

O.A. 91/2017 (D.B.)

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

Dated : 12/02/2020.

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

At the request of Id. counsel for the applicants, **S.O. 24/02/2020.**

Member (J)

Vice-Chairman

dnk.

O.A. 90/2018 (D.B.)

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

Dated : 12/02/2020.

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

At the request of Id. counsel for the applicant, **S.O. 26/02/2020.**

Member (J)

Vice-Chairman

dnk.

O.A. 601/2018 (D.B.)

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

Dated : 12/02/2020.

Shri T.U. Tathod, Id .counsel for the applicant and Shri H.K.Pande, Id. P.O. for the respondents.

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

Member (J)

Vice-Chairman

dnk.

O.A. 882/2019 (D.B.)

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

Dated : 12/02/2020.

Shri A.P. Sadavarte, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1 to 3. None for R-4 to 8.

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

Member (J)

Vice-Chairman

dnk.

O.A. 550/2014 (D.B.)

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

Dated : 12/02/2020.

Shri G.K. Bhusari, Id .counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

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

Member (J)

Vice-Chairman

dnk.

O.A. 791/2018 (D.B.)

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

Dated : 12/02/2020.

None for the applicant. Shri M.I. Khan,
Id. P.O. for R-1 to 3. None for R-4&5

S.O. in due course.

Member (J)

Vice-Chairman

dnk.

O.A. 150/2019 (D.B.)

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

Dated : 12/02/2020.

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

2. The query was made in the earlier order dated 22/1/2020. The learned P.O. submitted that he has received parawise reply in this regard and he will file the same on the next date.

3. At the request of learned P.O. ,**S.O. two weeks.**

Member (J)

Vice-Chairman

dnk.

O.A. 157/2019 (D.B.)

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

Dated : 12/02/2020.

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

The learned P.O. submitted that he wants further time to get the record from S.P., Akola. At his request, **27/2/2020** to produce necessary record.

Member (J)

Vice-Chairman

dnk.

O.A. 382/16 with C.A. 217/18 (D.B.)

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

Dated : 12/02/2020.

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

S.O. three weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 350/2019 (D.B.)

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

Dated : 12/02/2020.

Shri G.K. Bhusari, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1 &3. Await service of R-2,4,5&6.

The Id. P.O. files reply on behalf of R-3. It is taken on record. Copy is served on the applicant.

The service reports of R-2,4,5&6 are not filed.

S.O. three weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 546/2019 (D.B.)

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

Dated : 12/02/2020.

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

The Id. P.O. files reply on behalf of R-2&3. It is taken on record. Copy is served on the applicant. It is submitted that reply of R-2&3 is sufficient to decide the matter.

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

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

S.O. After three weeks.

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 : 12/02/2020.

Heard the applicant in person and Shri M.I. Khan, Id. P.O. for the respondents.

The Id. P.O. files reply on behalf of R-1&2. 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. 26/02/2020.

Put up along with O.A. 948/2018 (SB).

Member (J)

Vice-Chairman

dnk.

O.A. 534/2019 (D.B.)

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

Dated : 12/02/2020.

C.A. No. 339/2019 -

Heard Shri A.P. Sadavarte, Id. counsel for the applicants, Shri P.N. Warjurkar, Id. P.O. for R-1 to 3, none for R-5,7&8 and Shri D.T. Shinde, Id. counsel for Intervener.

2. For the reasons stated in the application, the C.A. No. 339/2019 is allowed. The applicants are directed to amend the O.A. within one week and file copy of amended application on record and serve it on all parties.

C.A. No. 311/2019 –

Heard Shri A.P. Sadavarte, Id. counsel for the applicants, Shri P.N. Warjurkar, Id. P.O. for R-1 to 3, none for R-5,7&8 and Shri D.T. Shinde, Id. counsel for Intervener.

2. The C.A. No. 311/2019 moved by the learned counsel for Intervener is also allowed. The applicants are directed to incorporate the names of the interveners as respondents. The Interveners / newly added respondents are directed to file their reply within two weeks.

O.A. 534/2019 -

Heard Shri A.P. Sadavarte, Id. counsel for the applicants, Shri P.N. Warjurkar, Id. P.O. for R-1 to 3, none for R-5,7&8 and Shri D.T. Shinde, Id. counsel for Intervener.

2. The learned P.O. files reply on behalf of respondent no.3. It is taken on record. Copy is served on the other side.

S.O. two weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 11/2020 (D.B.)

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

Dated : 12/02/2020.

Heard Shri S.P. Palshikar, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1 and Smt. J.J. Alkari, Id. counsel for R-2.

2. The learned counsel for R-2 to file Vakalatnama in office till the next date.

S.O. three weeks.

Put up along with O.A. 959/2019.

Member (J)

Vice-Chairman

dnk.

O.A. 959/2019 (D.B.)

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

Dated : 12/02/2020.

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. The order has been passed by the State Government on 23/3/2018. The learned counsel for the applicant submits that interim relief should be considered during the next date of hearing as the reply is not filed. The learned P.O. is directed to file reply within three weeks. If the reply is not filed, the interim relief will be considered on the next date.

S.O. three weeks.

Put up along with O.A. 11/2020.

Member (J)

Vice-Chairman

dnk.

O.A. 212/2019 (D.B.)

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

Dated : 12/02/2020.

Heard Shri G.K. Bhusari, Id. counsel holding for Shri S.N. Gaikwad, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the respondents.

The Id. P.O. files reply on behalf of R-3. It is taken on record. Copy is served on the applicant. It is submitted that reply of R-3 is sufficient to decide the matter.

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

S.O. in due course.

Member (J)

Vice-Chairman

dnk.

***O.A. 769/2018 with C.A. 375/2019 (D.B.)**

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

Dated : 12/02/2020.

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

2. In response to the order dated 6/1/2020 the learned P.O. has filed letter dated 5/2/2020 issued by the Joint Director, Vocational Education and Training, Nagpur by which the applicant has been granted ACP from 28/9/2009.

3. The learned P.O. is directed to produce G.R. regarding Government policy of interchanging categories between V.J. (A) and V.J. (D) if applicant was not available from respective categories.

S.O. two weeks.

Member (J)

Vice-Chairman

dnk.

***O.A. 208/2019 (D.B.)**

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

Dated : 12/02/2020.

None for the applicant. Shri A.M. Khadatkar, Id. P.O. for R-1 to 3. None for R-4 to 11.

2. The learned P.O. could not satisfy regarding queries made in para-2 of the order dated 17/1/2020. In view of this, the learned P.O. is directed to call responsible officer during next date of hearing and clarify the queries made in the order dated 17/1/2020.

S.O. after two weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 610/2019 (D.B.)

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

Dated : 12/02/2020.

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

2. The learned counsel for the applicant filed documents which are marked as Exh-X. Along with that he has filed letter dated 10/8/2019 of the Forest Department and he has also filed Minutes of the DPC meeting dated 9/8/2019. In the said DPC meeting the applicant was at Sr.No.7 (Annex-B,P-142), Ku. Rina Gulabrao Patil and in the remarks column recommendation has been made to promote the applicant. However, as pointed out by the learned P.O. in his reply at para-6 (P-103), it is mentioned that since the Government is the Appointing Authority of the applicant, the Government has rejected the recommendation of the DPC and communicated the decision vide letter dated 26/8/2019. However, letter dated 26/8/2019 of the Government is not on record and also it is not seen while rejecting the applicant's promotion, what reasons have been mentioned. It is not cleared why the

Government has not considered the applicant's case and DPC recommendation as per provisions contained in GAD G.R. dated 15/12/2017 (A-3,P-21) in para-9 (A to G) and para-14. The Id. P.O. to place the said letter of the Government dated 26/8/2019 on record during the next date of hearing and supply the copy to the learned counsel for the applicant.

S.O. 26/2/2020 (PH).

Member (J)

Vice-Chairman

dnk.

O.A. 91/2020 (D.B.)

(D.S. Wankhede Vs. State of Mah. & Ors.)

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

Dated : 12/02/2020.

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

2. The learned counsel for the applicant submitted that in pursuance of the order dated 28/3/2018 the charge sheet was served on the applicant on 10/4/2018. The reply was submitted by the applicant and after hearing the applicant and examining the witnesses, the Inquiry Officer has submitted the report of the inquiry vide Annex-A-7. The Inquiry Officer has recorded findings that charge nos.1&2 against the applicant were partly proved and charge no.3 was not proved. The applicant thereafter received second show cause notice and it is answered by the applicant. It is submission of the applicant that he is due for retirement on superannuation at the end of this month and

therefore direction be issued to the Government to conclude the inquiry before his retirement.

3. As the second show cause is replied by the applicant, in our opinion there is no hurdle to conclude the inquiry, therefore, we direct the respondent no.1 who is the disciplinary authority to pass the final order in the inquiry within two weeks from the date of this order. The applicant is at liberty to challenge if any adverse order is passed by the Government against him in the separate O.A.

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

Steno copy be granted.

Member (J)

Vice-Chairman

dnk.

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

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

Dated : 12/02/2020.

Heard Ms. P. Rane, learned counsel for the applicants (in O.As. 58, 59, 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 for the State in all the O.As.

2. The applicants are challenging the respective orders issued by the Government giving them posting for a period of 11 months. It is submitted on behalf of the applicants that though they were appointed on a post reserved for Scheduled Tribe (S.T), but some of the applicants who were terminated, challenged their termination and they are reinstated in service by the Hon'ble Bombay High Court on the basis of the G.R. issued in 1995. It is contention of the applicants that they are in service since the year 1995 and thereafter they are in continuous service and now all of a sudden the respondent no.1 has issued the G.R. dated 21/12/2019 and given posting to the applicants only for a period of 11 months. It is apprehension of the applicants that there is a

possibility of their termination from the service within a short period and therefore interim protection be given to the applicants not to terminate the services of the applicants till decision in the O.As.

3. The learned CPO has opposed the prayer for interim relief on various grounds and mainly on the basis of the Judgment in case of the **Chairman & Managing Director, FCI Vs. Jagdish, 2017 (4) Mh.L.J.,898.** After hearing both the sides, it seems that in similar matters the Hon'ble High Court, Bench at Nagpur and Aurangabad have given interim reliefs to the Petitioners before them. The learned counsel for the applicants submitted that the contentions raised by the applicants as well as by the respondents, are required to be decided on merits and therefore it is suitable in the interest of justice to give interim protection to the applicants till final hearing of the O.As. As various submissions are made which are based on questions of law, such submissions cannot be decided at the threshold without hearing the parties on merits, therefore, we are of the view that it is necessary to give interim protection to the applicants till filing of reply by the respondents. The respondents are directed not to terminate the services of the applicants till filing of the reply. If the respondents have urgency in this matter, they can file reply

immediately in the matter so that matter would be heard expeditiously.

4. Issue notice to the respondents, returnable **after three weeks**. 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. Applicants are 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. Applicants are 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.

S.O. after three weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 60/2020 (D.B.)

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

Dated : 12/02/2020.

Heard Ms. Preeti Rane, learned counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. On perusal of the record, it seems that the initial appointment of the applicant was on compassionate ground. In the service book of the applicant, it is specifically mentioned that the applicant was appointed in service on compassionate ground on 19/3/1996. It is nowhere mentioned that the applicant was appointed on a post reserved for member of S.C. or S.T. category.

3. Under these circumstances, prima facie it seems that the case of the applicant is not covered under G.R. dated 21/12/2019, consequently, the action of the respondents to give posting to the applicant for a period of 11 months is required to be examined on merits.

4. In view of this, the operation of the order dated 28/12/2019 is stayed till filing of the reply by the respondents.

5. Issue notice to the respondents, returnable **after three weeks**. Learned C.P.O. waives notice for R-1. 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 three weeks.

Member (J)

Vice-Chairman

dnk.

O.A. No. 895/2018 (SB)

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

Dated : 12.02.2020

Heard Shri S.K. Thengri, Id. counsel for the applicant, Shri P.N. Warjurkar, Id .P.O. for R-1 to 7 and none for other respondents.

2. The learned P.O. has placed on record the order dated 19th September,2019. As per this order, the applicant was posted as Accounts Clerk in Sub Treasury Office, Mulchera, District Gadchiroli is now posted as Accounts Clerk in Sub Treasury Office, Bhiwapur, District Nagpur. It was prayed in the O.A. that the applicant was transferred from Gadchiroli District to Nagpur District considering his personal difficulties, but he was not relieved from the post though he was transferred and posted in Nagpur District. Now as the applicant is posted at Nagpur District, consequently, there remains nothing in the O.A. Hence, the O.A. stands disposed of. No order as to costs.

Member (J)

dnk.

O.A. Nos. 648,652,653,654 & 655 of 2017 (SB)

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

Dated : 12.02.2020

Shri G.K. Bhusari, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the respondents.

The learned P.O. has filed reply on behalf of the respondents in O.A. 648/2019 pertaining to the query made by this Bench. It is placed on record and copy is given to the other side.

The matters be kept for hearing **on 20/2/2020.**

Member (J)

dnk.

O.A. No. 951/2018 (SB)

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

Dated : 12.02.2020

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

2. The Id. P.O. submitted that two weeks time is required to file reply. It seems that the O.A. is filed in the year 2018 and after expiry of one year, the reply is not filed, therefore, the matter be kept for final hearing on 4/3/2020. In the meantime, the respondents may file their reply.

S.O. 4/3/2020.

Member (J)

dnk.

O.A. No. 202/2019 **(SB)**

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

Dated : 12.02.2020

None for the applicant. Shri A.P. Potnis,
Id. P.O. for R-1.

Await service of R-2 to 4.

S.O. two weeks.

Member (J)

dnk.

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

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

Dated : 12.02.2020

C.A. 30/2020 -

Heard Shri C.H. Sharma, Id .counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-2 to 5 and Shri S.A. Sahu, Id. counsel for R-1.

For the reasons stated in the application, the C.A.No. 30/2020 is allowed. The applicant is directed to supply copy of the documents to the respondents.

O.A.649/2019 –

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

Member (J)

dnk.

O.A. No. 885/2019 (SB)

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

Dated : 12.02.2020

C.A.426/2019 -

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

As the matter is admitted for final hearing the C.A.No. 426/2019 stands disposed of.

O.A. 885/2019 –

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

The Id. P.O. files reply on behalf of R-1 to 5. 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. 9/3/2020 for final hearing.

Member (J)

O.A. No. 871/2019 **(SB)**

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

Dated : 12.02.2020

Heard Shri Bharat Kulkarni, Id. counsel for the applicant and shri V.A. Kulkarni, Id. P.O. for R-1&2 and none for R-3 to 6.

2. On the previous date Vakalatnama was filed on behalf of R-4&6. At that time specific information was given that it was last chance to file reply. Today none present for R-3 to 6, therefore, the matter is admitted for final hearing and it be kept on 3/3/2020.

3. The Id. P.O. waives notice on behalf of R-1&2.

S.O. 3/3/2020.

Member (J)

dnk.

O.A. No. 982/2019 **(SB)**

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

Dated : 12.02.2020

Shri S.A. Sahu, 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. two weeks** for filing reply.

Member (J)

dnk.

O.A. No. 1069/2019 **(SB)**

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

Dated : 12.02.2020

None for the applicant. Shri P.N.
Warjurkar, Id. P.O. for R-1.

Await service of R-2 to 5.

S.O. three weeks.

Member (J)

dnk.

O.A. No. 373/2017 (SB)

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

Dated : 12.02.2020

Shri S.S. Bhalerao, Id .counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

The learned P.O. seeks further time to file reply. The respondent nos.1&2 are directed to file reply positively on the next date.

S.O. 28/2/2020.

Member (J)

dnk.

O.A. No. 373/2018 **(SB)**

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

Dated : 12.02.2020

Heard Shri P.J. Mehta, Id .counsel for the applicant and Shri H.K. Pande, Id .P.O. for the respondents.

The Id. P.O. has filed pay scales of the Government Officers on the establishment of Revenue and Forest Department of the Government of Maharashtra as per 6th Pay Commission. Same is taken on record.

Closed for orders.

Member (J)

dnk.

O.A. No. 454/2019 **(SB)**

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

Dated : 12.02.2020

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

Closed for orders.

Member (J)

dnk.

O.A. No. 21/2019 (SB)

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

Dated : 12.02.2020

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

2. It is grievance of the applicant that in the Special Case No.04/2003 the applicant is acquitted by the Court, the offence punishable under the Prevention of Corruption Act. There was full fledged inquiry and in the inquiry as there was no evidence therefore the Inquiry Officer came to the conclusion that the charges against the applicant were not proved. The said inquiry report is now accepted by the disciplinary authority and the applicant is exonerated from the charges.

3. The learned P.O. submitted that the Government of Maharashtra has preferred the Criminal Appeal and challenged the order of acquittal in the Special Case No.04/2003 and appeal is pending, therefore, the applicant is not entitled for the regular pension and regular gratuity etc.

4. The learned counsel for the applicant submitted that the provisional pension only Rs.3,000/- is being paid to the applicant. Now

the applicant has exonerated from the charges and the period of suspension is also regularized as duty period. The second submission is that the respondents have not revised the salary of the applicant as per the 6th Pay Commission and therefore the applicant is getting meager pension. It is submitted that if direction is given to the respondents to fix the salary of the applicant as per the 6th Pay Commission and on that basis if provisional pension is paid to the applicant, then it would be a solace to the applicant at this stage.

5. In view of this, the respondents are directed to fix the salary of the applicant as per the 6th Pay Commission and also to fix his provisional pension as per the salary and pay the same along with arrears to the applicant within a period of three months from the date of this order.

S.O. after three months. (PH).

Steno copy is granted.

Member (J)

dnk.

O.A. No. 92/2020 (SB)

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

Dated : 12.02.2020

Heard Shri G.K. Bhusari, Id .counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

At the request of Id. counsel for the applicant, **S.O. 14/02/2020.**

Member (J)

dnk.

**

O.A.No.268/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2020.

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

2. The Id. P.O. has filed reply on behalf of the respondent nos. 2 & 3. It is taken on record. Copy is supplied to the other side.

3. The Id. counsel for the applicant submitted that respondents have taken decision. However, decision is pending before respondent no. 2 for final decision.

4. In view of this situation, matter is **admitted** and kept for final hearing.

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

6. S.O. 20.02.2020.

Vice Chairman

Date:-12/02/2020.
aps.

O.A.No.936/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2020.

Heard Shri N.S.Badwaik, 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 reply of respondent no. 3 is sufficient to decide the matter.

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

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

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

Vice Chairman

Date:-12/02/2020.
aps.

O.A.No.1047/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2020.

Heard Shri M.M.Sudame, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. The applicant was suspended vide order dated 25/09/2019 (Annexure-A-4, P.B., Pg. No. 32). The Id. counsel for the applicant has relied upon The Hon'ble Apex Court in Civil Appeal No. 1912 of 2015 (arising out of SLP No.31761 of 2013) in the case of Ajay Kumar Chaudhary Vs. Union of India through its Secretary and another in its Judgment dated 16/02/2015. The Principal Bench of Maharashtra Administrative Tribunal, Mumbai Bench in O.A. No. 35/2018 Judgment delivered on 11/09/2018.

3. However, Government decision regarding suspension is not filed on record. In view of this, Id. P.O. is directed to take instruction **within one week from department.**

4. **S.O. 20.02.2020.**

5. *If no decision is taken regarding suspension within one week time, matter will be heard finally.*

Vice Chairman

Date:-12/02/2020.
aps.

O.A.No.44/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2020.

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

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

3. The Id. P.O. is directed to file reply on behalf of the respondent nos. 2 & 3 which are necessary parties in this O.A..

4. S.O. three weeks to file reply.

Vice Chairman

Date:-12/02/2020.
aps.

O.A.No.04/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2020.

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

2. The Id. P.O. has filed letter by department Assistant Director, Technical Education and Training Regional Office, Nagpur dated 12.02.2020. It is taken on record. Copy is served to the other side.

3. **S.O. 04.03.2020 for reply.**

Vice Chairman

Date:-12/02/2020.
aps.

O.A.No.06/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2020.

Heard Shri D.V.Mahajan, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

2. At the request of Id. counsel for the applicant, **S.O. three weeks to file service affidavit.**

Vice Chairman

Date:-12/02/2020.

aps.

O.A.No.205/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2020.

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

2. C.A. No. 513/2019 which was for O.A.No.263/2019, wrongly it has been mentioned in O.A. No. 205/2019 by mistake of concerned office clerk and the same came in order sheet dated 10.01.2020. So, the necessary corrections should be made and C.A. No. 513/2019 will continue with O.A. No. 263/2019.

3. The Id. P.O. is directed to file reply within two weeks. **S.O. two weeks.**

4. *Put up this matter along with the O.A. Nos. 206,207&263/2019.*

Vice Chairman

Date:-12/02/2020.
aps.

O.A.Nos.206&207/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2020.

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

2. The Id. P.O. has filed reply on behalf of the respondent no. 3 in O.A. No. 206/2019. It is taken on record. Copy is served to the other side.

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

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

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

6. *Put up this matter along with the O.A. Nos. 205&263/2019.*

Vice Chairman

Date:-12/02/2020.
aps.

O.A.No.263/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2020.

C.A.No.513/2019:-

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

2. **C.A.No.513/2019 for direction is allowed.**
The respondents are directed to continue the applicant till filing of the reply.

3. The Id. P.O. is directed to file reply within two weeks. **S.O. two weeks.**

4. *Put up this matter along with the O.A. Nos. 205,206&207/2019.*

Vice Chairman

Date:-12/02/2020.
aps.

O.A.No.234/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2020.**

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

2. **S.O. two weeks for reply.**

Vice Chairman

Date:-12/02/2020.
aps.

O.A.No.263/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2020.**

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

2.

Vice Chairman

Date:-12/02/2020.
aps.

O.A.No.331/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2020.**

Heard Shri N.R.Saboo, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

2. **S.O. two weeks.**

Vice Chairman

Date:-12/02/2020.
aps.

O.A.No.87/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2020.

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

2. Issue notice to R-2 to 5, returnable on three weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

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

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

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

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

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

Vice Chairman

Date:-12/02/2020.
aps.

O.A.No.88/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 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.

2. The Id. counsel for the applicant has placed the impugned order dated 22/01/2020 (Annexure-A-6, P.B., Pg. No. 44), by which applicant has been suspended. Before suspension, applicant was issued show cause notice on 17/01/2020 at P.B., Pg. No. 40 (Annexure-A-4); applicant replied to show cause notice as per (Annexure-A-5, P.B., Pg. No. 42). The Id. counsel for the applicant further submits that the authority who have suspended the applicant is not a competent authority to suspend, the appointing authority of the applicant is Collector and not S.D.O.. In view of Justice and equity, it is better to hear the reply of respondents.

3. Issue notice to R-2 to 4, returnable on two weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

5. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to

notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

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

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

Vice Chairman

Date:-12/02/2020.

aps.

O.A.No.89/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2020.

Heard Shri C.N.Adgokar, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. As objection raised by office. The Id. counsel for the applicant is directed to replace the objected papers with the legible papers.

3. It appears that after coming of 7th pay commission as on 01.01.2016, the fixation of applicant's date of increment was wrongly mentioned and he represented to department; the department replied to his representation which is at P.B., Pg. Nos. 65 & 65 (Annexure-A-8); not satisfied with this impugned order, applicant has approached to this Tribunal.

4. Issue notice to R-2 to 6, returnable on 05.03.2020. 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. 05.03.2020.**

Vice Chairman

Date:-12/02/2020.

aps.

Rev.23/19 in O.A.No.784/18 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2020.

Heard Shri D.S.Sawarkar, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State.

2. The order of Tribunal was passed on 07/03/2019 and as submitted by Id. counsel for the applicant, review application was filed on 09/04/2019. As per the order dated 07/03/2019, appeal was to be decided by A.D.G. and as submitted by Id. P.O. as per the order of Tribunal dated 07/03/2019 appellant i.e. Government had decided the appeal and communicated to the applicant vide letter dated 27/08/2019 by Under Secretary, Government of Maharashtra, Home Department and by which it appears that appeal has not been accepted it has been rejected now as on today. There is no point in review application.

3. Since applicant has been aggrieved with the order dated 27/08/2019, he is at liberty to file separate O.A. for the same.

4. With these directions, **review application is disposed of with no order as to costs.**

Vice Chairman

Date:-12/02/2020.

aps.

O.A.No.540/2016 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2020.

Heard Shri R.M.Tiwari holding for Shri C.A.Joshi, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

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

Vice Chairman

Date:-12/02/2020.

aps.

O.A.No.735/2016 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2020.

Heard Shri M.R.Rajgure, the Id. Counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the respondent nos. 1 & 2 and Shri V.G.Wankhede, the Id. counsel for the respondent no. 3.

2. The Id. counsel for the applicant along with Id. counsel for the respondent no. 3 is going to verify the record in Chamber of Deputy Registrar in presence of Id. P.O..

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

Vice Chairman

Date:-12/02/2020.
aps.

O.A.No.268/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2020.

Heard Shri A.H.Jamal, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant has filed Hon'ble Supreme Court Judgment in Civil Appeal No. 3339 of 2019 (Arising out of S.L.P. (Civil) No. 100 of 2016) which is marked Exh.-X for the purpose of identification. It is taken on record. Copy is supplied to the other side. He is mainly relied on para no. 7 of the Judgment. However, he is not clear that the said Judgment was passed against the employee of which department and that employee was Governed by which Rule. He is directed to file whether that employee belongs to which Department and he was Governed by which Rule or which State? Unless that is similar to M.C.S. Rule it cannot be made applicable to the employee who is covered by M.C.S. Rule.

3. The Id. counsel for the applicant has further relied upon the M.A.T. Judgment in O.A. No. 806/2015 delivered on 13/01/2020. It is taken on record. Copies are served to the other side.

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

Vice Chairman

Date:-12/02/2020.

aps.

O.A.No.924/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2020.

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. The Id. P.O. has produced letter from Dean, Government Medical College, Nagpur dated 11/02/2020. It is taken on record. Copy is supplied to the other side. However, Id. counsel for the applicant desires that copy of letter dated 04/02/2020 which is mentioned in reference no. 4 should also be supplied to him. The Id. P.O. is agreed to supply the copy of the same.

3. After supplying the copy, matter will be heard, **S.O. two weeks.**

Vice Chairman

Date:-12/02/2020.

aps.

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

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2020.

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

2. At the request of Id. counsel for the applicant, **S.O. 25.02.2020.**

Vice Chairman

Date:-12/02/2020.
aps.

O.A.No.613/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :12/02/ 2020.**

Heard Shri A.R.Prasad, 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. four weeks.**

Vice Chairman

Date:-12/02/2020.

aps.