/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :17/02/2020.

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

2. The Id. P.O. has filed reply from Desk Officer dated 12/02/2020. It is taken on record. Copy is supplied to the other side.

3. The review committee meeting proposal is submitted to Government for approval. In view of this, Respondent no. 1 is directed to take decision on review committee meeting dated 12.02.2020 **within two weeks** from the date of this order.

4. **S.O. 03.03.2020.**

Chairman
Date:-17/02/2020.
aps.

Vice

O.A.No.642/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :17/02/2020.

Shri V.B.Pandey, the Id. counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

2. As relied by Id. counsel for the applicant on G.R. dated 26.03.2004 (Annexure-A-3, P.B., Pg. No. 15) para 16 (M) following observations have been made:-

“vk<0; kvrrh vf/kdkjh@depkjh vfrfjDr Bjfo.; kr vky; kurj o iqs R; kp foHkxkr fclok brj foHkx@ dlk; ky; kr lkekou ?krY; kurj v'kk depk&; kph vfrfjDr Bj.; ki nph l ok vJokfl r ixrh; kst urxZ yHk ns; kl kBh xtg; /kj.; kr ; koh-”

3. The above same observations have been made on 10.02.2020 also. However, during last hearing i.e. on 10.02.2020, it was submitted that since the matter was pending before this Tribunal, D.P.C. has not considered. It is made clear that no stay is granted by the Tribunal to not to consider the case of the applicant in D.P.C. The applicant if entitled for A.C.P. may be considered as per existing rules and regulations and recruitment rules considering provisions of G.R. dated 26.03.2004. The decision should be taken **within three weeks** from the date of this order.

4. The Id. counsel for the applicant submits that his senior will appear tomorrow. However, since final relief point is decided, matter be kept after three weeks. Meanwhile, applicant's decision may be placed on record by Id. P.O..

5. **S.O. 11.03.2020.**

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

Vice

Chairman

Date:-17/02/2020.

aps.

O.A.Nos.414/18withC.A.373/19&C.A.450/19

withO.A.415,416,417&629/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :17/02/ 2020.

Shri S.D.Malke, the Id. counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the respondent nos. 1 & 2, Ms. Sharma holding for Shri R.C.Rathi, Id. counsel for the respondent no. 3 in O.A. Nos. 414, 416 & 417/2018 and Shri U.K.Bisen the Id. counsel for the respondent no. 3 in O.A. No. 415/2018.

2. C.A. Nos. 373 & 450/2019 for early hearing is not pressed.

3. The Id. P.O. has pointed out that the Id. counsel for the applicant has made certain amendment last week in one of the O.A.. In all these O.As., appointing authority is same. The Id. P.O. desires time to bring the records of the appointment. To produce the records before the Tribunal since all the applicants are under one appointing authority time is granted.

4. S.O. 09.03.2020 as a last chance.

Chairman
Date:-17/02/2020.

Vice

aps.

O.A.No.99/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :17/02/ 2020.

Shri M.V.Mohokar, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State.

2. Issue notice to R-2 to 4, returnable on three weeks. Learned P.O. waives notice for R-1. 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.

8. **S.O. three weeks.**

Vice

Chairman

Date:-17/02/2020.

aps.

O.A.St.No.495/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :17/02/2020.

C.A.No.78/2018:-

Shri M.M.Sawang, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

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

Chairman
Date:-17/02/2020.
aps.

Vice

O.A.No.47/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :17/02/2020.

Shri A.D.Girdekar, the Id. counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the State and Smt. J.J.Alkari, the Id. counsel for the respondent nos. 2 & 3.

2. At the request of Id. counsel for the respondent nos. 2 & 3, **S.O. three weeks.**

Vice

Chairman
Date:-17/02/2020.
aps.

O.A.No.1064/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :17/02/2020.

Smt. K.N.Saboo, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. three weeks.**

Chairman
Date:-17/02/2020.
aps.

Vice

O.A.No.1021/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :17/02/2020.

Ms. P.Agrawal, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. three weeks.**

Chairman
Date:-17/02/2020.
aps.

Vice

O.A.No.946/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :17/02/2020.

Shri S.C.Deshmukh, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant has filed following relief on P.B., Pg. No. 5 para no. 10 (i) & (ii):-

“(i) Direct the respondents to decide representation dated 18.01.2019 with stipulated period.

“(ii) Direct the respondent nos. 1 & 2 to take decision on the proposal dated 22/03/2018.”

3. After hearing both the sides, respondents are directed to take decision on representation dated 18/01/2019 and proposal dated 22/03/2018 send by respondent no. 3 **within three weeks** from the date of this order.

4. With the above directions, **O.A. is disposed of with no order as to costs.**

Vice

Chairman

Date:-17/02/2020.

aps.

O.A.No.864/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :17/02/2020.**

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

2. **S.O. three weeks.**

Chairman
Date:-17/02/2020.
aps.

Vice

O.A.No.718/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :17/02/2020.

Shri A.S.Deshpande, the Id. counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

2. The Id. P.O. submits that he has received the parawise reply. He further submits that he will file reply at the next hearing.

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

Chairman
Date:-17/02/2020.
aps.

Vice

O.A.No.115/2020 (S.B.)

Coram:Shri A.D.Karanjkar, Member (J)

Dated :17/02/2020.

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

2. The respondents are directed to consider representations of the applicant dated 02.02.2018 and 04.12.2019; in view of the Government policies regarding transfer while issuing general transfer orders of the year, 2020.

3. With the above directions, **O.A. is disposed of with no order as to costs.**

Member

(J)

Date:-17/02/2020.

aps.