

**O.A. 686/2018 (D.B.)**

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

**Dated : 06/03/2020.**

**C.A. 73/2020 -**

Heard Shri A.M. Borkar, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1&3, Shri Shri Sachin Ukey, Id. counsel holding for Shri H.D. Marathe, Id. counsel for R-2 and none for R-4.

2. The learned counsel for the applicant has submitted that the present matter is connected only with O.A. 704/18 and 888/18. So far as the other matters which are referred in the order sheet dated 22/1/2020 are not connected in any manner with the present application, therefore, it is directed that the present application be kept for hearing along with O.A.Nos.704/18 & 888/18.

3. In view thereof, the C.A. stands allowed and disposed of. No order as to costs.

**O.A. 686/2018 –**

**S.O. 7/4/2020** along with O.As.704/18 & 888/18.

**Member (J)**

**Vice-Chairman**

dnk.

**Rev. A. 35/2019 in O.A. 581/17 (D.B.)**

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

**Dated : 06/03/2020.**

Heard Shri D.R. Karnik, Id. counsel for the applicant (Original respondent no.4), Shri A.P. Potnis, Id .P.O. for R-2 to 4 (Org. Respondents) and N.R. Saboo, Id. counsel for respondent no.1 (Original applicant).

2. We have perused the order which is passed in the original application. In para-5 it is specifically observed that case of the applicant was governed by the law laid down by the Hon'ble High Court in case of **Rajani S. Khobragade Vs. the State of Maharashtra** in Writ Petition 10103/2015. It was also observed that the applicant in that matter applied for the post as the open category candidate and post was reserved for open category lady candidate. After hearing the submissions on behalf of the present applicant, we do not see any error apparent on face on the record. Hence, the application for Review Application is dismissed. No order as to costs.

**Member (J)**  
dnk.

**Vice-Chairman**

**O.A. 513/2019 (D.B.)**

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

**Dated : 06/03/2020.**

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

The Id. P.O. files reply on behalf of R-2. It is taken on record. Copy is served on the applicant. The Id. P.O. submitted that reply of R-1 is not necessary.

The matter is admitted and it be kept for final hearing.

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

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

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 766/2019 (D.B.)

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

**Dated : 06/03/2020.**

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

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

At the request of Id. counsel for the applicant, **S.O. three weeks** for filing rejoinder.

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 772/2019 (D.B.)**

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

**Dated : 06/03/2020.**

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

The Id. P.O. files reply on behalf of R-2&4. It is taken on record. Copy is served on the applicant. The learned P.O. submitted that reply of R-2&4 is sufficient to decide the matter.

**S.O. 7/4/2020** for final hearing.

**Member (J)**

**Vice-Chairman**

dnk.

**C.A. 458/19 in O.A. 926/2019 (D.B.)**

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

**Dated : 06/03/2020.**

**C.A. 458/2019 in O.A. 926/19 -**

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

The respondents are directed to file their reply to the O.A. and also to the C.A. within three weeks.

**S.O. three weeks.**

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. Nos. 58, 59, 60, 61, 62, 63 & 90 of 2020.  
(D.B.)**

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

**Dated : 06/03/2020.**

Heard Ms. P. Kale, learned counsel for the applicants (in O.As. 58, 59, 60,61, 62 & 63 of 2020), Shri S.N. Gaikwad, learned counsel for the applicant (in O.A.No.90 of 2020) and Shri S.A. Deo, Id. CPO and other Id. P.Os. for the State in the respective O.As.

The service reports of R-2 to 5 are not filed and also office objections are not removed in the respective O.As.

**S.O. one week.**

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 878/2019 (D.B.)**

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

**Dated : 06/03/2020.**

**C.A. 93/2020 in O.A. 878/19 -**

Heard Shri S.N. Gaikwad, Id .counsel for the applicants, Shri S.A. Sainis, Id. P.O. for the respondents and Shri M.A. Sable, Id .counsel for Intervention.

2. The applicant is at liberty to move application before the Principal Bench, Mumbai for transfer of his matter to Mumbai.

**S.O. four weeks.**

**Member (J)**

**Vice-Chairman**

dnk.



**O.A. 197/2019 (D.B.)**

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

**Dated : 06/03/2020.**

**MCA No. 03/2020 In O.A. 197/2019 -**

Heard Shri D.T. Shinde, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1 and none for R-2.

2. In MCA the grievance is made for modification of the order passed in O.A. 197/2019. As per legal position, the judicial order passed cannot be modified by filing proceeding i.e. MCA. The learned counsel for the applicant may file the application for Review as per the procedure.

The MCA stands disposed of. No order as to costs.

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 75/2020 (D.B.)**

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

**Dated : 06/03/2020.**

**CA No. 43/2020 -**

Heard Shri Smt. H.S. Dhande, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for the respondents.

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

**O.A. 75/2020 -**

Heard Shri H.S. Dhande, Id. counsel for the applicants and Shri S.A. Deo, Id. CPO for the respondents.

**S.O. four weeks** for filing reply.

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 03/2019 (D.B.)**

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

**Dated : 06/03/2020.**

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

2. The learned P.O. candidly accepted that the procedure under Rule 9 (2) of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 is not followed. We have perused the report of the Inquiry Officer which is Annex-A-6. The Inquiry Officer recorded findings on both the charges that the charges were not proved. Thereafter, the Disciplinary Authority issued notice Annex-A-7 for awarding punishment to the applicant. As provided under Rule 9 (2) of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 it was incumbent on the Disciplinary Authority to record the tentative reasons for disagreement and serve copies of said reasons and report of the Inquiry Officer on the applicant and give him opportunity of hearing. This procedure laid down in Rule 9 (2) of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 is not followed. In these circumstances, it is

suitable to set aside the order of dismissal and send back the matter to the Disciplinary Authority to comply the provisions under Rule 9 (2) of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979. Hence, the following order –

**ORDER**

The O.A. is partly allowed. The orders dated 7/12/2018 and 17/2/2017 are set aside. The matter be decided by the Disciplinary Authority in terms of Rule 9 (2) of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979. No order as to costs.

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 720/2018 (D.B.)

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

**Dated : 06/03/2020.**

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

2. The Id. P.O. has placed on record the G.R. dated 18/8/2016 by which the G.R. dated 1/7/2016 is explained. The matter is already heard, therefore, it is **closed for orders.**

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 189/2010 (D.B.)

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

**Dated : 06/03/2020.**

Shri D.R. Bhoyar, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1&2 and Shri B. Kulkarni, Id. counsel for R-3.

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

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. Nos. 113/2018 (D.B.) & 871/17 (SB)**

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

**Dated : 06/03/2020.**

None for the applicant (in O.A.13/2018).  
Heard Shri R.V. Shiralkar, learned counsel for  
the applicant (in O.A.871/2017) and Shri M.I.  
Khan, Id. P.O. in both the O.As.

2. The applicant was not considered for first promotion in the year 2013, second promotion in the year 2014 and third promotion in the year 2015 & 2017. It is submitted that the persons who were juniors to the applicant were promoted and one of the persons against whom departmental inquiry was pending was also considered and promoted. It is submission of the learned P.O. that as departmental proceedings were pending against the applicant, he was not considered suitable for promotion and till the end of year 2017 as the applicant was undergoing the punishment, therefore, he was not considered for promotion.

3. After hearing both the sides, it is cleared that after end of the year 2017, there was no reason for not considering the applicant for promotion. In this situation, we direct the

respondents to consider the applicant for promotion by arranging the DPC and the respondents are also directed to consider which deemed date shall be given to the applicant in view of the Circulars dated 22/4/1996 and 2/4/1976. The order be complied within three months from the date of this order.

4. In view thereof, both the O.As. are disposed of. No order as to costs.

**Member (J)**

**Vice-Chairman**

dnk.



**O.A. 704/2018 (D.B.)**

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

**Dated : 06/03/2020.**

Heard Shri A.M. Borkar, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1&3, Shri Shri Sachin Ukey, Id. counsel holding for Shri H.D. Marathe, Id. counsel for R-2 and none for R-4.

**S.O. 7/4/2020** along with O.A. Nos. 888/2018 and 686/2018.

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 888/2018 (D.B.)**

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

**Dated : 06/03/2020.**

Heard Shri A.M. Borkar, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1&3, Shri Shri Sachin Ukey, Id. counsel holding for Shri H.D. Marathe, Id. counsel for R-2 and none for R-4.

**S.O. 7/4/2020** along with O.A. Nos. 704/2018 and 686/2018.

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 821/2019 (D.B.)

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

**Dated :** 06/03/2020.

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

**Closed for orders.**

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 864/17 with C.As. 05/19 & 345/19 (D.B.)**

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

**Dated : 06/03/2020.**

**C.A. 526/2019 -**

Heard Shri G.G. Bade, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1 and Shri B. Kulkarni, Id. counsel for R-2.

2. After reading the O.A., it seems that the applicant has a grievance as the name of the respondent no.2 was recommended for the appointment and therefore prayer was made to quash and set aside the recommendation letter dated 31/3/2017 issued by the respondent no.1 recommending the name of the respondent no.2. In this C.A. it is contended that now the appointment order is issued and the respondent no.2 is appointed in service, therefore, the applicant is intending to challenge the appointment of respondent no.2. In the interest of justice, the C.A.No. 526/2019 is allowed. The O.A. be amended within one week. The applicant to supply the amended copies to the respondents.

**O.A. 864/2017 –**

**S.O. after four weeks.**

**Member (J)**

**Vice-Chairman**

dnk.

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

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

**Dated : 06.03.2020**

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

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

**Member (J)**

dnk.

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

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

**Dated : 06.03.2020**

Shri S.P. Palshikar, Id .counsel for the applicant and Shri M.I. Khan, 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. 922/2017 **(SB)**

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

**Dated : 06.03.2020**

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

At the request of learned counsel for the applicant, **S.O. 12/3/2020.**

**Member (J)**

dnk.

O.A. No. 804/2019 (SB)

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

**Dated : 06.03.2020**

Heard Shri N.R. Saboo, learned counsel for the applicant and Shri H.K. Pande, Id. P.O. for 1&2. None for R-3&4.

2. It is submitted that the applicant was working at Pahela, District Bhandara. The applicant was transferred from Pahela to Karanja, District Gondia vide order dated 31/5/2019. Subsequently, the respondent no.1 issued order dated 1/6/2019 and stayed the transfer order dated 31/5/2019. Lateron, the transfer order dated 4/7/2019 was issued and the applicant was transferred to Lakhandur, District Bhandara in naxalite area. It is submission of the applicant that he has crossed the age of 50 years and earlier he has worked in naxalite area and his options were not considered and it was a mid-term transfer. The applicant has given representation to the respondent no.1 and made request to give him posting at Selu, District Wardha/ Ramtek, District Nagpur.

3. After hearing the learned P.O. it must be mentioned that there was no just reason for not giving effect to the earlier transfer order dated



31/5/2019 and why orders were issued on 4/7/2019 in a mid-term. After reading the transfer order dated 4/7/2019, it seems that no justification was shown why earlier transfer order dated 31/5/2019 was cancelled. If Government servant is transferred in a mid-term, then definitely he will have to go under so many difficulties and for protecting the interest of the Government servant the Transfers Act,2005 is brought into force.

4. In view of this situation, it is suitable to direct the respondent no.1 to decide the representation of the applicant dated 27/1/2020 at the time of general transfers of the year 2020 and till then the status-quo as on today be continued.

5. The O.A. stands disposed of. No order as to costs.

**Member (J)**

dnk.

O.A. No. 788/2018 **(SB)**

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

**Dated : 06.03.2020**

Heard Shri G.G. Bade, Id .counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1. Await service of R-2 to 4 & 6

The learned counsel for the applicant undertakes to file service affidavit.

The matter is admitted and it be kept for final hearing.

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

As punishment order is also challenged in the inquiry which was under Rule 8 of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979, therefore, the Registry is directed to place the matter before the Division Bench. The applicant is directed to supply second set of the O.A.

**S.O. three weeks.**

**Member (J)**

dnk.

O.A. No. 66/2019 **(SB)**

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

**Dated : 06.03.2020**

Shri N.R. Saboo, Id. counsel for the applicant and Shri A.M. Ghogre, 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. 458/2019 **(SB)**

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

**Dated : 06.03.2020**

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

The Id. P.O. files reply on behalf of R-2 to 4. It is taken on record. Copy is served on the applicant.

The matter is admitted and it be kept for final hearing.

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

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

Interim relief to continue till then.

**Member (J)**

dnk.

O.A. No. 649/2019 **(SB)**

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

**Dated : 06.03.2020**

Heard Shri C.H. Sharma, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-2 to 5 and Shri S.Gadmade, Id. counsel for R-1.

2. The learned counsel for the applicant submitted that he would next submission how this Bench has jurisdiction to entertain the O.A. The matter be kept on **13/3/2020**.

**Member (J)**

dnk.

(SB)

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

**Dated : 06.03.2020**

**O.A.Nos. 718,719,720,721,722,723,724,725,  
728,729 & 730 of 2019 -**

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

The Id. P.O. files separate reply on behalf of the R-2. Same are taken on record. Copies are served to the other side.

The learned P.O. submitted that reply of R-2 is sufficient to decide the matter.

The matters are admitted and it be kept for final hearing.

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

**S.O. 18/3/2020.**

**Member (J)**

dnk.

O.A. No. 752/2019 **(SB)**

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

**Dated : 06.03.2020**

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

**Member (J)**

dnk.

O.A. No. 20/2020 **(SB)**

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

**Dated : 06.03.2020**

Shri P.V. Thakre, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

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

**Member (J)**

dnk.



O.A. No. 683/2018 **(SB)**

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

**Dated : 06.03.2020**

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

2. It is undisputed that there was no departmental inquiry against the applicant or no criminal case was pending against him. The delay is caused in paying the retiral benefits is only due to administrative lapses committed by the respondents and their staff. Under these circumstances, the respondents are directed to issue the retiral benefits to the applicant within three months from the date of this order together with interest as provided under Rule 129 (A) & (B) of the M.C.S. (Pension) Rules .

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

Steno copy be supplied to the P.O.

**Member (J)**

dnk.

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O.A.No.407/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :06/03/ 2020.**

Heard Shri M.K.Mishra, 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. two weeks to file reply.**

**Vice Chairman**

**Date:-06/03/2020.**

aps.

**O.A.No.657/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :06/03/ 2020.**

Heard Shri R.G.Waghmare, the Id. Counsel for the applicant, Shri S.A.Sainis, the Id. P.O. for the respondent nos. 1 & 2 and Shri A.M.Kukday, the Id. counsel for the respondent no. 3.

2. In order dated 23.09.2019, the Id. counsel for the applicant pointed out that order dated 07.08.2018 at P.B., Pg. No. 47 by Under Secretary, Government of Maharashtra, Rural Development Department was under challenge and he wanted to make amendment. However, till today amendment has not been made and hence reply cannot be filed. He has desires one week time to do the necessary amendment; if he do not make amendment till next date of hearing then O.A. will be dismissed.

3. **S.O. 13.03.2020.**

**Vice Chairman**

**Date:-06/03/2020.**  
aps.

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

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :06/03/ 2020.**

None for the applicant. Shri A.P.Potnis, the  
Id. P.O. for the State. None for the respondent no. 3.  
Await service of respondent nos. 1 & 2.

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

**Vice Chairman**

**Date:-06/03/2020.**  
aps.

**O.A.No.1015/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :06/03/ 2020.**

Heard Smt. A.Muley holding for Shri S.A.Marathe, the Id. Counsel for the applicant, Shri A.P.Potnis, the Id. P.O. for the State and Smt. J.J.Alkari, the Id. counsel for the respondent nos. 2 & 3.

2. It was pointed out by Id. P.O. that deficit fees of Rs. 50- has not been paid and notice was not collected.

3. The Id. counsel for the applicant is directed to comply both the provisions before next date.

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

**Vice Chairman**

**Date:-06/03/2020.**  
aps.

**O.A.No.1022/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :06/03/ 2020.**

**C.A.No.74/2020:-**

Heard Shri L.Y.Nandeshwar, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the State. Await service of respondent nos. 2 to 4.

2. In order dated 21.01.2020 as pointed out by Id. C.P.O.; impugned order was not filed on record. Today also the Id. counsel for the applicant was not able to show the impugned order. He has filed C.A. No. 74/2020 for condonation of delay about nine years.

3. The Id. P.O. desires to file reply on C.A. No. 74/2020.

4. **S.O. three weeks.**

**Vice Chairman**

**Date:-06/03/2020.**

aps.

O.A.No.1027/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :06/03/ 2020.**

Heard Smt. Saboo, 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. four weeks to file reply.**

**Vice Chairman**

**Date:-06/03/2020.**

aps.

**O.A.No.78/2020 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :06/03/ 2020.**

None for the applicant. Shri A.P.Potnis, the  
Id. P.O. for the State. Await service of respondent no.  
2.

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

**Vice Chairman**

**Date:-06/03/2020.**  
aps.



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

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :06/03/ 2020.**

Heard Shri S.C.Deshmukh, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

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

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

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

5. **S.O. 07.04.2020.**

**Vice Chairman**

**Date:-06/03/2020.**  
aps.

**O.A.No.961/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :06/03/ 2020.**

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

2. As per the order dated 20.02.2020 following observations have been made:-

"2. The Id. counsel for the applicant submits that the matter is covered by M.A.T., Nagpur Bench Judgment i.e. O.A. No. 35/2019 delivered on 26/07/2019 in which Judgment of Hon'ble Madras High Court has also relied.

3. The Id. counsel for the applicant has mainly relied on **W.P. No. 15732 of 2017 of the Hon'ble High Court of Madras in case of Shri P.Ayyamperumal Vs. The Registrar, Central Administrative Tribunal, Madras Bench, High Court Complex, Chennai-600 105 delivered on 15/09/2017 at Annexure-A-4, P.B., Pg. No. 12.**

4. In the same Judgment in para no. 5 following observations have been made:-

*"The Petitioner retired as Additional Director General, Chennai on 30.06.2013 on attaining*

*the age of Superannuation. After the Sixth Pay Commission, the Central Government fixed 1<sup>st</sup> July as the date of increment for all employees by amending Rule 10 of the Central Civil Services (Revised Pay) Rules, 2008. In view of the said amendment, the petitioner was denied the last increment, though he completed a full one year in service, i.e. from 01.07.2012 to 30.06.2013. Hence, the petitioner filed the original application in O.A. No. 310/00917/2015 before the Central Administrative Tribunal, Madras Bench, and the same was rejected on the ground that an incumbent is only entitled to increment on 1<sup>st</sup> July if he continued in service on that day"*

5. In the same Judgment in para no. 7 Hon'ble High Court has observed following points:-

*"The petitioner herein had completed one full year service as on 30.06.2013, but the increment fell due on 01.07.2013, on which date he was not in service. In view of the above judgment of this Court, naturally he has to be treated as having completed one full year of service, though the date of increment falls on the next day of his retirement. Applying the said judgment to the present case, the writ petition is allowed and the impugned order passed by the first respondent – Tribunal dated 21.03.2017 is quashed. The petitioner shall be given one notional increment for the period from*

*01.07.2012 to 30.06.2013, as he has completed one full year of service, though his increment fell on 01.07.2013, for the purpose of pensionary benefits and not for any other purpose. No costs."*

6. It appears that applicant should be granted increment dated 01.07.2018 and consequent pensionary benefits only."

3. In view of the above observations, following order:-

#### **ORDER**

1. O.A. is partly allowed.
2. Relief clause nos. 10 (i) & (ii) at P.B., Pg. No. 5 of applicant is granted.
3. The Id. counsel for the applicant is at liberty to file separate O.A. regarding relief clause no. 10 (iii) at P.B., Pg. No. 5 which pertains to 1<sup>st</sup> time bound promotion.
4. With this direction, O.A. is disposed of with no order as to costs.

**Vice Chairman**

**Date:-06/03/2020.**  
aps.

**O.A.No.797/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :06/03/ 2020.**

Heard Shri B.B.Pantawane, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents. C.F. applicant has not collected the notice for respondent nos. 2 to 4.

2. The Id. counsel for the applicant desires two more week to collect the notices. **S.O. three weeks.**

**Vice Chairman**

**Date:-06/03/2020.**  
aps.

O.A.No.1053/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :06/03/ 2020.**

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

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

**Vice Chairman**

**Date:-06/03/2020.**  
aps.

**O.A.No.1082/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :06/03/ 2020.**

**C.A.No.05/2020:-**

Heard Shri G.N.Khazode, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. P.O. for the State. Await service of respondent no. 2.

2. The Id. counsel for the applicant is directed to serve the notice of respondent no. 2 which is yet to be served.

3. **S.O. 13.03.2020.**

**Vice Chairman**

**Date:-06/03/2020.**  
aps.

**O.A.No.30/2020 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :06/03/ 2020.**

Heard Shri G.N.Khazode, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State. Await service of respondent nos. 2 to 4.

2. The Id. counsel for the applicant submits that service affidavit of respondent nos. 3 & 4 are served. However, he requires one more week to file service affidavit of respondent no. 2. **S.O. 13.03.2020.**

**Vice Chairman**

**Date:-06/03/2020.**  
aps.



**O.A.No.31/2020 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :06/03/ 2020.**

Heard Shri P.V.Thakre, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the respondents.

2. The Id. C.P.O. desires three weeks time to file reply. He has been directed to file reply in a tabular form in which retiral benefit was due on which date and when he was paid actually, this should come.

3. Both the counsels are directed to go through the Section 129 (B) of Pension Rule of M.C.S. in the light of relief clause.

4. **S.O. three weeks.**

**Vice Chairman**

**Date:-06/03/2020.**  
aps.

**O.A.No.163/2020 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :06/03/ 2020.**

**C.A.No.91/2020:-**

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

2. As submitted by Id. counsel for the applicant, proposal of all the applicants are pending with respondent no. 1. So, considering the same kind of grievances of the applicant; **C.A. No. 91/20 for permission to file Jt. O.A. is allowed.**

3. Issue notice to R-2 & 3, returnable on four weeks. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

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

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

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

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

9. **S.O. four weeks.**

**Vice Chairman**

**Date:-06/03/2020.**

aps.

**O.A.St.No.3018/2018 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :06/03/ 2020.**

**C.A.No.401/2018:-**

Heard Shri B.Kulkarni, 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 nos. 1 and 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 same reply, **S.O. two weeks.**

**Vice Chairman**

**Date:-06/03/2020.**  
aps.

**O.A.St.No.81/2020 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :06/03/ 2020.**

**C.A.No.41/2020:-**

Heard Shri T.G.Bansod, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the respondents.

2. The Id. counsel for the applicant has filed C.A. No. 41/2020 for condonation of delay, the delay is about 1430 days. The Id. C.P.O. desires to file reply on condonation of delay.

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

**Vice Chairman**

**Date:-06/03/2020.**  
aps.

**O.A.No.805/2016 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :06/03/ 2020.**

Heard Shri S.Khandekar, 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. four weeks** to file reply on behalf of the respondent no. 1.

**Date:-06/03/2020.**  
aps.

**Vice Chairman**

**O.A.No.717/17withC.A.Nos.64&65/18withO.A.**

**718/17 (S.B.)**

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

**Dated :06/03/ 2020.**

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

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

**Vice Chairman**

**Date:-06/03/2020.**

aps.

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :06/03/ 2020.**

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

2. The reply filed by respondent no. 2 in para no. 6 following submissions has been made:-

*"It is further submitted that, the Settlement Commissioner and Director of Land Records (M.S.) Pune has sent proposal to the Government vide letter dated 25.02.2019 for recruitment on the vacant post and order are awaited from the Government. As soon as the Department gets permission the applicant case will be considered on merits."*

3. By above para, it appears that proposal by Director of land Records, Pune was submitted on 25.02.2019. However, till today neither decision has been communicated nor any progress report has been submitted.

4. In view of this situation, respondent no. 1 is directed to take decision on proposal of Director, Land Record (M.S.) Pune on letter dated 25.02.2019 as submitted in para no. 6 of the reply of respondent no. 2 dated 25.09.2019 **within three weeks** from the date of this order and communicate to this Tribunal through Id. P.O..



5. S.O. 01.04.2020.

6. *Steno copy is granted.*

**Date:-06/03/2020.**  
aps.

**Vice Chairman**

**O.A.No.986/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :06/03/ 2020.**

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

2. The Id. P.O. has placed letter dated 26.02.2020 by Deputy Secretary, Home Department by which it appears that applicant has been reinstated from suspension and he has been posted at Central Jail, Thane. The Id. counsel for the applicant has also agreed to this and he has been given copy of this letter.

3. In view of this prayer clause no. 11 (i) has been settled. Respondents are directed to pay salary to the applicant from 26.02.2020 i.e. the date on which he was reinstated.

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

5. *The Id. counsel for the applicant is at liberty to challenge the prayer clause no. 11 (ii) with new O.A..*

**Vice Chairman**

**Date:-06/03/2020.**  
aps.