

O.A. 249/2020 (S.B.)

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

**Dated : 27/08/2021.**

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

The Id. P.O. submits that he will file reply of R-2 during the course of day. He is permitted to do so.

**S.O. two weeks.**

**Vice-Chairman**

dnk.

O.A. 857/2020 (S.B.)

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

**Dated : 27/08/2021.**

Shri Sharad Thakre, Id .counsel holding  
for Shri R.A. Haque, Id .counsel for the applicant  
and Shri V.A. Kulkarni, Id. P.O. for the  
respondents.

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

**Vice-Chairman**

dnk.

**O.A. 34/2021 (S.B.)**

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

**Dated : 27/08/2021.**

Heard Shri M.R. Rajgure, Id .counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1 and Shri T.M. Zaheer, Id .counsel for R-2 to 4.

The Id. reply of R-2 to 4 is already filed. The matter is admitted and kept for final hearing. The Id. P.O. waives notice for the respondents.

**S.O. 15/9/2021.**

**Vice-Chairman**

dnk.

O.A. 422/2021 (S.B.)

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

**Dated : 27/08/2021.**

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

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

**Vice-Chairman**

dnk.

O.A. 543/2021 (S.B.)

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

**Dated : 27/08/2021.**

Shri B. Kulkarni, Id .counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

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

**Vice-Chairman**

dnk.

**O.A. 581/2021 (S.B.)**

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

**Dated : 27/08/2021.**

Shri G.G. Bade, 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. 3/9/2021** for filing reply.

**Vice-Chairman**

dnk.

O.A. 689/2021 (S.B.)

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

**Dated : 27/08/2021.**

Shri R.V. Shiralkar, Id .counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1. Await service of R-2&3.

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

**Vice-Chairman**

dnk.

O.A. 710/2021 (S.B.)

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

**Dated : 27/08/2021.**

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

2. Issue notice to the respondents returnable **in three 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. in three weeks**

**Vice-Chairman**

dnk.

O.A. 735/2016 (S.B.)

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

**Dated : 27/08/2021.**

Heard Shri M.R. Rajgure, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1&2 and Shri V.G. Wankhede, Id. counsel for R-3.

**Put up before Division Bench.**

**Vice-Chairman**

dnk.

O.A. 280/2020 (S.B.)

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

**Dated : 27/08/2021.**

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

At the request of Id. counsel, **S.O.**  
**3/9/2021.**

**Vice-Chairman**

dnk.

**O.A. 82/2020 (S.B.)**

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

**Dated : 27/08/2021.**

Heard Shri S.P. Palshikar, Id .counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 and Smt. J.J. Alkari, Id .counsel for R-2.

2. As per order dated 13/8/2021, the learned counsel has added respondent no.3 i.e. Chief Engineer, Water Resources Department, Amravati as party respondent and notice is already issued and learned counsel has filed affidavit.

3. The learned P.O. desires two weeks time to file reply. At his request, **S.O. two weeks.**

**Vice-Chairman**

dnk.

**O.A. 162/2020 (S.B.)**

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

**Dated : 27/08/2021.**

Heard Shri G.G. Akole, Id .counsel for the applicants and Shri V.A. Kulkarni, Id. P.O. for the respondents.

2. The learned counsel has filed Pursis dated 25/08/2021 to withdraw the O.A.

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

4. In the meanwhile, Id. counsel is at liberty to file fresh O.A. if he is aggrieved for some other cause.

**Vice-Chairman**

dnk.

**O.A. 204/2021 (S.B.)**

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

**Dated : 27/08/2021.**

**C.A. 201/2021 -**

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

2. As submitted by the learned counsel, the applicant's suspension period from 29/04/2013 to 31/03/2015 has been treated as suspension period vide order dated 3/5/2021 issued by the respondent no.3, i.e. SDO, Gadchiroli. Aggrieved with this punishment, the learned counsel has filed amendment application to add Clause in the relief clause.

3. In view of above, the C.A. for amendment is allowed and the learned counsel is directed to supply amended copy to the Id. P.O. and the respondents also.

**O.A. 204/2021 -**

**S.O. four weeks.**

**Vice-Chairman**

dnk.

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

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

**Dated : 27/08/2021.**

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

By consent of both the parties, **S.O.**  
**3/9/2021.**

**Vice-Chairman**

dnk.

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

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

**Dated : 27/08/2021.**

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

By consent of both the parties, **S.O. 3/9/2021 (PH).** The matter be kept high on board.

**Vice-Chairman**

dnk.



O.A. 446/2021 (S.B.)

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

**Dated : 27/08/2021.**

Heard Shri S.P. Palshikar, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the respondents.

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

**Vice-Chairman**

dnk.

**O.A. 450/2021 (S.B.)**

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

**Dated : 27/08/2021.**

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

The learned counsel has filed Pursis dated 18/8/2021 mentioning that the applicant wants to withdraw the O.A.

In view of Pursis dated 18/8/2021, the O.A. stands disposed of as withdrawn. No order as to costs.

**Vice-Chairman**

dnk.

**O.A. 1002/2019 (S.B.)**

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

**Dated : 27/08/2021.**

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

The reply of R-4&5 is already filed. The matter is admitted and kept for final hearing. The learned P.O. waives notice for the respondents.

In the meantime, the learned counsel is at liberty to file rejoinder, if any.

**S.O. four weeks.**

**Vice-Chairman**

dnk.

**O.A. 560/2021 (S.B.)**

( S. J. Rankhamb vs. State of Mah. & Ors. )

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

**Dated : 27/08/2021.**

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

2. The learned P.O. files reply of R-2 ,i.e. Superintendent of Police, Buldana. It is taken on record. Copy is served to the learned counsel for the applicant.

3. As submitted by the learned counsel, the applicant was placed under suspension vide order dated 4/4/2021 (A-1,P-16&17). As pointed out by the learned counsel, along with the reply the respondents have filed letter dated 18/8/2021 as Annex-R-2 and vide this letter they have appointed Inquiry Officer. As pointed out by the learned P.O., in the said letter in the bottom point-4 it is mentioned that the charge sheet and other documents have been supplied. It means it appears that the charge sheet has been served to the applicant. However, exact date of serving chargesheet is not cleared.

4. The learned counsel has relied on G.R. dated 97/2019 (A-3,P-19). In view of this G.R. decision in para-1 (ii) whether that has been

followed by serving chargesheet or not to the applicant that requires to be verified and for that the Id. P.O. is directed to take instructions that when chargesheet was served to applicant.

5. The matter be kept **on 1/9/2021** for hearing.

Steno copy is granted...

**Vice-Chairman**

dnk.

**O.A. 670/2021 (S.B.)**

( Ashok P. Pawar Vs. State of Mah. & Ors. )

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

**Dated : 27/08/2021.**

Heard Shri N.D. Thombre, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the State.

2. As submitted by the learned counsel, the applicant took voluntary retirement from the post of Medical Officer MM&HS, Group-A on 1/9/2017. The respondent no. 3 by order dated 26/7/2021 revised the pension of the applicant and paid as per O.A. at page no.2. The respondent no.3 by order dated 26/7/2021 (A-2,P-24) stated that an amount of Rs.1,24,191/- towards pension is paid to the applicant in excess as per revised pension. It is further stated that a recovery of total amount of Rs.1,24,191/- @ of Rs.10,000/- per month will be recovered from the pension of applicant from July,2021 in 12 equal instalments and remaining amount of Rs.4,191/- will be recovered from the last instalment. Aggrieved with this order dated 26/7/2021, the applicant has approached to this Tribunal.

3. In view of justice to the applicant, **the order dated 26/07/2021 (A-2,P-24) is stayed till filing of reply.**

4. The learned P.O. is also directed to file latest copy of Judgment of Hon'ble Apex Court regarding recovery of amount from the pension of retired persons.

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

Steno copy is granted.,,

**Vice-Chairman**

dnk.

**O.A. 729/2021 (S.B.)**

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

**Dated : 27/08/2021.**

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

2. As submitted by the Id. counsel, the applicant has been promoted vide order dated 11/9/20148 (A-3,P-19) and she is working on the said post. Thereafter the applicant has given application for voluntary retirement on 1/2/2019 (A-5,P-23) and that application has been accepted vide order dated 7/3/2019 ( A-6,P-24). As submitted by the learned counsel, the applicant has not been given terminal benefits and aggrieved with this, the applicant has approached to this Tribunal.

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

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

5. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along



with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

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

**S.O. after four weeks**

**Vice-Chairman**

dnk.

**O.A. 735/2021 (S.B.)**

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

**Dated : 27/08/2021.**

Heard Shri S.P. Palshikar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the State.

2. As submitted by the Id. counsel, the applicant was first transferred vide order dated 27/8/2019 (A-1,P-19) the name of applicant appears at Sr.No.2 and he has been posted from Jt. Commissioner, Scheduled Tribe Caste Scrutiny Committee, Nagpur to Additional Commissioner, Tribal Development, Amravati. Though the applicant has completed only one year and 9 months at his posting at Amravati, again vide second transfer order dated 12/8/2021 (A-4,P-25) the applicant has been transferred from Additional Commissioner, Tribal Development, Amravati to Jt. Commissioner, Scheduled Tribe Caste Scrutiny Committee, Nashik and his name appears at Sr.No.4. The applicant has been transferred before completion of normal tenure and it is mid-term transfer. The applicant is not challenging the transfer order, but he has requested to consider his application dated 11/8/2021 (A-3,P-24). The Id. counsel pleads that there are three posts are vacant and the applicant has requested out of three posts in any post he may be posted and he has given preference for posting (1) Scheduled Tribe Caste Scrutiny Committee, Nagpur 1 or 2 (2) Scheduled Tribe Caste Scrutiny Committee, Amravati 1 or 2 and (3) Scheduled Tribe Caste Scrutiny Committee, Gadchiroli 1 or 2. The applicant has given preference no.3 for Gadchiroli and as per policy of the State Government as well as direction of Hon'ble High Court that the posts in Gadchiroli should be filled on priority, because, nobody desires to go at Gadchiroli. This Tribunal does not find any reason not to consider the applicant's representation dated 11/8/2021(A-3,P-24).

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

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

5. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
6. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.
7. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
8. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.
9. **In the meanwhile, the respondents are at liberty to decide the applicant's representation dated 11/8/2021(A-3,P-24). As pointed out by the learned counsel the respondent is only one i.e. State of Maharashtra and for that the learned P.O. waives notice and need not to collect the hamdast.**

**S.O. after two weeks**

**Vice-Chairman**

dnk.

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

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

**Dated : 27/08/2021.**

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

2. The learned P.O. has submitted letter dated 9/8/2021 along with chart of existing vacant posts and filled posts. It is taken on record and marked Exh-X. According to this Chart as on 1/8/2021 in Wardha there is one post vacant, in Bhandara also there is one post vacant and in Gadchiroli also there is one post vacant. Since three posts are vacant as per Chart filed by the respondents, the respondents are directed to consider the appointment of applicant as per rules and regulations within two months from the date of receipt of this order. The learned counsel is directed to ask the applicant to approach before the respondents and requested them to provide him appointment since as per chart filed by the respondents three posts of Driver are vacant.

3. The correspondence dated 23/10/2017 (A-14,P-51) is quashed and set aside.

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

**Vice-Chairman**

dnk.

**O.A. 238/2021 (S.B.)**

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

**Dated : 27/08/2021.**

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

2. The applicant was working on the post of Talathi since 2/7/2012 and he has been dismissed vide order dated 31/12/2019. Aggrieved with this order, he has made appeal before the respondent no.2, i.e. the Collector, Gondia. The learned counsel submits that the Collector, Gondia has not considered the appeal because of delay. However, the applicant has filed application for condonation of delay which is annexed at A-2,P-40. In case of condonation of delay, as per the order passed by the Hon'ble Supreme Court in Suo Moto W.P. (Civil) No.3 of 2020, the delay was condoned after 15/3/2020. Thereafter, the Hon'ble Supreme Court in M.A. 665/2021 in Suo Moto W.P. (Civil) No. 3/2020 by order dated 27/4/2021, extended the period of limitation upto 19/7/2021.

3. In view of above, the respondent no.2 is directed to hear the appeal after condonation of delay as per the order passed by the Hon'ble Supreme Court as above.

4. The respondent no.2 is further directed to decide the appeal within six months after condonation of delay.

5. The learned P.O. raises objection on the point of limitation.

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

**Vice-Chairman**

dnk.

**O.A. 529/2019 (S.B.)**

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

**Dated : 27/08/2021.**

Heard Shri M.R. Rajgure, Id .counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1&2. None for respondent no.3.

2. The respondent no.1 has filed reply on 1/2/2021 (P-37 to 41) and in para-6 of the reply it is mentioned as below –

*“(6) It is specifically denied that there was any delay in payment of the amount of retirement benefits to the applicant. The respondent has paid the amount of gratuity salary benefits within stipulated time. It is submitted that the applicant retired in the year 2012 and there was enquiry pending against the applicant and the said enquiry was completed on 14/06/2017 and therefore till the decision of the enquiry the respondent was not liable to make any payment in respect of retirement benefits to the applicant as per law. It is submitted that after completion of the enquiry the respondent without any delay has paid the retirement benefits which includes the principle as well as interest amount and therefore also the applicant is not entitled for any interest. It is submitted that the figure of retirement benefits includes interest and therefore the applicant is not entitled for any double interest, it is therefore most humbly submitted that the applicant is misleading the Hon’ble Tribunal and therefore instant application is liable to be dismissed with costs. It is further submitted that there is no provision to make payment of interest on the amount of retirement benefits and therefore also applicant is not entitled for any interest as well as relief from the Hon’ble Triubnal. In view of this fact, the allegations levelled by the applicant proved to be baseless and hence rejected at threshold by the respondent no.1.”*

3. As submitted by the learned P.O., the applicant was receiving provisional pension and full pension and other benefit was not paid because departmental enquiry was pending against the applicant. The departmental enquiry was completed on 14/06/2017 and after that it was paid. The order in O.A. 616/2016 the order was passed on 21/06/2017 and operative order at page no.35 of O.A. is as follows –



*“ (i) Application stands disposed of with a direction to respondent no.4 to release retiral benefits of the applicant within a period of three months from the date of this order.*

*(ii) No order as to costs.”*

4. After that the applicant has been paid the amount. Now the applicant is agitating for the interest. But after going through the para-6 of the reply filed by respondent no.1, it appears that it is not fault on the part of the respondents since departmental enquiry was pending against the applicant and after completion of departmental enquiry the due amount has been paid to the applicant.

5. In view of above, I do not find any reason to interfere in this matter. Hence, the following order –

**ORDER**

(i) The O.A. stands dismissed.

(ii) No order as to costs.

**Vice-Chairman**

dnk.

**O.A. 475/2021 (S.B.)**

**( Mangalsingh S/o Kalusingh Pakal Vs. State of Maharashtra & Ors.)**

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

**Dated : 27/08/2021.**

**ORDER**

Heard Shri T.S. Deshpande, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. The learned P.O. filed reply of non-applicant no.2 to the rejoinder submitted by the applicant dated 25/8/2021. It is taken on and copy is supplied to the learned counsel for the applicant. In this matter the order was passed on 4/8/2021 for the sake of repetition, the same order is reproduced as below –

“ Heard Shri T.S. Deshpande, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. The Id. P.O. files reply of R-1. It is taken on record. Copy is served on the applicant. The Id. counsel submits that he will file rejoinder during the course of day. He is permitted to do so.

3. In para-5 at page no.3 of the O.A. it is mentioned that as per service record the applicant's date of birth was erroneously recorded as 10/7/1963 instead of his correct date of birth i.e. 9/5/1969 in school and college records. As per this date of birth, the applicant already retired on 31/7/2021. In the same paragraph, it has been also written his date of birth as 10/7/1967 and for that copy of his school and college leaving certificate are annexed. The learned counsel has filed Pursis dated 9/7/2021 (P-53) along with the pursis, he has also attached Birth register of Gram Panchayat, Chandol, Dist Buldhana and on page no.60 name of two members are mentioned in sr.nos.94, one at sr.no.94 girl and other at again sr.no.94 boy i.e. Kalu Gulab Pakal. Since two names are mentioned at sr.no.94 one of girl and one of boy (applicant). So this document is at page no.60 appears to be doubtful.

4. The Id. P.O. has relied upon the Judgment of Hon'ble Supreme Court in case of **State of Maharashtra & Ano. Vs. Gorakhnath S. Kamble & Ors. (2010) 14 SCC 423 in Civil Appeal**

**No.9704/2010 decided on 16/11/2010.** In this case, the Hon'ble Supreme Court has relied the Finance Department Notification dated 24/12/2008. The Hon'ble Supreme Court has discussed in para nos, 2,4,5&9 about correction of date of birth which are reproduced as follows–

“2. This appeal emanates from the judgment of the High Court of Judicature at Bombay delivered in Writ Petition No.6531 of 2006 dated 19th January, 2007.

4. Respondent no.1 was appointed as as Assistant Teacher on 13.02.1978. He filed a Secondary School Leaving Certificate indicating 02.06.1949 as proof of his date of birth. In the service record also consequently the same date of birth was recorded.

5. On 23.05.2004, respondent no.1 filed an application to the Education Officer (Primary), Zilla Parishad, District Sangli complaining that though in the School Leaving Certificate his date of birth is 02.06.1949 whereas, in fact the date of birth in the record of the Tahsildar is 03.05.1951, so the date of birth be corrected in the service record of the respondent according to the record of the Tahsildar.

9. The High Court, in the impugned judgment, has failed to notice the settled legal position which is crystallized by a series of judgments of this Court. All the judgments have consistently taken the view that change in the date of birth cannot be permitted at the fag end of the service career. In the instant case, according to the Notification dated 24th December, 2008, it is made clear that no alteration of the entry should be allowed after five years”.

5. Again in para-14 the Hon'ble Supreme Court has discussed about the case of **State of T.N. and T.V. Venugopalan** regarding correction of date of birth. The relevant para-14 is reproduced as follows –

“14. In State of Tamil Nadu Vs. T.V. Venugopalan, (1994) 6 SCC p.302, this court was clearly of the opinion that the government servant should not be permitted to correct the date of birth at the fag end of his service career. The Court, in very strong terms, observed as under :-

".....The government servant having declared his date of birth as entered in the service register to be correct, would not be permitted at the fag end of his service career to raise a dispute as regards the correctness of the entries in the service register”.

6. The learned counsel has also placed on record the Judgment of Bombay Hon'ble High Court in Writ Petition No.6229/2017 in case of **the State of Maharashtra & Ors. Vs. Bhagavan M. Patil** decided on 10/7/2018. It is taken on record and copy is supplied to the learned P.O.

7. In view of above, after filing of rejoinder by the learned counsel, the matter will be heard finally on the next date”

3. The learned P.O. has relied on the Judgment of Hon'ble Apex Court in case of **Chandrakant Punju Wagh Vs. Chairman & Managing Director & Ano. (2018) (4) Mh.L.J., 840.** It is marked Exh-X1. The Hon'ble Supreme Court observed as follows –

“ Date of Birth – Petitioner entered in service of respondents in year 1997 and is retiring in February,2018. His date of birth is recorded as 19/2/1960 in service record on basis of his school

leaving certificate. Petitioner seeks correction of his date of birth as 1/3/1961 on basis of certificate issued by Municipal Council in 2016. Petitioner's request is affected by abnormal delay in approaching Court for seeking necessary directions. At fag end of service tenure, petitioner seeks such direction. Issue of direction declined and petition dismissed.

4. The learned P.O. has also relied on the Judgment of Hon'ble Apex Court in case of **Life Insurance Corporation of India & Ors. Vs. R. Basavaraju Aloas Basappa in Civil Appeal No.8292 of 2015, decided on 6/10/2015 (2016) SCC 781**. It is marked Exh-X. The Hon'ble Supreme Court observed as follows –

*“ It is held that, once date of birth is entered in service record as per educational certificates and accepted by employee, same cannot be changed. More so, claim for change in date of birth cannot be entertained at fag end of retirement.”*

5. The learned P.O. has also relied on the Judgment of Hon'ble Apex Court in case of **Union of India Vs. Vishwas Jaywantrao Bhosale & Ors. 2016 (5) Mh.L.J.,828**. It is marked Exh-X2. The Hon'ble Supreme Court observed as follows –

*“(a) **Date of Birth** – Change in date of birth in service record. It is not sufficient for a Government employee to merely keep on making repeated representations. Government employee must approach a Court or Tribunal for redressal of his grievances, if same are not redressed within reasonable period (para30).*

*(b) **Date of Birth** – Change in date of birth in service record. Concurrent decisions taken by State and Central Government. No arithmetical mistake or typographical error patent on face of record warranting alteration. Judicial review by CAT in absence of “conclusive proof” to warrant alterations was unjustified. (1997) 4 SCC 647 and (2000) 8 SCC 696, Rel. (paras 26 to 29) in W.P. No.5504 of 2016”.*

6. The detailed order was already passed on 4/8/2021. However, the learned counsel has sought relief clauses (a) to (d) as per page no.8 of the O.A. But only relief can be granted that the respondents should follow the procedure laid down in the G.R. dated 3/3/1998 as per page no.54 as it is issued by the Government of Maharashtra GAD G.R. dated 3/3/1998 for correction of date of birth. The Government has already considered the applicant's representation i.e. Mangal Singh Kalu Singh Pakal, Sectional Engineer and the Government has passed the order dated 9/6/2021 (A-

12,P-50) and communicated to the Superintendent Engineer, Public Works Department, Akola after following the Government G.R. dated 3/3/1998 and Government Circular dated 24/6/1992.

7. In view of above, I do not find any reason to interfere with the decision taken in the Government order and after observations made in the order dated 4/8/2021. Hence, the following order–

**ORDER**

- (i) The O.A. stands dismissed.
- (ii) No order as to costs.

**Vice-Chairman**

dnk.  
\*\*

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

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 27/08/ 2021.**

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

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

2. The Id. P.O. has filed reply on behalf of the respondent no. 3 on C.A. No. 192/2021. It is taken on record. Copy is served to the other side.

3. The Id. P.O. further seeks time to file reply of respondent no. 2, **S.O. one week.**

**Vice Chairman**

**Date:-27/08/2021.**  
aps.

O.A.No.305/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 27/08/ 2021.**

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

2. The Id. P.O. 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. counsel for the applicant wants to go through the reply.

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

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

**Vice Chairman**

**Date:-27/08/2021.**  
aps.

**O.A.No.657/2020 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman  
Dated : 27/08/ 2021.**

**C.A.No.219/2021:-**

Heard Shri R.D.Karode, 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 no. 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. The Id. counsel for the applicant has filed C.A. No. 219/2021 and in prayer clause 9 (i) which is reproduced below:-

*"(i) Issue an appropriate order or directions to quash and set aside the impugned order dated 27.02.2020 passed by respondent no. 3-Regional Dairy Development Officer, Nagpur Region, Nagpur (Annexure-A-8)."*

4. As per the record matter was heard on 20.10.2020 and in para no. 2 of the said order which is reproduced below:-

*"2. The applicant was appointed on 11.06.1986 in the Government Dairy Development Department. In pursuance of the G.R. dated 21.12.2019 the applicant's service*



*conditions are modified vide order dated 27.02.2020. In the interest of justice and equality, the impugned order is stayed till filing of the reply by the respondents."*

5. The impugned order dated 27.02.2020 was stayed till filing of the reply. As per prayer clause in the C.A., the Id. counsel for the applicant submits that applicant has not been paid salary from 01.12.2020, the matter is subjudice unless it is finally decided, salary should not be stopped. **Respondents are directed to pay salary of the applicant as applicable to him from 01.12.2000 till the outcome of the O.A..**

6. With these directions, **C.A. is disposed off.**

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

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

9. **S.O. in due course.**

10. **Steno copy is granted.**

**Vice Chairman**

**Date:-27/08/2021.**

aps.

O.A.No.359/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 27/08/ 2021.**

Heard Shri N.D.Thombre, 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. four weeks to file reply.**

**Vice Chairman**

**Date:-27/08/2021.**  
aps.

O.A.No.507/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 27/08/ 2021.**

Heard Shri P.K.Dhomne, 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. four weeks to file reply.**

**Vice Chairman**

**Date:-27/08/2021.**  
aps.

O.A.No.509/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 27/08/ 2021.**

Heard Shri P.K.Dhomne, 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. four weeks to file reply.**

**Vice Chairman**

**Date:-27/08/2021.**  
aps.

**O.A.Nos.523,524&525/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 27/08/ 2021.**

Heard Shri R.V.Shiralkar holding for Shri V.Dongre, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State. Await service of respondent nos. 10 to 14 (O.A. No. 523/2021).

2. The applicants were appointed as Warden in the Department of Social Welfare Department. In O.A. No. 523/2021; the applicant was appointed vide order dated 26.08.2000 (A-A-1, Pg. No. 15) and applicant name appeared at Sr. No. 14. In O.A. No. 524/2021; the applicant was appointed vide order dated 29.07.1998 (A-A-1, Pg. No. 15) and applicant name appeared at Sr. No. 10. In O.A. No. 525/2021; the applicant was appointed vide order dated 26.08.2000 (A-A-1, Pg. No. 15) and applicant name appeared at Sr. No. 09.

3. All these applicants were appointed as Warden in Social Welfare Department and they aspires to become Social Welfare Officer, Group-B. As documents filed by the Id. counsel for the applicant in O.A. No. 524/2021 at Pg. No. 22 in para no. 2 following ratio has been given for promotion:-

*"Vacancies in the posts shall, as far as may be possible, be filled according to the following ratio, namely:-*

(i) 60% by nomination.

(ii) 20% by promotion from among the non-gazetted executive staff of the Social Welfare Department and

(iii) 20% by promotion from among the non-gazetted ministerial staff of the social welfare department.”

4. The Id. counsel for the applicant submits that promotion order was issued on 24.08.2018 (A-A-5, Pg. No. 26) where 11 persons have been promoted. However, these promotions have been from the employees of 03 categories i.e. 20% by promotion given among the Non-Gazetted Staff of the Social Welfare Department. The grievances of the applicants are that they fall in the category of No. 2 i.e. 20 % of the promotion from the Non-Gazetted Social Welfare Department. The grievances of the applicants are that, there case should be considered first before considering the case of the Ministerial Staff.

5. The Id. P.O. submits that he desires three weeks time to file reply. **Respondents are directed not to disturb the quota of 20% by promotion from the among the Non-Gazetted Executive Staff of the Social Welfare Department till decision of the O.A..**

6. S.O. three weeks.

7. Steno copy is granted.

Vice Chairman

Date:-27/08/2021.

aps.



O.A.Nos.887,888&889/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 27/08/ 2021.**

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

2. The Id. P.O. submits that in all the three O.As. i.e. applicant in O.A. Nos. 887, 888 & 889/2020 were terminated after D.E..

3. The Id. P.O. desires three weeks time to file reply, **S.O. three weeks.**

**Vice Chairman**

**Date:-27/08/2021.**  
aps.



O.A.No.728/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 27/08/ 2021.**

Heard Shri D.M.Surjuse, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. In order dated 25.08.2021, all the facts have been taken. The Id. counsel for the applicant has made amendment as per the directions of the Tribunal for Interim Relief. Hence, **Interim Relief is granted, respondents are directed that they may proceed with the advertisement. However, they should make it clear to the persons who are appointed that the appointment will be subject to outcome of the O.A..**

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

**Vice Chairman**

**Date:-27/08/2021.**

aps.

O.A.No.338/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 27/08/ 2021.**

Heard Shri R.S.Parsodkar, 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., matter is **admitted** and kept for final hearing.

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

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

**Vice Chairman**

**Date:-27/08/2021.**  
aps.

**O.A.No.730/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 27/08/ 2021.**

Heard Smt. S.V.Kolhe, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State.

2. The applicant was dismissed vide order dated 24.07.2014 (A-A-4, Pg. No. 53) and O.A. has been filed on 25.08.2021. There is inordinate delay as pointed out by Id. P.O..

3. In view of this situation, the Id. counsel for the applicant is directed to file C.A. for condonation of delay.

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

**Vice Chairman**

**Date:-27/08/2021.**  
aps.

**O.A.No.745/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 27/08/ 2021.**

Heard Shri R.M.Fating holding for Shri N.R.Saboo, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State.

2. Issue notice to Respondents, returnable on six 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. six weeks.**

9. *The Id. counsel for the applicant is further directed to remove office objections.*

**Vice Chairman**

**Date:-27/08/2021.**

aps.

**C.P.No.38/2021inO.A.No.53/2020 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 27/08/ 2021.**

Heard Shri B.Kulkarni, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the State.

2. Issue Notice to the respondents returnable in **six weeks** under Rule 8 of the MAT (Contempt of Courts) Rules, 1996 as to why they should not be proceeded for committing contempt of this Tribunal's order and as to why they shall not be punished under the Contempt of Court Act.

3. Shri S.A.Sainis, the learned P.O. waives notice for respondent No. 1. Hamdast granted.

4. **S.O. six weeks.**

**Vice Chairman**

**Date:-27/08/2021.**

aps.

**C.P.No.07/2020inO.A.No.961/2018 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 27/08/ 2021.**

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

2. As per the Tribunal's order dated 20.08.2021 in para no. 4, the Id. P.O. has placed on record the letter dated 14.07.2020 issued by office of Animal Husbandry wherein applicant has been promoted as Animal Development Officer. Hence, **nothing remains in the C.P., C.P. stands disposed of.**

**Vice Chairman**

**Date:-27/08/2021.**  
aps.

**O.A.No.281/2015 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 27/08/ 2021.**

Heard Shri G.G.Bade, the Id. Counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the State. There is a leave note of respondent no. 2. None for the respondent nos. 2 to 5.

2. In the last hearing, the Id. counsel for the respondent no. 2 didn't appeared. Hence, the Id. counsel for the respondent no. 2 is directed to appear in the matter at next date.

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

**Vice Chairman**

**Date:-27/08/2021.**  
aps.



**O.A.Nos.223&224/2018 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 27/08/ 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. 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. As agreed by both the counsels, matter will be heard on 06.09.2021.

**Vice Chairman**

**Date:-27/08/2021.**  
aps.

**O.A.Nos.191&192/2020 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 27/08/ 2021.**

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

2. The applicant had taken circulation for today and then also he is not present today. Hence, the matter be kept in due course. **S.O. in due course.**

**Vice Chairman**

**Date:-27/08/2021.**  
aps.