

**O.A. No. 271/2017**

**(S.B.)**

**Coram:Shri J.D. Kulkarni,**  
**Vice-Chairman (J)**

**Dated : 26<sup>th</sup> November 2018.**

Heard Shri I.G. Meshram, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondent No.1.

Await service of R.2.

The Ld. counsel for the applicant submits that the all the respondents are served and he is filing service affidavit today itself. Ld. P.O. submits that reply of respondent No.3 is sufficient and there is no need to file reply of other respondents. In view thereof, matter is admitted and kept for final hearing in the first week of December, 2018.

Shri A.M. Khadatkar, the learned P.O. waives notice for the respondents.

S.O. first week of December 2018.

Vice-Chairman(J)

Dt. 26.11.2018.

pdg.

**O.A. No. 375/2017**

**(S.B.)**

**Coram:Shri J.D. Kulkarni,**  
**Vice-Chairman (J)**

**Dated : 26<sup>th</sup> November 2018.**

Heard Shri S.P. Palshikar, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

Ld. P.O. has file reply affidavit on behalf of R.2, it is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant.

S.O. **two weeks** for filing rejoinder, if necessary.

Vice-Chairman(J)

Dt. 26.11.2018.

pdg.

**O.A. No. 255/2018**

**(S.B.)**

**Coram:Shri J.D. Kulkarni,**  
**Vice-Chairman (J)**

**Dated : 26<sup>th</sup> November 2018.**

Heard Shri G.R. Sadar, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents 1, 3 and 5. None for R. 2 and 4.

Ld. P.O. has file reply affidavit on behalf of R.1 & 3, it is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant.

The applicant has also filed rejoinder-cum-additional affidavit. It is taken on record and a copy thereof is supplied to the Ld. P.O.

**ADMIT.**

Shri M.I. Khan, the learned P.O.  
waives notice for the respondents 1,3  
& 5.

S.O. for final hearing on  
**19.12.2018.**

Vice-Chairman(J)

Dt. 26.11.2018.

pdg.

**O.A. No. 679/2017**

**(S.B.)**

**Coram:Shri J.D. Kulkarni,**  
**Vice-Chairman (J)**

**Dated : 26<sup>th</sup> November 2018.**

Heard Shri Sunil Pande, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

Ld. P.O. has file reply affidavit on behalf of R.2. it is taken on record and a copy thereof is supplied to the Ld. counsel for the applicant. Ld. P.O. submits that reply of other respondents is not necessary.

S.O. **two weeks** for filing rejoinder, if necessary.

Vice-Chairman(J)

Dt. 26.11.2018.

pdg.

**O.A. No. 690/2017**

**(S.B.)**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J)**

**Dated : 26<sup>th</sup> November 2018.**

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

The Ld. P.O. submits that he will file reply affidavit on behalf of R.2 & 3 after four weeks.

**S.O. four weeks.**

Vice-Chairman(J)

Dt. 26.11.2018.

pdg.

**O.A. Nos. 692 & 693 of 2017 (S.B.)**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J)**

**Dated : 26<sup>th</sup> November 2018.**

Heard Shri P.M. Tembhornikar,  
the Ld. counsel for the applicants and  
Shri S.A. Sainis, the learned P.O. for  
the respondents.

At the request of Ld. P.O., S.O.  
**one week** for filing reply.

Vice-Chairman(J)

Dt. 26.11.2018.

pdg.



O.A. No. 695/2017

(S.B.)

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J)**

**Dated : 26<sup>th</sup> November 2018.**

Heard Shri G.G. Bade, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

At the request of Ld. P.O., S.O. **one week** for filing reply.

Interim relief to continue till then.

Vice-Chairman(J)

Dt. 26.11.2018.

pdg.

O.A. No. 795/2017

(S.B.)

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J)**

**Dated : 26<sup>th</sup> November 2018.**

Heard Shri G.G. Bade, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

At the request of Ld. P.O., S.O. **one week** for filing reply.

Vice-Chairman(J)

Dt. 26.11.2018.

pdg.

O.A. No. 808/2017

(S.B.)

**Coram:Shri J.D. Kulkarni,**  
**Vice-Chairman (J)**

**Dated : 26<sup>th</sup> November 2018.**

None for the applicant. Shri S.A. Deo, the learned C.P.O. for the respondents.

The Ld. CPO submits that the application is premature, since the applicant has challenged the show cause notice issued in the departmental enquiry. Since nobody is present for the applicant, matter be kept for preliminary hearing after **two weeks.**

Vice-Chairman(J)

Dt. 26.11.2018.

pdg.

O.A. No. 839/2018

(S.B.)

**Coram:Shri J.D. Kulkarni,  
Vice-Chairman (J)**

**Dated : 26<sup>th</sup> November 2018.**

Heard Shri S.P.Palshikar, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

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

Interim relief to continue till then.

Vice-Chairman(J)

Dt. 26.11.2018.

pdg.

**O.A. No. 852/2018**

**(S.B.)**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J)**

**Dated : 26<sup>th</sup> November 2018.**

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

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

Vice-Chairman(J)

Dt. 26.11.2018.

pdg.

**O.A. No. 854/2018**

**(S.B.)**

**Coram:Shri J.D. Kulkarni,**  
**Vice-Chairman (J)**

**Dated : 26<sup>th</sup> November 2018.**

**C.A.No.354/2018.**

Heard Shri N.R. Saboo, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents.

2. Application for stay has been filed by the applicant and he is claiming stay to the operation of suspension order dated 12.10.2018 issued by respondent No.2. Admittedly, the applicant has already been kept under suspension and, therefore, there is no question to stay the operation of order. Only question which seems to be somewhat relevant is that, the applicant is going to retire on superannuation on 30.11.2018, i.e. with four weeks and, therefore, it is necessary to see as to whether the suspension is necessary. Ld. P.O. is, therefore, directed to take instructions on following points:-

(i) Whether suspension of the applicant is required, since the applicant is going to retire on superannuation on 3.11.2018 ?

(ii) Whether the department has sought for continuation of the applicant till finalization of enquiry ?

(iii) Whether the respondents have sought permission to initiate departmental enquiry even after retirement of the applicant ?

Matter be kept on 27.11.2018 for necessary orders.

Steno copy be supplied to the Ld. P.O.

Vice-Chairman(J)

Dt. 26.11.2018.

pdg.

**O.A. No. 886/2018 (S.B.)**

**(J.V.Ghuge V/s State and 4 others.)**

**Coram:Shri J.D. Kulkarni,  
Vice-Chairman (J)**

**Dated : 26<sup>th</sup> November 2018.**

Heard Shri P.V. Thakre, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

2. The applicant has challenged in this O.A. the order of suspension dated 2.8.2018 (Annexure A-1), page Nos. 10 to 13 (both inclusive). The order was earlier challenged in O.A. No. 658/2018 and the said O.A. was disposed of on 11.10.2018 with directions to the applicant to exhaust the remedy of appeal. Accordingly, the applicant has filed an appeal (A-3) dated 19.11.2018. However, no action has been taken on his appeal.



3. Perusal of the detailed orders passed by this Tribunal on 13.11.2018 and 16.11.2018, clearly shows that this Tribunal has referred to various judgments of the Hon'ble Apex Court as well as of the Principal Bench of this Tribunal and the respondents were directed to review the suspension order. The respondent authorities, however, did not take any action, even though specific order was passed. Admittedly in this case, no charge-sheet has been served on the applicant within 90 days from the date of suspension. Thus, the Principal Bench of this Tribunal in O.A. No.35/2018 on 11.9.2018 has taken a view that if the charge-sheet is not revoked within 90 days of the order of suspension, suspension order shall stand quashed. Even the Hon'ble Apex Court has observed in of **Arun Kumar Choudhari V/s Union of India in S.L.P. No. 3161/2013 in the order dated 16.2.2015** that the charge-sheet must be filed within 90 days of suspension.

Considering all these aspects and particularly the fact that inspite of opportunities given to the respondents, they are not ready to revoke the order of suspension. I am of the opinion that the suspension cannot sustain in the eyes of law and hence, I proceed to pass the following order:-

**ORDER**

- (i) Suspension order dated 2.8.2018 stands quashed and set aside.
- (ii) The respondents are directed to reinstate the applicant with immediate effect.
- (iii) No order as to costs.

Vice-Chairman(J)

Dt. 26.11.2018.

pdg.

**O.A. No. 231/2018**

**(S.B.)**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J)**

**Dated : 26<sup>th</sup> November 2018.**

**C.A. 88/2018.**

Heard Shri G.G. Bade, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondent No.1.

Application for joint O.A. is allowed, subject to payment of requisite court fee to be deposited in the office of this Tribunal. C.A. stands disposed of.

**O.A. No. 231/2018.**

1. Issue notice to other respondent returnable in four weeks.
2. Shri A.M. Khadatkar, Ld. 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 **seven 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. **four weeks.**

Vice-Chairman(J)

Dt. 26.11.2018.

pdg.

**O.A. No. 859/2018**

**(S.B.)**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J)**

**Dated : 26<sup>th</sup> November 2018.**

Heard Shri G.K. Iyer, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

At the request of the Ld. counsel for the applicant, S.O. **27.11.2018.**

Vice-Chairman(J)

Dt. 26.11.2018.

pdg.

**O.A. No. 898/2018**

**(S.B.)**

**(A.W.Oimbe V/s State and 2 others)**

**Coram:Shri J.D. Kulkarni,**  
**Vice-Chairman (J)**

**Dated : 26<sup>th</sup> November 2018.**

**Oral order**

Heard Shri V.B. Bhise, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

2. The applicant has challenged the order dated 5.6.2018 whereby he has been kept under suspension in contemplation of enquiry. The applicant is working as Circle Officer. The learned P.O. submits that the application is not maintainable, since the charge-sheet has been served on the applicant within 90 days of suspension. Copy of the charge-sheet is also placed on record by the applicant himself

alongwith a letter dated 13.8.2018 (Annexure A-3), from which it seems that the charge-sheet has been served on the applicant on 13.8.2018. In such circumstances, application seems to be not maintainable. The Ld. counsel for the applicant submits that he may be permitted to withdraw the O.A. Permission is granted to withdraw the O.A.

3. The Ld. counsel for the applicant also invited my attention to one representation dated 10.9.2018 submitted by the applicant at Annexure A-6 (Pages 29 to 32) and submits that he has filed representation for revocation of his suspension to the Collector, Akola and no decision has been taken on the said representation as yet. He, therefore, submits that the Collector, Akola may be directed to consider his representation within a stipulated time limit.

4. Time and again, various circulars have been issued in the field



whereby the competent authority has to take stock of employees under suspension. It is necessary for the competent authority to consider as to whether suspension is necessary for a further period. In view thereof, since the charge-sheet has already been filed, the Collector, Akola will be at liberty to take a stock of applicant's representation as regards whether to continue the applicant under suspension period during the pendency of enquiry or whether to transfer the applicant from the place of enquiry, as the case may be. In view thereof, application can be disposed of by following order:-

**ORDER**

- (i) The application stands disposed of as withdrawn.
- (ii) The respondent No.2 i.e. the Collector, Akola is directed to take a decision on the

representation of the applicant as regards revocation of his suspension dated 10.9.2018 (A-6).

- (iii) A decision shall be taken within one month from the date of this order and shall be communicated to the applicant in writing.
- (iv) No order as to costs.

Vice-Chairman(J)

Dt. 26.11.2018.

pdg.

**O.A. No. 899/2018**

**(S.B.)**

**(A.W.Oimbe V/s State and 2 others)**

**Coram:Shri J.D. Kulkarni,**  
**Vice-Chairman (J)**

**Dated : 26<sup>th</sup> November 2018.**

**Oral order**

Heard Shri V.B. Bhise, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

2. The applicant has challenged the order dated 5.6.2018 whereby he has been kept under suspension in contemplation of enquiry. The applicant is working as Talathi. The learned P.O. submits that the application is not maintainable, since the charge-sheet has been served on the applicant within 90 days of suspension. Copy of the charge-sheet is also placed on record by the applicant himself alongwith a letter dated 25.7.2018

(Annexure A-3), from which it seems that the charge-sheet has been served on the applicant on 25.7.2018. In such circumstances, application seems to be not maintainable. The Ld. counsel for the applicant submits that he may be permitted to withdraw the O.A. Permission is granted to withdraw the O.A.

3. The Ld. counsel for the applicant also invited my attention to one representation dated 29.8.2018 submitted by the applicant at Annexure A-6 and submits that he has filed representation for revocation of his suspension to the S.D.O., Akot, Distt, Akola and no decision has been taken on the said representation as yet. He, therefore, submits that the S.D.O., Akot, Distt. Akola may be directed to consider his representation within a stipulated time limit.

4. Time and again, various circulars have been issued in the field whereby the competent authority has

to take stock of employees under suspension. It is necessary for the competent authority to consider as to whether suspension is necessary for a further period. In view thereof, since the charge-sheet has already been filed, the S.D.O., Akot, Distt, Akola will be at liberty to take a stock of applicant's representation as regards whether to continue the applicant under suspension period during the pendency of enquiry or whether to transfer the applicant from the place of enquiry, as the case may be. In view thereof, application can be disposed of by following order:-

**ORDER**

- (i) The application stands disposed of as withdrawn.
- (ii) The respondent No.2 i.e. the Sub-Divisional Officer, Akot, District Akola is directed to take a decision on the

representation of the applicant as regards revocation of his suspension dated 5.6.2018 (A-2).

- (iii) A decision shall be taken within one month from the date of this order and shall be communicated to the applicant in writing.
- (iv) No order as to costs.

Vice-Chairman(J)

Dt. 26.11.2018.  
pdg.

**O.A. No. 131/2015**

**(S.B.)**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J)**

**Dated : 26<sup>th</sup> November 2018.**

Heard Shri A.R. Bhole, Adv. holding for Shri A.S. Athalye, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondent Nos. 1 to 5. None for R. 6 to 8.

Closed for orders.

Vice-Chairman(J)

Dt. 26.11.2018.

pdg.

**O.A. No. 228/2015**

**(S.B.)**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J)**

**Dated : 26<sup>th</sup> November 2018.**

Heard Shri M.I. Dhattrak, the Ld. counsel for the applicant and Shri, the learned P.O. for the respondents.

S.O.

Vice-Chairman(J)

Dt. 26.11.2018.

pdg.



**O.A. No. 349/2015**

**(S.B.)**

**Coram:Shri J.D. Kulkarni,**  
**Vice-Chairman (J)**

**Dated : 26<sup>th</sup> November 2018.**

Heard Miss Apoorva Kolhe,  
Adv. holding for Shri A.S. Kilor, the  
Ld. counsel for the applicant and Shri  
S.A. Sainis, the learned P.O. for the  
respondents.

At the request of the Ld. counsel  
for the applicant, S.O. **27.11.2018.**

Vice-Chairman(J)

Dt. 26.11.2018.

pdg.

**O.A. No. 420/2015**

**(S.B.)**

**Coram:Shri J.D. Kulkarni,**  
**Vice-Chairman (J)**

**Dated : 26<sup>th</sup> November 2018.**

Heard Shri D.P. Dapurkar, the  
Ld. counsel for the applicant and Shri  
M.I. Khan, the learned P.O. for the  
respondents 1 and 2. Shri S.N.  
Gaikwad, Adv. for R.3.

**S.O. 19.12.2018.**

Vice-Chairman(J)

Dt. 26.11.2018.

pdg.

**O.A. No. 720/2015**

**(S.B.)**

**Coram:Shri J.D. Kulkarni,**  
**Vice-Chairman (J)**

**Dated : 26<sup>th</sup> November 2018.**

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

S.O. **27.11.2018** for passing necessary order.

Vice-Chairman(J)

Dt. 26.11.2018.

pdg.

O.A. No. 06/2017

(S.B.)

**Coram:Shri J.D. Kulkarni,**  
**Vice-Chairman (J)**

**Dated : 26<sup>th</sup> November 2018.**

Heard Shri Bharat Kulkarni, the  
Ld. counsel for the applicant and Shri  
A.M. Khadatkar, the learned P.O. for  
the respondents.

S.O. **2<sup>nd</sup> week of December**  
**2018.**

To be treated a part heard.

Vice-Chairman(J)

Dt. 26.11.2018.

pdg.

O.A. No. 44/2017

(S.B.)

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J)**

**Dated : 26<sup>th</sup> November 2018.**

Shri S.P. Palshikar, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

At the request of the Ld. counsel for the applicant, S.O. **one week.**

Vice-Chairman(J)

Dt. 26.11.2018.

pdg.

**O.A. No. 295/2018**

**(S.B.)**

**Coram: Shri J.D. Kulkarni,  
Vice-Chairman (J)**

**Dated : 26<sup>th</sup> November 2018.**

Heard Shri D.P. Dapurkar, the  
Ld. counsel for the applicant and Shri  
A.M. Ghogre, the learned P.O. for the  
respondents.

S.O. **four weeks** for filing  
rejoinder, if any.

Vice-Chairman(J)

Dt. 26.11.2018.

pdg.

**O.A. No. 599/2017**

**(S.B.)**

**Coram:Shri J.D. Kulkarni,  
Vice-Chairman (J)**

**Dated : 26<sup>th</sup> November 2018.**

**C.A. 313/2018.**

Heard Shri M.R. Joharapurkar,  
the Ld. counsel for the applicant and  
Shri, the learned P.O. for the  
respondents.

S.O.

Vice-Chairman(J)

Dt. 26.11.2018.

pdg.

**O.A. No. 338/2018**

**(S.B.)**

**Coram: Shri J.D. Kulkarni,**  
**Vice-Chairman (J)**

**Dated : 26<sup>th</sup> November 2018.**

Heard Shri G.G. Bade, the Ld. counsel for the applicant and Shri A.M. Ghogre, the learned P.O. for the respondents.

**S.O. 27.11.2018.**

To be treated as part heard.

Vice-Chairman(J)



Dt. 26.11.2018.

pdg.

O.A. No. 799/2011. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**

**Dated : 26<sup>th</sup> November 2018.**

**C.A.No.312/2016:-**

Shri V.B.Bhise holding for Shri R.V.Shiralkar, 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.

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

**Member(J)  
Date:-26/11/2018.  
aps.**

**Member(A)**

O.A. No. 799/2011. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**

**Dated : 26<sup>th</sup> November 2018.**

**C.A.No.312/2016:-**

Shri V.B.Bhise holding for Shri R.V.Shiralkar, 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.

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

**Member(J)  
Date:-26/11/2018.  
aps.**

**Member(A)**

O.A.Nos.777,778 & 779/2011. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**

**Dated : 26<sup>th</sup> November 2018.**

Shri A.I.Sheikh, the Id. counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

The Id. counsel for the applicant submits that the matter is already decided in another O.A. However, he desires to take certified copy, for that he needs one week time. **S.O. one week.**

**Member(J)**  
**Date:-26/11/2018.**  
aps.

**Member(A)**

O.A.No.723/2018. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)  
Dated : 26<sup>th</sup> November 2018.**

Shri N.R.Saboo, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

The Id. counsel for the applicant submits that the notice of respondent no. 2 is already served and he seeks further two weeks time to serve the notice of respondent no. 3.

The Id. C.P.O. seeks three weeks time to file reply. At his request, **S.O. Three Weeks.**

**Member(J)**  
**Date:-26/11/2018.**  
aps.

**Member(A)**

O.A.No.720/2018. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**

**Dated : 26<sup>th</sup> November 2018.**

Shri P.S.Verma, the Id. counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State.

The Id. P.O. submits that the concerned officer is not in town. The Id. P.O. seeks one week time to file reply. At his request, **S.O.**  
**04/12/2018.**

**Member(J)**  
**Date:-26/11/2018.**  
aps.

**Member(A)**

O.A.No.710/2018. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**  
**Dated : 26<sup>th</sup> November 2018.**

**C.A.No.355/2018:-**

Shri S.M.Khan, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the Respondents.

The Id. counsel for the applicant has relied on the Judgment of **Hon'ble Supreme Court in case of Bhagwan Shukla S/o Sarabjit Shukla Vs. Union of India & Ors. (1994) 6 S.C.C. 154 decided on 05/08/1994, the para no. "b" is reproduced as below:-**

*"There has, thus, been a flagrant violation of the principles of natural justice and the appellant has been made to suffer huge financial loss without being heard. Fair play in action warrants that no such order which has the effect of an employee suffering civil consequences should be passed without putting the (sic employee) concerned to notice and giving him a hearing in the matter."*

The Id. counsel for the applicant has also relied on the **Hon'ble Supreme Court Judgment in case of Ram Ujarey Vs. Union of India in Civil Appeal No. 5714 of 1998 (Arising out of SLP {C} No. 5821 of 1996,**

**decided on 13/11/1998). The para no. 14 reproduced as below:-**

*"It is on the basis of this "Note" that Mr. Goswami contended that it was not a case of transfer of the appellant from the Loco Department to Carriage and Wagon Department but was a case of absorption, as a temporary measure, of the appellant who was declared surplus as Coal Khalasi in the Loco Department. He contended that this was enough to indicate that the appellant was not holding a permanent status and was consequently treated to have been appointed afresh in 1972 as Khalasi in the Carriage and Wagon Department and his seniority was rightly reckoned from that date with the result that the promotion orders in 1978, on the post of Semi-Skilled Fitter and in 1979, on the post of skilled fitter, could not have been legally issued as the appellant, on the basis of his seniority, was not even entitled to be called for trade tests much less to be promoted on the posts in question. The promotions were given to the appellant on these posts only because the Administration, by mistake, had given the benefit of service rendered in the Loco Department from 1964 to 1972 towards his seniority in the Carriage and Wagon Department."*

The Id. counsel for the applicant also relied on the Judgment in O.A. Nos. 421 to 425/2017 of MAT, Nagpur Bench, Nagpur. It seems that the applicant has not been given chance before reverting him to the post.



In view of above **C.A. No. 355/2018** **for early hearing on I.R. is allowed.** The applicant be continued on the present post till filing of the reply. The respondents are directed to file reply within three weeks.

**S.O. three weeks.**

**Steno copy is granted.**

**Member(J)**  
**Date:-26/11/2018.**  
aps.

**Member(A)**

**O.A.No.896/2018. (D.B.)**

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**

**Dated : 26<sup>th</sup> November 2018.**

Shri A.Z.Jibhkate, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State in detailed.

2. The Id. counsel for the applicant has placed on record various G.Rs. namely on P.B., Pg. No. 30, G.R. No. , I vkj0gh&1018@1644@izdz2@99@ckjk] dated 02/07/2002 and P.B., Pg. No. 32, G.R. No. I dkfu1815@izdz216@I dk 2] dated 30/05/2015.

3. Both these G.Rs. are relevant to decide the applicants case. The Id. counsel for the applicant also placed on record the service book of the applicant on P.B., Pg. No. 23, by which it clearly shows that "vki z ks v r x t i fgyk@ykhA eat jhph uln", the applicant was given this pay-scale. However, the matter will be heard on 29/11/2018 and meanwhile the Id. C.P.O. is requested to take instructions from the Government.

4. Issue notice to R-2 to 5, returnable on 29-11-2018. Learned C.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. 29/11/2018.**

11. **Steno copy is granted.**

**Member(J)**  
**Date:-26/11/2018.**  
aps.

**Member(A)**

O.A.No.345/2017. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**

**Dated : 26<sup>th</sup> November 2018.**

**C.A.No.476/2017:-**

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

The Id. P.O. submits the affidavit-in-reply on behalf of the respondents. It is taken on record. Copy is served to the other side.

The Id. counsel for the applicant has submitted C.A. No. 476/2017, by which he wants to amend some para and add a list of other workers as Annexures. Hence the **C.A. No. 476/2017 is allowed.**

The Id. counsel for the applicant is directed to supply the copy of the amendment O.A. to the Id. P.O. **S.O. two weeks.**

**Member(J)  
Date:-26/11/2018.  
aps.**

**Member(A)**

O.A.No.98/2016. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**

**Dated : 26<sup>th</sup> November 2018.**

**C.P.No.35/2018:-**

Shri P.A.Kadu holding for Shri P.S.Patil,  
the Id. counsel for the applicant and Shri  
H.K.Pande, the Id. P.O. for the respondents.

The Id. P.O. explained that matter was  
pleaded before Hon'ble High Court, Nagpur  
and Hon'ble High Court remanded back to the  
Tribunal. The Tribunal vide in its order dated  
10/08/2018, dismissed the O.A.

The Id. counsel for the applicant also  
agrees to this situation. Hence, in this  
situation, nothing survives in this O.A..

**Hence, Contempt Petition is  
disposed of as dismissed.**

**Member(J)  
Date:-26/11/2018.  
aps.**

**Member(A)**

O.A.No.356/2015. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**  
**Dated : 26<sup>th</sup> November 2018.**

**C.P.No.51/2018:-**

Shri P.A.Kadu, the Id. counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State.

2. The Id. counsel for the applicant has invited our attention to order dated 10/03/2017 in para no. 6. He also pleads that the compliance of directions in para no. 6 is not yet been done.

3. Issue Notice to the respondent No. 1 returnable in **two 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. Respondent No. 1 shall appear personally before this Tribunal.

4. Shri H.K.Pande, the learned P.O. waives notice for respondent No. 2. Hamdast granted.

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

**Member(J)**

**Member(A)**

**Date:-26/11/2018.**  
aps.



O.A.No.448/2018. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**

**Dated : 26<sup>th</sup> November 2018.**

**C.A.Nos.153, 224 & 273/2018:-**

Shri S.K.Thengre, the Id. counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondent nos. 1 to 5. None for the respondent nos. 6 & 7.

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

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

**S.O two weeks for final disposal.**

**Member(J)  
Date:-26/11/2018.  
aps.**

**Member(A)**

O.A.No.639/2018. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**

**Dated : 26<sup>th</sup> November 2018.**

**C.A.Nos.352 & 353/2018:-**

Shri S.P.Palshikar, the Id. counsel for the applicant, Shri A.P.Potnis, the Id. P.O. for the respondent no. 2 and Shri Abhijeet Deshpande, the special Id. Counsel for the respondent nos. 1 & 3.

The Id. Spl. Counsel for the respondent nos. 1 & 3 pleads that they have filed the reply and order has already been complied i.e. he seeks exemption for personal appearance. At the request of Id. Spl. Counsel for the applicant, **C.A.Nos. 352 & 353/2018 are allowed.**

At the request of Id. Counsel for the applicant, **S.O one week.**

**Member(J)  
Date:-26/11/2018.  
aps.**

**Member(A)**

O.A.No.442/2016. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**

**Dated : 26<sup>th</sup> November 2018.**

None for the applicant. Shri A.P.Potnis,  
the Id. P.O. for the respondent nos. 1 to 3.  
None the respondent no. 4.

The Id. P.O. submits that reply has been  
filed and notice is not served by the  
respondent no. 4 by the applicant.

In view of this, the O.A. is **admitted**  
and listed for final hearing in **due course of**  
**time.**

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

**Member(J)**  
**Date:-26/11/2018.**  
aps.

**Member(A)**

O.A.No.190/2017. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**

**Dated : 26<sup>th</sup> November 2018.**

Shri Thengre holding for Shri G.G.Bade, the Id. counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State. Await service of respondent nos. 2 to 4.

The Id. Counsel for the applicant seeks one week time to file service affidavit. At his request, **S.O. one week.**

**Member(J)**  
**Date:-26/11/2018.**  
aps.

**Member(A)**

O.A.No.554/2018. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**

**Dated : 26<sup>th</sup> November 2018.**

Heard Shri P.S.Chawhan, the Id. counsel for the applicant, Shri A.P.Potnis, the Id. P.O. for the Respondent nos. 1 & 2 and Shri A.B.Mahajan, the Id. Counsel for the respondent no. 3.

The whole process of recruitment is in progress except stay granted for Sports Quota i.e. stay operating in the same.

The Id. P.O. seeks two weeks time to file reply. At his request, **S.O. two weeks as a last chance.**

**Member(J)**  
**Date:-26/11/2018.**  
aps.

**Member(A)**

O.A.No.601/2018. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**

**Dated : 26<sup>th</sup> November 2018.**

Shri T.U.Tathod, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the Respondents.

The Id. P.O. seeks two weeks time to file reply. At his request, **S.O. two weeks.**

**Member(J)**  
**Date:-26/11/2018.**  
aps.

**Member(A)**

O.A.No.858/2009. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**

**Dated : 26<sup>th</sup> November 2018.**

Shri S.M.Bhagde, the Id. counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the Respondent nos. 1 to 3. None for respondent nos. 4 to 8.

The Id. P.O. submitted the document as per the order dated 02/08/2018, which is taken on record. Copy is served to the other side.

The Id. Counsel for the applicant desires time to go through it. At his request, **S.O. three weeks.**

**Member(J)**  
**Date:-26/11/2018.**  
aps.

**Member(A)**

O.A.No.272/2014. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**

**Dated : 26<sup>th</sup> November 2018.**

Smt. Jog, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the Respondents.

In the similar case obeying the Hon'ble Supreme Court order, the State Government has issued such order for Amravati and Thane Division as far as Nagpur Division is concerned, the proposal has been submitted from Additional Commissioner, Tribal Development Department, the same is awaited.

The Id. P.O. submits that he follows it and within a week time it will be obtain. **S.O. ten days.**

**Member(J)**  
**Date:-26/11/2018.**  
aps.

**Member(A)**



**O.A.No.436/2014. (D.B.)**

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**  
**Dated : 26<sup>th</sup> November 2018.**

None for the applicant. Shri S.A.Sainis,  
the Id. P.O. for the Respondent nos. 1 & 2.  
None for the respondent no. 3.

The Id. P.O. submits that respondent  
no. 3 was promoted by order no.  
vklFAk@iI @dkfo&257@2014] dated 23/06/2014,  
it seems that the promotion has given to the  
respondent no. 3.

The Id. P.O. also submits that the  
respondent no. 3 has granted exemption from  
examination on 05/02/2007. The Id. P.O.  
submits that as per Recruitment Rules  
29/10/1997, the candidates has to pass  
examination i.e. sub-service examination  
within 4 yrs. & 3 chances under Rule 4.  
Applicant however fails to pass the said  
examination within stipulated period and  
chances.

On the contrary, the applicant cleared  
the said examination in August 2011 i.e. in 5<sup>th</sup>  
chance. It is pointed out by Id. P.O. that in the  
seniority list of year 2011 i.e. 01/01/2011, the  
applicant is at Sr. No. 203 & respondent no. 3

is at Sr. No. 110. Thus the applicant is placed & shown below the respondent no. 3 and hence respondent no. 5 is rightly promoted as "Circle Officer".

In this background the respondent no. 3 was promoted by order dated 23/06/2014, with this it appears that the respondent no. 3 was senior to applicant and he was rightly promoted.

In view of this, O.A. is disposed of as dismissed with no order as to costs.

**Member(J)**  
**Date:-26/11/2018.**  
aps.

**Member(A)**

O.A.No.580/2012. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**

**Dated : 26<sup>th</sup> November 2018.**

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

The matter pertains to the year 2012  
and it is related to the selection process. It  
must have been completed and so, O.A.  
becomes infructuos. Hence nothing survives  
in this O.A., O.A. is dismissed in default.

**Member(J)  
Date:-26/11/2018.  
aps.**

**Member(A)**

O.A.No.580/2012. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**

**Dated : 26<sup>th</sup> November 2018.**

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

The matter pertains to the year 2012  
and it is related to the selection process. It  
must be complied and the O.A. become  
infructuos. Hence nothing survives in this  
O.A., O.A. is dismissed in default.

**Member(J)**  
**Date:-26/11/2018.**  
aps.

**Member(A)**

O.A.No.03 & 04/2017. (D.B.)

**Coram: Shri Shree Bhagwan,  
Member (A) and  
Shri A.D.Karanjkar, Member(J)**  
**Dated : 26<sup>th</sup> November 2018.**

Heard Shri N.B.Bargat, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the Respondents.

**In O.A.No. 04/2017, none for the applicant.**

The Id. P.O. files notification no. vl k-t-y-s 7] 1999@vk' Ak< 16] ' 'Ads 1921] dated 07/07/1999 in which para no. 6 reads as under :-

6. ifj{kk mRrh.kz gks ; kl kBh dkyko/kh o l dkhph l d; k& iR; d fyihd Vdy{kdkus rhu l dthe/; s vkf.k R; kP; k l rr l dP; k uÅ o"kkz ifj{kk mRrh.kz gks ks vko' ; d vl y-

and para no. 7 reads as under:-

7- ifj{kk mRrh.kz gks ; kps T; \$Brøj gks kks ifj.kke& fu; e 6 e/khy rjrmhu d kj T; k fyihd&Vdy{kdkus ifj{kk mRrh.kz dsh vkgs R; kph eP; T; \$Brk vckf/kr jkghy- rhu l dthr o uÅ o"kkz rls ifj{kk mRrh.kz u >ky; kl tks fyihd&Vdy{kd T; kP; k vxknj ifj{kk mRrh.kz >kysys vkgs fdok T; kkk ifj{kk gks ; ki kl u l v feGkysyh vkgs r l p T; \$Brk l phr ts fyihd&Vdy{kd R; kyk ofj"B vl rhy o R; kP; kuarj ijarw ; k fu; eke/; s fofgr dsysk dkyko/khr vkf.k fofgr l dthe/; s ifj{kk gkrhy v'kk l oZ fyihd&Vdy{kd k [kkyh R; kP; k T; \$Brk de ykxy-

These two paras are relevant to decide the seniority of Steno-Typist. In reply on behalf of the respondent no. 3 i.e. Collector Chandrapur at P.B., Pg. No. 82, a table has been given regarding examination conducted. At Sr. No. 1 the date of examination is 22/04/1996 to 26/04/1996. At Sr. No. 2 the date of examination is 31/03/1998 to 04/04/1998. At Sr. No. 3 the date of examination is 05/04/1999 to 09/04/1999.

The Id. P.O. is directed to clarify all the above examinations were conducted under which rules and what procedure was adopted for the seniority before the 07/07/1999.

The Id. Counsel for the applicant should also submit any contrary rules to section 6 and 7 of notifications dated 07/07/1999 and his applicant's appearance in examination before 07/07/1999.

The Id. Counsel for the applicant has relied mostly on MAT, Nagpur Bench Judgment No. 93/2015, delivered on 14/06/2015. It is taken on record.

The matter will be finally heard after three weeks. S.O. three weeks.

**The matter is treated as P.H.**

**Member(J)**  
**Date:-26/11/2018.**  
aps.

**Member(A)**