

O.A. No. 770/2019 (SB)

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

Dated : 09.01.2020

Shri M.V. Joshi, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1. Await service of R-2 to 6.

At the request of Id. counsel for the applicant, **S.O. one week** for filing service affidavit.

Member (J)

dnk.

O.A. No. 670/2019 (SB)

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

Dated : 09.01.2020

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

At the request of Id. counsel for the applicant, **S.O. Next week.**

Member (J)

dnk.

O.A. No. 727/2019 (SB)

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

Dated : 09.01.2020

Heard Shri Bharat Kulkarni, Id. counsel for the applicant and shri M.I. Khan, Id .P.O. for R-1&2. None for R-3.

The Id. P.O. files reply on behalf of R-2. It is taken on record. Copy is served on the applicant.

Heard. Admit.

The Id. P.O. waives notice for R-1&2.

S.O. Next week.

Member (J)

dnk.

O.A. No. 592/2019 (SB)

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

Dated : 09.01.2020

Shri B.J. Lonare, Id .counsel holding for Shri M.M. Sudame, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 to 3 and none for other respondents.

At the request of Id. P.O., **S.O. Next week.**

Put up along with O.A.630/2019.

Member (J)

dnk.

O.A. No. 630/2019 (SB)

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

Dated : 09.01.2020

Shri B.J. Lonare, Id .counsel holding for Shri M.M. Sudame, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 to 3 and none for other respondent.

At the request of Id. P.O., **S.O. Next week.**

Put up along with O.A.592/2019.

Member (J)

dnk.

Rev. A. St. 1772/16 in O.A. No. 138/15 **(SB)**

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

Dated : 09.01.2020

C.A. 442/2016 -

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

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

Member (J)

dnk.

O.A. No. 163/2018 (SB)

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

Dated : 09.01.2020

Ms. Neha Khune, Id. counsel holding for Shri R.R. Dawda, Id .counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 and Ms. Gayatri M. Reve, Id .counsel holding for Shri B.N. Jaipurkar, Id .counsel for R-2.

At the request of Id. counsel for R-2,
S.O. one week for filing reply.

Member (J)

dnk.

O.A. No. 236/2019 (SB)

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

Dated : 09.01.2020

None for the applicant. Shri S.A. Sainis, Id. P.O. for R-1&2 and none for R-3.

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

Member (J)

dnk.

O.A. No. 391/2019 (SB)

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

Dated : 09.01.2020

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

2. The learned P.O. seeks further time to file reply.

3. The learned counsel for the applicant submitted that the applicant has filed O.A.02/2020 as again the applicant is transferred and therefore both the matters may be kept together.

4. In view thereof, the matter be kept in **three weeks** along with O.A. 02/2020.

Member (J)

dnk.

O.A. No. 02/2020 (SB)

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

Dated : 09.01.2020

Shri K.P. Mahalle, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1. Await service of R-2 to 4.

S.O. three weeks along with O.A.391/2019.

Member (J)

dnk.

O.A. Nos. 713 & 714 of 2019 **(SB)**

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

Dated : 09.01.2020

Shri N.D. Thombre, 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. three weeks** for filing reply.

Member (J)

dnk.

O.A. No. 887/2019 (SB)

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

Dated : 09.01.2020

Heard Shri A.P. Sadavarte, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The learned counsel for the applicant has filed order dated 7/12/2019. By this order the deputation of the applicant is cancelled. Consequently, the O.A. stands disposed of as infructuous. No order as to costs.

Member (J)

dnk.

O.A. No. 634/2019 (SB)

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

Dated : 09.01.2020

Shri R.V. Shiralkar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1&4. None for R-3. Shri J.B. Kasat, Id. counsel appears on behalf of R-2 and submitted that he will file vakalatnama to that effect.

The learned P.O. seeks one week time. At his request, **S.O. one week**.

Member (J)

dnk.

O.A. No. 374/2018 (SB)

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

Dated : 09.01.2020

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

2. The applicant is challenging impugned order dated 5/6/2018. By this order, the applicant is directed to work on the establishment of Shaskiya Adhyapak Mahavidyalaya, Akola on vacant post. It is contention of the applicant that in the guise of this order, in fact the applicant is transferred from Nagpur without any cogent reason and therefore this order is illegal. The next contention is that the specific period is not mentioned in the order. It is nowhere mentioned in the order that this was a deputation due to some reasons and consequently the impugned order is illegal.

3. I have gone through the reply of respondent no.3 which is at page no.34. In para-4, it is alleged that since 15/12/2005 the applicant was posted at Nagpur and there were several complaints regarding negligent behavior and irregularities committed by the applicant. In para-8, it is mentioned that the

applicant has been posted at Akola on deputation for a period of one or two years which can only be said to be temporary arrangement for smooth administration of the office work. It is pertinent to note that in order Annex-A-6 the word 'deputation' is not mentioned.

4. The learned P.O. has filed return which is at page no.58 and learned P.O. has filed along with return the clarification given by the respondent no.2. It is mentioned in this clarification that as the applicant is not posted on deputation, but in fact it was only arrangement made by the Office and secondly it is mentioned that the applicant is not entitled for additional pay for working at Akola. It is also mentioned in this clarification that if Government servant is holding additional charge of another Officer, then he shall be entitled for additional pay or special pay. After considering this stand of the respondent no.2, it is in fact contradictory with para-8 of the reply. In para-8 of the reply filed by the respondent no.3, it is mentioned that the applicant has been posted at Akola on deputation for a period of one or two years. Now stand is taken by the respondent no.2 that this is not a case for deputation. It is pertinent to note that it is nowhere mentioned in the order that the applicant shall look after his own duty at Nagpur and therefore this is

not a case of handing over additional charge of the post at Akola. Thus, it seems that only with some oblige motive, the applicant is transferred.

5. Here I would like to point out that had there been complaints against the applicant, the respondent no.2 being disciplinary authority could have initiated disciplinary proceeding against the applicant, but till today no such action is taken. Thus, it seems that for some reason best known by the respondent nos.2&3, the applicant is directed to work at Akola and even he is prevented from taking the benefit of additional pay or deputation allowance, therefore, the action of the respondent nos.2&3 cannot be justified. In the result, I pass the following order –

ORDER

The impugned order dated 5/6/2018 is set aside. The respondent nos. 1&2 shall relieve the applicant from Akola and they shall post him at Nagpur. This order be complied within 30 days from the date of this order. No order as to costs.

Member (J)

dnk.

O.A. No. 94/2019 (SB)

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

Dated : 09.01.2020

Heard Shri S.G. Jagtap, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1&7 and Shri A.M. Kukday, Id. counsel for R-2 to 6.

2. The learned counsel for R-2 to 6 submitted that four departmental inquiries are pending against the applicant, therefore, provisional pension was issued to the applicant, but it was not accepted.

3. The learned counsel for the applicant submitted that provisional pension after 30/6/2019 is not paid to the applicant. In this situation, the respondent no.7 is directed to release provisional pension of the applicant after 30/6/2019 and it shall be paid to the applicant per month till conclusion of all the departmental inquiries.

4. The learned counsel for respondent nos.2 to 6 is directed to make submission before the Bench as to payment of amount of GIS, GPF to the applicant.

S.O. one month.

Steno copy is granted to the P.O.

Member (J)

dnk.****

C.P.04/19inO.A.No.378/18 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :09/01/2020.

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

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

3. Hence, contempt petition be kept for final hearing.

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

**Member(J)
Chairman**

Date:-09/01/2020.

aps.

Vice

C.A.36/19inO.A.378/18

(D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :09/01/2020.

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

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

3. Hence, contempt petition be kept for final hearing.

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

Member(J)

Chairman

Date:-09/01/2020.

aps.

Vice

C.P.37/19inO.A.607/17 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :09/01/2020.

Heard Mrs.M.D.Awachat, the Id. Counsel for the applicant, Shri M.I.Khan, the Id. P.O. for the respondent nos. 1 to 3 and Shri J.Mokadam, the Id. counsel for the respondent no. 4.

2. At the request of Id. counsel for the respondent no. 4, **S.O. one week to file reply.**

**Member(J)
Chairman**

Date:-09/01/2020.

aps.

Vice

C.P.43/19inO.A.600/19 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :09/01/2020.

Heard Shri G.G.Bade, 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 letter received from Under Secretary, Public Health Department dated 09/01/2020. In view of this letter three weeks time is granted as a last chance for the compliance.

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

**Member(J)
Chairman**

Date:-09/01/2020.

aps.

Vice

O.A.No.327/2019 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :09/01/2020.

Heard Shri A.P.Sadavarte, 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. 3. It is taken on record. Copy is served to the other side.

3. The Id. P.O. further seeks time to file reply on behalf of the respondent no. 2, **S.O. 22.01.2020.**

Member(J)

Vice

Chairman Date:-09/01/2020.

aps.

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

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

Shri A.D.Karanjkar, Member(J)

Dated :09/01/ 2020.

C.A.No.495/2019:-

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

2. It is submitted on behalf of the applicant that in pursuance of the proposed amendment the proposed respondents are necessary parties because they will be affected by any order passed in this matter. In view of this, **C.A.No.495/2019 for addition of party is allowed.** The Id. counsel for the applicant is directed to carry out the amendment within one week time.

3. **S.O. one week.**

**Member(J)
Chairman**

Date:-09/01/2020.

aps.

Vice

O.A.998/19withO.A.999/19 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :09/01/2020.

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:-09/01/2020.

aps.

Vice

O.A.No.1023/2018 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :09/01/ 2020.

Heard Shri N.R.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. two weeks.**

Member(J)

Chairman

Date:-09/01/2020.

aps.

Vice

O.A.No.958/2019 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :09/01/2020.

Heard Shri S.C.Deshmukh, 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 submitted that directions be given to the respondents to conclude the Departmental Enquiry within stipulated period as enquiry is initiated in August, 2015, grave prejudiced is caused to the applicant. We have heard submission of Id. P.O., we think the request of the applicant is reasonable one, we, therefore, direct that the respondents shall conclude the Departmental Enquiry **within a period of six months from the date of this order.**

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

4. **Steno copy is granted.**

**Member(J)
Chairman**

Date:-09/01/2020.

aps.

Vice

O.A.No.St.1740/2019(D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :09/01/ 2020.

C.A.349/2019:-

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

2. The Id. counsel for the applicant is directed to remove the office objection. Keeping open issue of limitation, the Civil Application No. 349/2019 is disposed of.

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

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

5. The Id. counsel for the applicant has filed pursis along with the copy of the order in O.A. No. 422/2016.

6. **S.O. two weeks.**

**Member(J)
Chairman**

Date:-09/01/2020.

aps.

Vice

**C.A.498/19&C.A.499/19inO.A.St.2045/19
(D.B.)**

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

Shri A.D.Karanjkar, Member(J)

Dated :09/01/ 2020.

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

2. Civil Application No. 499/2019 for permission to file Jt. O.A. is allowed.

3. Notice on C.A.No.498/2019 to R.2 & 3 be issued returnable in **two weeks**.

4. Shri A.M. Ghogre the learned P.O. waives notice for respondent no.1. Hamdast granted.

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 the O.A.

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 an affidavit of compliance in the Registry as far as possible once week before the date fixed by this Tribunal. 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. two weeks.**

Member(J)
Chairman
Date:-09/01/2020.
aps.

Vice

C.A.500/19inO.A.St.2509/19 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :09/01/ 2020.

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

2. Notice on C.A.No.500/2019 to R.2 & 3 be issued returnable in **two weeks**.

3. Shri A.M. Ghogre the learned P.O. waives notice for respondent no.1. Hamdast granted.

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 the O.A.

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 an affidavit of compliance in the Registry as far as possible once week before the

date fixed by this Tribunal. 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.

9. **S.O. two weeks.**

Member(J)
Chairman
Date:-09/01/2020.
aps.

Vice

C.P.17/17inO.A.687/14 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :09/01/2020.

None for the applicant. Shri H.K.Pande, the Id. P.O. for the respondent nos. 1 to 3. None for the respondent nos. 4 & 5. Shri Z.Shekhani, the Id. counsel for the respondent no. 6.

2. On dated 26/09/2019, submission was made by the Id. P.O. that entire dues of the applicant are paid, on that date also the applicant and his counsel were absent. In this situation nothing survives and contempt petition is **dismissed in default.**

**Member(J)
Chairman**

Date:-09/01/2020.

aps.

Vice

C.P.57/18inO.A.703/16 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :09/01/2020.

There is a leave note of Id. Counsel for the applicant. Shri M.I.Khan, the Id. P.O. for the respondents.

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

**Member(J)
Chairman**

Date:-09/01/2020.

aps.

Vice

C.P.23/19inO.A.317/16withC.P.24/19in

**O.A.317/16withC.P.25/19inO.A.317/16with
C.P.26/19inO.A.804/16withC.P.27/19in
O.A.602/03withC.P.28/19inO.A.317/16
(D.B.)**

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

Shri A.D.Karanjkar, Member(J)

Dated :09/01/ 2020.

Heard Shri G.C.Khond, 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. two weeks.**

**Member(J)
Chairman**

Date:-09/01/2020.

aps.

Vice

C.P.39/19inO.A.576/18 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :09/01/2020.

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

2. The Id. P.O. submitted that he will seek instruction from the respondent no. 1 that whether the decision at P.B., Pg. No. 37 is taken by the respondent no. 1 as per direction given in the original application?

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

**Member(J)
Chairman**

Date:-09/01/2020.

aps.

Vice

O.A.550/14 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :09/01/2020.

Heard Shri G.K.Bhusari, 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.**

**Member(J)
Chairman**

Date:-09/01/2020.

aps.

Vice

O.A.749/13 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :09/01/2020.

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

2. The Id. P.O. is submitted that record is yet not produced. It seems that record is with custody of the Commandant, S.R.P.F., Nagpur office which is situated in Nagpur, therefore, one week time is granted to produce the record.

3. **S.O. one week.**

**Member(J)
Chairman**

Date:-09/01/2020.

aps.

Vice

O.A.526/18 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :09/01/2020.

Heard Shri B.Dafle, the Id. Counsel for the applicant, Shri P.N.Warjekar, the Id. P.O. for the State and Shri B.J.Lonare, the Id. counsel for the respondent no. 2.

2. At the request of Id. counsel for the applicant, **S.O. 17/01/2020.**

**Member(J)
Chairman
Date:-09/01/2020.
aps.**

Vice

O.A.Nos.97&98/19 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :09/01/2020.

Heard Smt. P.T.Joshi, 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. 10.02.2020.**

**Member(J)
Chairman**

**Date:-09/01/2020.
aps.**

Vice

O.A.No.939/19 (D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :09/01/2020.

Heard Shri P.V.Thakare, the Id. Counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the State and Smt.JJ.Alkari, the Id. counsel for the respondent nos. 2 to 4.

2. It appears that application for appointment in Government service on compassionate ground was made by the applicant's mother on his behalf. When his application was made, applicant was minor. The authorities enter his name in the register and when he became major he was appointed in service. One Shri Sachin Devram Patle was complaint to the Lokayukta and Lokayukta after examining the matter came to the conclusion that violating the Government G.Rs., undue benefits was given to the present applicant and he was appointed in service. Consequently, the Lokayukta issued directions to the respondents to cancel the appointment and take initial action against the Government Officer who were responsible for violating the Government guidelines.

3. In pursuance of the order passed by the Lokayukta dated 25/10/2019, the respondents terminated services of the applicant and this

order of termination is challenged in this original application. During the course of hearing it came to our notice that the Lokayukta, Maharashtra State is not subordinate authority to MAT. The Lokayukta is also Quasi Judicial Independent Authority and exercising his Jurisdiction, they passed order dated 25/10/2019. Under this situation as the respondents have terminated services of the applicant in pursuance of the order passed by the Lokayukta, therefore, it is not possible to say that the respondents have violated any law on the contrary the respondents were liable to compel that order.

4. The Id. counsel for the applicant submitted that the applicant was not party to the Lokayukta. On pursuance the order passed by the Lokayukta it seems that applicant was not party and he had no party to the hearing. In view of this matter, we are of the view that the applicant may challenge this order passed by the Lokayukta before the competent forum and for this purpose it is necessary to giving liberty to the applicant.

5. In view of the above discussion, the **O.A. stands disposed of with no order as to costs**, liberty is given to the applicant to challenge the order before the appropriate forum.

Member(J)
Chairman

Date:-09/01/2020.

aps.

Vice

O.A.No. 221/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/01/ 2020.

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

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

3. However, the Id. P.O. further submits that he seeks time to file reply on behalf of the respondent nos. 1, 2 & 3. **S.O. two weeks.**

Vice

Chairman
Date:-09/01/2020.
aps.

O.A.No. 272/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/01/ 2020.**

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

2. **S.O. one week.**

Chairman
Date:-09/01/2020.
aps.

Vice

O.A.No. 275/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/01/ 2020.

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

2. The Id. P.O. filed reply on behalf of the respondent nos. 2 & 3. It is taken on record. Copy is served to the other side. However, the Id. P.O. further submits that it is sufficient to decide the matter.

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

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

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

Vice

Chairman
Date:-09/01/2020.
aps.

O.A.No. 280/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/01/ 2020.

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

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

Chairman
Date:-09/01/2020.
aps.

Vice

O.A.No. 305/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/01/2020.**

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

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

Vice

Chairman
Date:-09/01/2020.
aps.

O.A.Nos.496,497&498/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/01/ 2020.

Heard Smt.Saboo, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

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

Chairman
Date:-09/01/2020.
aps.

Vice

O.A.No.778/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/01/ 2020.

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

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

Chairman
Date:-09/01/2020.
aps.

Vice

O.A.No.611/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/01/ 2020.

Heard Shri S.C.Deshmukh, 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 on behalf of the respondent no. 2. It is taken on record. Copy is served to the other side.

3. S.O. two weeks to file Rejoinder.

Chairman
Date:-09/01/2020.
aps.

Vice

O.A.No.760/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/01/ 2020.

Heard Shri S.C.Deshmukh, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

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

Vice

Chairman
Date:-09/01/2020.
aps.

O.A.No.975/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/01/ 2020.

Heard Shri R.S.Surywanshi holding for Shri S.S.Khadse, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State. Await service of respondent nos. 1 to 3.

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

Chairman
Date:-09/01/2020.
aps.

Vice

O.A.Nos.976&977/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/01/ 2020.

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

2. S.O. in due course.

Vice

Chairman
Date:-09/01/2020.
aps.

O.A.No. 197/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/01/ 2020.**

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

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

Chairman
Date:-09/01/2020.
aps.

Vice

O.A.Nos.126&189/2015 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/01/ 2020.

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

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

Chairman
Date:-09/01/2020.
aps.

Vice

O.A.No.73/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/01/ 2020.

Heard Shri G.G.Bade, the Id. Counsel for the applicant, Shri P.N.Warjekar, the Id. P.O. for the respondent nos. 1 to 4. None for the respondent no. 5.

2. **S.O. 13.01.2020.**

Chairman
Date:-09/01/2020.
aps.

Vice

O.A.No. 840/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/01/ 2020.**

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

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

Chairman
Date:-09/01/2020.
aps.

Vice

O.A.Nos.445&446/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/01/ 2020.

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

2. The Id. P.O. submitted that proposal has been submitted and he required some time to take instructions. **S.O. 23.01.2020.**

Chairman
Date:-09/01/2020.
aps.

Vice

O.A.No.771/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/01/ 2020.

Heard Shri A.S.Ghawde, 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., **S.O.**
13.01.2020.

Chairman
Date:-09/01/2020.
aps.

Vice

O.A.No.88/2016 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/01/ 2020.

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

2. The Id. counsel for the applicant has relied upon the Hon'ble High Court Judgment in case of **Sachin A. Dawale & Ors. Vs. State of Maharashtra & Another in W.P. No. 2046/2010 delivered on 15.10.2013.** The Id. Counsel for the applicant has also relied on Judgment of this Tribunal in O.A. No. 165/2015. However, as pointed out by Id. counsel for the applicant in order sheet dated 22/02/2016, when this O.A. was listed it appears that Id. C.P.O. took two months time for filling reply and by subsequent order sheet also it appears that, the O.A. was again listed on 11.04.2016, 02.05.2016, 13.06.2016, 27.06.2016, 04.07.2016, 18.07.2016, 23.02.2018. However, applicants were not granted interim relief in any of the order. Applicants became out of service since, July, 2016, as per P.B., Pg. No. 49 as applicants had been given last order of appointment dated 04/08/2015 and as per clause 5 of this order there term of employment was only 11 months. So they became out of service from July, 2016.

3. The difference between these applicants and applicants in O.A. No. 165/2015 is that applicants of O.A. No. 165/2015 were protected by interim relief granted in order dated 05/05/2016 till final outcome of the O.A.. However, these applicants were not given any interim relief and so they got discontinued from July, 2016 and as on today also they are not in service.

4. The Id. P.O. also relied on Judgment of Hon'ble High Court Mumbai, Bench at Nagpur on C.A. No. 828 of 2017 which was filed by State and order delivered on 27/04/2017 by Division Bench of Hon'ble High Court, Nagpur Bench. In para no. 5 following observations have been made:-

The relevant paragraph no. 22 of the order passed by us reads thus:-

22. The respondents are directed to regularize the services of such of the petitioners and confer permanency on such petitioners who have completed three years' service with technical breaks. The respondents shall absorb the petitioners within a period of six weeks. Needless to state that the petitioners who are in continuous employment till 15.10.2013 shall be continued in service as regular employees....."

It could thus be seen that, vide the said judgment and order, we had directed the respondents to regularize the services of such of the petitioners and confer permanency on such petitioners who had completed

three years' service with technical breaks on the date of judgment and order. The order is very much clear in the sense that the petitioners who were in continuous employment till 15.10.2013 were to be continued in service as regular employees. It could thus be seen that the case which fell for consideration before us was the case of regularization of the employees who were already in service. In no case we were considering the case of the persons who were already out of employment and there was no question of reinstatement.

5. The Id. P.O. relied upon Judgment of Hon'ble High Court Mumbai, Bench at Nagpur on C.A. No. 2599/2017 in W.P. NO.2046/2010 which was filed by petitioners and order was delivered on 21/11/2017. After hearing all the parties following observation were made in para nos. 3 & 4 of the Judgment in this C.A. :-

3. *If the original judgment and order dated 19th Oct., 2013 is read, it will be clear that only such employees who were in continuous employment as on 15th October, 2013 are only entitled to be continued in service as regular employees. In the order dated 27th April, 2017 we have further clarified the position that only petitioners who were in continuous employment till 15th October, 2013 will be entitled to be continued in service as regular employees. We have further clarified that the case which fell for consideration before us was the case of regularization of the employees who were already in service. We have further observed that we were not considering the cases of the persons who were*

already out of employment and that there was no question of reinstatement.

4. *If both, judgment and order dated 19th October, 2013 so also clarificatory order dated 27th April, 2017 are read together the position is very clear that **only such of the employees who were in continuous employment as on 15th October, 2013 are entitled to the protection granted by us.***

6. The Id. counsel for the applicant has also relied upon Judgment of MAT in O.A. No. 165/2015 and he has mainly relied upon para nos. 8, 10, 12 and 13 (C). The difference is that applicants in O.A. No. 165/2016 were protected by the interim order from this Tribunal on 05/05/2016 and by that interim order the applicant's of O.A. No. 165/2016 were continued in service till the decision of the O.A. i.e. on 04/09/2019. In this O.A. the applicants were initially appointed in 2012 their last date of interview was 24/03/2012 and subsequently they were appointed by last order dated 04.08.2015(P.B., Pg. No. 49) for a period of 11 months only as per the clause 5 of the order and they were continued till July, 2016 by last order dated 04/08/2015 (P.B., Pg. No.49).

7. As pointed out by Id. P.O. on P.B., Pg. No. 18 (1) of notification following objectives have been mentioned for taking these candidates. The

applicant's last appointment was 04/08/2015 as per the P.B., Pg. No. 49 for the period of 11 months as per the clause 5 of the order. The order was valid till term of 11 months, so they were continued till July, 2016. The applicants approached to this Tribunal on 19/01/2016.

8. The Id. P.O. submits that it was a very temporary kind of arrangement for a certain objectives which is mentioned in advertisement at P.B., Pg. No. 18 para 'a' and there was no such post on the permanent establishment that time also and today also there are no post like this.

9. The Id. P.O. also relied upon judgment in W.P. No. 4893 of 2015 of Hon'ble High Court Mumbai, Bench at Nagpur delivered on 15.10.2015 where same view has been taken about Judgment dated 19/10/2013 in W.P. No. 2046/2010.

10. In view of this, Id. P.O. is directed to take instruction from the respondents that whether objection mentioned in notification on P.B., Pg. No. 18 para (1) has been dispensed with today and if dispensed with then what where the reasons or any other objections have been fixed? Whether, those objections have been fulfilled by some other objectives that should be also clarified?

11. S.O. 23.01.2020.

12. Matter be treated as P.H.

Vice

Chairman
Date:-09/01/2020.
aps.

O.A.No.71/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :09/01/ 2020.

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

2. As submitted by Id. counsel for the applicant, applicant was appointed on 11/09/1989 as Police Constable, his batchmates were promoted to Naik Police Sepoy on 01/05/2002 as per the records on P.B., Pg. No. 18, Annexure-A-1. The applicant was denied promotion and it is written that for the promotion five years C.Rs. were required, in case of applicant C.R. were available only for 2000-2001 which were not sufficient for promotion and for the year 1997, 1998, 1999 these years C.Rs. were not available.

3. It is fact that it is not the responsibility of the employee to write his C.R. or keep the copy of the C.R. before the D.P.C., it is the responsibility of the controlling officer to ensure that C.R. is written in right time and produced before the D.P.C. at appropriate time.

4. The Id. P.O. is directed to ask respondents to produce the copies of C.Rs. of the applicant from 1994 to 2001.

5. S.O. 04.02.2020.

6. Matter be treated as P.H..

Vice

Chairman

Date:-09/01/2020.

aps.