

O.A. 1021/2018 (S.B.)

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

Dated : 23/07/2021.

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

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

Vice-Chairman

dnk.

O.A. 31/2019 (S.B.)

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

Dated : 23/07/2021.

Shri S.N. Gaikwad, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1 and Shri H.D. Marathe, Id. counsel for R-4. Await service of R-2,3&5.

Service affidavit of R-2,3 & 5 are not filed.

At the request of Id. counsel for the applicant, **S.O. 28/7/2021** for filing service affidavit.

Vice-Chairman

dnk.

O.A. 620/2020 (S.B.)

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

Dated : 23/07/2021.

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

The Id. P.O. files reply of R-1&2. It is taken on record. Copy is served on the applicant.

The matter is admitted and kept for final hearing.

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

S.O. four weeks.

Vice-Chairman

dnk.

O.A. 911/2020 (S.B.)

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

Dated : 23/07/2021.

Heard Shri S.N. Gaikwad, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1&2 and none for R-3.

2. The learned counsel for the applicant submits that reply of R-3, i.e., the CEO, Zilla Parishad, Wardha is necessary which is yet not filed. The Id. P.O. seeks further time to file reply of R-3.

3. At the request of Id. P.O., **S.O. two weeks** as a last chance for filing reply.

Vice-Chairman

dnk.

O.A. 04/2021 (S.B.)

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

Dated : 23/07/2021.

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

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

Vice-Chairman

dnk.

O.A. 84/2021 (S.B.)

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

Dated : 23/07/2021.

Shri N.R. Saboo, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1&2. Ms. Aparna Borkute, Id. counsel appears for R-3 and submits that she has filed vakalatnama in this office.

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

Vice-Chairman

dnk.

O.A. 182/2021 (S.B.)

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

Dated : 23/07/2021.

C.A.No. 70/2021 -

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

For the reasons stated in the application, the C.A. No.70/2021 for Jt. O.A. is allowed and disposed of.

O.A. 182/2021 –

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

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

Vice-Chairman

dnk.

O.A. 224/2021 (S.B.)

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

Dated : 23/07/2021.

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

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

The matter is admitted and kept for final hearing.

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

S.O. two weeks.

Vice-Chairman

dnk.

O.A. 225/2021 (S.B.)

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

Dated : 23/07/2021.

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

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

The matter is admitted and kept for final hearing.

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

S.O. two weeks.

Vice-Chairman

dnk.

O.A. 285/2021 (S.B.)

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

Dated : 23/07/2021.

Shri N.B. Rathod, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1. Await service of R-2 to 4.

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

Vice-Chairman

dnk.

O.A. 380/2021 (S.B.)

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

Dated : 23/07/2021.

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

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

The matter is admitted and kept for final hearing.

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

S.O. 30/07/2021.

Vice-Chairman

dnk.

O.A. 389/2021 (S.B.)

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

Dated : 23/07/2021.

Shri M.R. Khan, 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.

Vice-Chairman

dnk.

O.A. 445/2021 (S.B.)

(D.G. Potbhare Vs. State of Mah. & Ors.)

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

Dated : 23/07/2021.

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

2. As submitted by the learned counsel show cause notice was served on the applicant dated 24/02/2021 (A-4,P-27). Then DPC took place and it is understood that during DPC about every candidates, all the details are explained by the Department or Member Secretary of the DPC. After all these consideration promotion order dated 28/4/2021 (A-3,P-23 to 26) was issued. The applicant's name appears at Sr.No.280 and he was promoted and posted from Yavatmal to Nagpur Range, as per his request on page 22, A-2 dated 27/2/2021. In promotion order on page no.25 in para-5 it is mentioned as below –

^5- oj ueq dyy; k rRi jR; k inksturtP; k vkns kf/ku
vl yY; k fu'kL= isyhl mi fufj {kd kfo #/n vkrk xtlgk
U; k; ifo"V vl sy@ fuyucukph dkjokbz dsh vl sy@ foHkxh;
pkd' kh iyicr vl sy] f'kLrHkx dk; bgh vrxir dkj.ksnk [kok
uk/hl fryh vl sy@ I kE; f'k{kph %osuok<
LFkxrhph/vayctko.kh I # >kysh vl sy@ U; k; ky; hu
idj.k iyicr vl sy fdok rs, [knh f'k{k Hkxr vl rhy rl p

R; kauh tkr oSkrk iæk.ki = I knj dsysul sy] r l p R; kph l ok
vf/kl [; i nkoj oxZ dsh vl sy rj l a/khr ?kVd iæf kauh
R; kauk i nkWurhoj u l kM/rk R; kR; k fo#/nP; k iæZj .kph l foLrj
ekfgrh ; k dk; kZy; kl b&esyOnkj@ QDI OnkjsrRdkG i kBokeh o
i g-hy vkns kph okV i gkoh:**

3. Subsequently, the applicant was punished vide order dated 3/5/2021 (A-6, P-31&32) and one increment was stopped without having future effect as per Section 3 (2)(5) of the Bombay Police (Punishment & Appeal) Rules, 1956. It is also mentioned that within 60 days the applicant had opportunity to appeal against this order before the Deputy Inspector General of Police, Amravati Range, Amravati. The applicant preferred representation dated 8/5/2021 (A-7,P-33&34) to the Director General of Police, M.S., Mumbai. The relevant question is that when the applicant was promoted vide order dated 28/4/2021 (A-3,P-23 to 26) whether Clause -5 of that letter was having effect on the applicant or else the applicant was covered by Clause-5 of the order or not. Prima facie, it appears that since final order was issued on 3/5/2021 (A-6,P-31) on the date of promotion, applicant was not covered by Clause 5 of the promotion order dated 28/4/2021. Ideally, after receipt of promotion order dated 28/4/2021 the applicant should have been relieved to join on promotion post since that date he was not covered as per Clause 5 of the order. However, the learned P.O. desires to file reply within two weeks. In the interest of

justice, the respondents are directed to file reply within two weeks. It is made clear that if reply is not filed within two weeks, the matter will heard and decided on merits.

S.O. 9/8/2021.

Steno copy is granted...

Vice-Chairman

*dnk.

O.A. 447/2021 (S.B.)

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

Dated : 23/07/2021.

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

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

Vice-Chairman

dnk.

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

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

Dated : 23/07/2021.

None for the applicant. Shri A.M. Khadatkar, Id. P.O. for the respondents.

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

Vice-Chairman

dnk.

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

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

Dated : 23/07/2021.

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

The Id. P.O. files reply of R-2 along with other documents. It is taken on record.

The matter is admitted and kept for final hearing.

The Id. P.O. waives notice for the respondents. The matter be kept **high on board** on the next date.

S.O. 26/7/2021

Vice-Chairman

dnk.

O.A. 221/2021 (S.B.)

(Praful T. Sakhare Vs. State of Mah.)

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

Dated : 23/07/2021.

MCA Nos. 11 & 12 of 2021 in O.A.221/2021

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

2. The learned P.O. has filed MCA No.11/2021 and 12/2021. In MCA No.11/2021 it is submitted for recalling the order dated 6/5/2021 for the reason that court case was pending against the applicant. In MCA No.12/2021 it is submitted extension of time is required for further three months as prescribed in order dated 6/5/2021. It appears that in MCA No.11/2021 the respondents are fully aggrieved due to order in para-4 in order dated 6/5/2021. In para-4 it is mentioned that the respondent no.2 is directed to take final decision within 30 days from the date of receipt of the order. As quoted in para-3, the Hon'ble Apex Court's judgment in case of **Prem Nath Bali Vs. Registrar, High Court of Delhi & Ano., AIR 2016 SCC,101 in Civil Appeal No.958/2010, decided on 16/12/2015** the respondents get six months time and in this matter the charge sheet was served on 7/12/2020, hence the

respondents should take decision within six months from 7/12/2020. Now the learned P.O. submits that the Department has already completed the D.E., but they are not passing further order due to criminal case is pending against the applicant in court of law. In this situation, the applicant can make request to the Court to decide the case at the earliest so that the matter can be decided. In para-5 the following observation has been made –

“(5) The respondent no.2 is at liberty to decide representations as per order dated 12/3/2021. The respondent no.2 should also decide and pay subsistence allowance of suspension period of the applicant.”

3. In this regard, the learned P.O. submits that the proposal of revocation of suspension of applicant has been submitted by the Department before Review Committee under Chairmanship of Commissioner. The applicant was placed under suspension on 12/6/2020 (A-2,P-18) and in MCA No. 11/2021 in para-3 in the bottom the respondents have submitted following points –

“ It is respectfully submitted that, the matter of applicant regarding revocation of suspension is concerned, the same is forwarded to the Review Committee on 29/6/2021 for taking appropriate decision and the same is awaited.”

4. According to this, they have submitted proposal for revocation on 29/6/2021 to the Review Committee for taking appropriate

decision and same is awaited. Since the applicant was suspended on 12/6/2020 it is now almost more than one year and the respondents have submitted the proposal to the Review Committee on 29/6/2021 i.e. almost after one year of suspension.

5. Considering regarding suspension of the applicant, the respondents are directed to follow the proposal before Review Committee and communicate decision within two weeks before next date of hearing, otherwise, the applicant's suspension order will be revoked during next date of hearing.

S.O. 13/08/2021 (PH).

Steno copy is granted...

Vice-Chairman

*dnk.

Rev. A. St. 655/21 in O.A. 868/2020 (S.B.)

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

Dated : 23/07/2021.

**C.A. No. 123/21 in Rev. A. St. 655/21 in O.A.
868/2020 -**

Heard Shri S.P. Palshikar, Id. counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1&2 and Shri M.M. Sudame, Id. counsel for R-3.

At the request of Id. P.O., **S.O. 28/7/2021** for filing reply on C.A.

Vice-Chairman

dnk.

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

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

Dated : 23/07/2021.

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for r-1 to 3. None for other respondents.

It is submitted the reply of R-2&3 has already filed on record.

The matter is admitted and kept for final hearing.

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

S.O. 30/7/2021.

Vice-Chairman

dnk.

O.A. 498/2021 (S.B.)

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

Dated : 23/07/2021.

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri M.I. Khan, Id. PO for the State.

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

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced

along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

S.O. after four weeks.

Vice-Chairman

dnk.

O.A. 559/2021 (S.B.)

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

Dated : 23/07/2021.

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

2. The learned counsel has challenged the transfer order dated 28/6/2021 (A-1,P-9) in which the name of employee is mentioned Mr. Rajmohan Singh. However, he has filed O.A. and in the O.A. the applicant's name is mentioned as Rajmohan Shivilalsingh Takur. It is a big mistake and learned counsel should avoid making such mistakes. The learned counsel is directed first to correct the mistake and then the matter will be heard.

S.O. after two weeks.

Vice-Chairman

dnk.

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

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

Dated : 23/07/2021.

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

2. Issue notice to the respondents returnable **on 13/08/2021.** Learned P.O. waives notice for State. Hamdast allowed.

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

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

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

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced

along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

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

S.O. 13/08/2021

Vice-Chairman

dnk.

O.A. 874/2017 (S.B.)

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

Dated : 23/07/2021.

Heard Shri T.U. Tathod, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

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

Vice-Chairman

dnk.

O.A. 536/2020 (S.B.)

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

Dated : 23/07/2021.

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

At the request of Id. counsel for the
applicant, **S.O. 6/8/2021.**

Vice-Chairman

dnk.

O.A. 73/2017 (S.B.)

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

Dated : 23/07/2021.

Heard Shri G.G. Bade, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 to 4 and none for R-5.

The learned counsel for the applicant has filed on record G.R. dated 25/02/2015 and copy is supplied to the learned P.O. The learned P.O. wants to go through the same and file say, if necessary.

As agreed by both the learned counsel for parties, **S.O. 28/7/2021.**

Vice-Chairman

dnk.

O.A. 299/2018 (S.B.)

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

Dated : 23/07/2021.

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

2. The applicant is aggrieved and approached to this Tribunal for deemed date of seniority in the rank of Police Naik and ASI. As per reply of R-2&3, the respondent no.3, the Superintendent of Police, Gadchiroli has submitted proposal to the respondent no.2, i.e. Dy. DIG, Gadchiroli Range on 16/5/2018. The name of respondent no.2 is wrongly mentioned in the O.A. The learned counsel is directed to correct the same forthwith. The respondent no.2 Dy. DIG, Gadchiroli Range has not taken decision on the proposal submitted on 16/5/2018. As per reply on page no.31 almost three years have passed and the respondent no.2 has not decided the proposal of respondent no.3

3. In view of this situation, the respondent no.2, i.e. Dy. DIG, Gadchiroli Range, Nagpur is directed to decide the proposal submitted by the respondent no.3, i.e., the Superintendent of Police, Gadchiroli within four weeks from the

date of receipt of this order. The learned counsel submits that the applicant is on the verge of retirement, considering this point also the respondent no.2 should decide the proposal at the earliest.

S.O. 23/8/2021 (PH).

Vice-Chairman

*dnk.

O.A. 01/2019 (S.B.)

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

Dated : 23/07/2021.

Heard Shri D.M. Kakani, 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. two weeks.**

Vice-Chairman

dnk.

O.As. 715/19 & 716/19 (S.B.)

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

Dated : 23/07/2021.

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

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

Vice-Chairman

dnk.

O.As. 910/19 & 911/19 (S.B.)

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

Dated : 23/07/2021.

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

At the request of Id. counsel for the applicants, **S.O. 4/8/2021.**

Vice-Chairman

dnk.

O.A. 589/2020 (S.B.)

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

Dated : 23/07/2021.

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

2. The applicant has filed letter dated 5/7/2021 issued by the Public Information Officer and Chief Administrative Officer, District General Hospital, Bhandara by which it appears that the applicant has been paid Rs.10,11,486/-. Regarding difference in the calculation, the applicant has asked from the A.G. under the RTI Act and the A.G. has communicated that this was by oversight.

3. In view of above, the grievance of the applicant has been solved and nothing survives in the O.A. Hence, the O.A. stands disposed of. No order as to costs.

Vice-Chairman

dnk.

O.A. 640/2020 (S.B.)

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

Dated : 23/07/2021.

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

2. The matter was heard on 24/12/2020 and in para-2 following direction was given –

“ (2) The Id. counsel for the applicant submits that the proposal of applicant has been recommended by respondent no. 2 to respondent no. 1 on 14.12.2015 (Annexure-A-20, P.B., Pg. No. 59). Since, respondent no. 2 has recommended the name of the applicant, Respondent no. 1 is directed to decide the proposal by respondent no.2 dated 14/12/2015 within four weeks and file reply before the Tribunal”.

3. However, today the matter came on the board and still the proposal has not been decided by the respondent no.1.

4. In view of this, the respondent no.1 is directed to decide the proposal within three weeks and if it is not decided, then the respondent no.1 should depute responsible Officer from the Mantralaya to appear before this Tribunal during the next date of hearing what is

the hurdle in not deciding the proposal submitted
by the respondent no.2.

S.O. 13/08/2021 (PH).

Steno copy is granted.

Vice-Chairman

dnk.

O.A. 939/2020 (S.B.)

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

Dated : 23/07/2021.

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

2. The applicant aggrieved with the order dated 16/7/2020 (A-1,P-16). However, the applicant was transferred to Yavatmal vide order dated 31/5/2016 (A-1,P-17) and after completion of more than four years he has been transferred from Yavatmal to Buldhana vide order dated 16/7/2020 (A-8,P-35). He has completed more than four years at Yavatmal.

3. The learned counsel relied on Notification dated 12/5/2006 (A-4,P-19) and on page 21 in para-3 tenure of employee categorise of non-secretariate service has been mentioned for Group-C. The learned counsel relied on that para, however, the applicant is not in non-secretariate category, he is a Clerk-cum-Typist and comes to the category of secretariate employee. On page in para-3 which is reproduced below –

^ i j r q v k k [h v l s d h] v l k d e p k j h l s d h f j , v l o s
v l y r j] v ' k d e p k ; k y k r h u o ' h i { k v i / l d
d l y k o / h l l B h R ; k p i n l o j B o . ; k r ; s k j u l g h v l f . k

**ylxki lBP; k nku i nlo/hi §k vfi/kd i nlo/hi lBh R; lyk
R; lp foHkxkr Bø.; kr ; skj ulgh****

4. Since as per this para, the employees who are covered under secretariate category can be transferred after three years of service at one place and the present applicant has completed more than four years at one place. So the transfer order dated 16/7/2020 (A-1,P-16) is legal and valid and it does not require to interfere with the transfer order dated 16/7/2020 (A-1,P-16). Hence, the O.A. stands dismissed. No order as to costs.

Vice-Chairman

dnk.

O.A. 304/2021 (S.B.)

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

Dated : 23/07/2021.

Heard Shri S.P. Palshikar, Id. counsel for the applicant, Shri A.P. Potnis, Id. P.O. for R-1, Shri D.M. Kale, Id. counsel for R-2 and Shri S.M. Bhagde, Id. counsel for R-3.

At the request of Id. counsel for R-3, **S.O.**
28/7/2021.

Vice-Chairman

dnk.

O.A. 384/2021 (S.B.)

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

Dated : 23/07/2021.

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

2. The learned P.O. has pointed out document on page no.50 and also reply on page no.28 where it appears that the applicant was relieved on 28/1/2021 to join at Police Station, Gobarwahi. However, the learned counsel for the applicant desires to proceed with the pleadings in next week.

3. In view of this, the matter will be heard on the next date of hearing.

S.O. 30/07/2021 (PH).

Vice-Chairman

dnk.

(S.B.)

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

Dated : 23/07/2021.

**O.A. Nos.545,546,547,548,549,550,551,578 &
579 of 2020 -**

Heard Shri S.N. Gaikwad, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. and other Id. P.Os. for the respondents.

2. As suggested by the learned P.O., the learned counsel is directed to file order of Industrial Court or Labour Court by which the applicants were taken into service. The learned counsel has also relied upon some Judgments of the MAT as well as Hon'ble High Court. The learned counsel is directed to file those Judgments also on record and supply copy in advance to the learned P.O.

S.O. 18/08/2021 (PH).

Vice-Chairman

dnk.

O.A.No.296/2018 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 23/07/ 2021.

Heard Shri A.P.Tathod, 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 5.

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

Vice Chairman

Date:-23/07/2021.

aps.

O.A.No.981/2018 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 23/07/ 2021.

C.A.No.521/2019:-

Heard Shri P.P.Pendke, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the Respondents.

2. **C.A. No. 521/2019 for amendment is allowed.** The Id. counsel for the applicant is directed to carryout the amendment within one week. He is further directed to supply the same to the Id. P.O..

3. Subsequently, as per the request of Id. P.O.,
S.O. four weeks to file reply.

Vice Chairman

Date:-23/07/2021.
aps.

O.A.Nos.906&907/2019(D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 23/07/ 2021.

Heard Shri B.Kulkarni, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the Respondents. None for the respondent nos. 4 to 6.

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

3. The Id. counsel for the applicant submits that he has already filed Rejoinder. Hence, O.A. 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:-23/07/2021.

aps.

O.A.No.125/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 23/07/ 2021.

C.A.Nos.262/2020&180/2021:-

Heard Shri P.R.Parsodkar, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the Respondents.

2. **C.A. No. 180/2021 for amendment is allowed.** The Id. counsel for the applicant is directed to carryout the amendment within one week. He is further directed to supply the same to the Id. P.O..

3. Subsequently, as per the request of Id. P.O.,
S.O. 13.08.2021 to file reply.

Vice Chairman

Date:-23/07/2021.
aps.

O.A.No.553/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 23/07/ 2021.

Shri R.M.Fating holding for Shri M.R.Khan, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the Respondents.

2. The Id. P.O. has filed reply on behalf of the respondent nos. 4 & 5. 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. in due course.**

Vice Chairman

Date:-23/07/2021.
aps.

O.A.No.738/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 23/07/ 2021.

Heard Shri T.Rahul, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the Respondents.

2. The Id. P.O. has filed reply on behalf of the respondent no. 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. in due course.**

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

Vice Chairman

Date:-23/07/2021.
aps.

O.A.No.173/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 23/07/ 2021.

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

2. At the request of Id. P.O., **S.O. 20.08.2021 to file reply.**

Vice Chairman

Date:-23/07/2021.

aps.

O.A.No.423/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 23/07/ 2021.

Heard Shri T.Rahul, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the Respondents.

2. At the request of Id. P.O., **S.O. four weeks to file reply.**

Vice Chairman

Date:-23/07/2021.
aps.

O.A.No.424/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 23/07/ 2021.

Heard Shri N.R.Saboo, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the State. Await service of Respondent nos. 2 & 3.

2. As submitted by Id. counsel for the applicant, service affidavit is filed in the office for Respondent nos. 2 & 3. The Id. counsel for the applicant has pointed out document at Annexure-A-9, P.B., Pg. No. 32 letter dated 16.04.2021 by District Water Conservation Officer, Z.P., Nagpur to Mumbai. In this letter on P.B., Pg. No. 33; applicant name appeared at Sr. No. 6. District Water Conservation, Officer has recommended for correction in column nos. 4 & 5 of seniority list. Before that also District Water Conservation Officer, Z.P., Nagpur vide his letter dated 08.09.2020 (Annexure-A-7, P.B., Pg. No. 28) had recommended for correction in D.O.B. of the applicant and he appeared in the cadre of Junior Engineer in the last para of the letter.

3. Meanwhile, Respondent no. 1 is directed to consider letter dated 16.04.2021 (Annexure-A-9, P.B., Pg. No. 32) and recommendation sent by District Water Conservation Officer, Z.P., Nagpur by letter dated 08.09.2020 (Annexure-A-7, P.B., Pg. No. 28) at earliest, since applicant is due to retire next year only.

4. The Id. P.O. desires time to file reply, **S.O. four weeks.**

Vice Chairman

Date:-23/07/2021.

aps.

O.A.No.470/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 23/07/ 2021.

Heard Shri V.K.Paliwal, the Id. Counsel for the applicant and Shri A.P.Potnis, 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:-23/07/2021.

aps.

O.A.No.506/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 23/07/ 2021.

C.A.No.199/2021:-

Heard Shri N.R.Saboo, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the State.

2. C.A. No. 199/2021 for permission to file Jt. O.A. is allowed.

3. Issue notice to Respondents, returnable on four 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. four weeks.**

Vice Chairman

Date:-23/07/2021.

aps.

O.A.St.No.29/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 23/07/ 2021.

C.A.No.11/2021:-

None for the applicant. Shri H.K.Pande, the Id. P.O. for the State and Shri R.V.Shiralkar, the Id. counsel for the respondent nos. 2 & 3.

2. The Id. P.O. desires time to file reply on condonation of delay, **S.O. three weeks**.

Vice Chairman

Date:-23/07/2021.
aps.

C.A.67/21inC.P.01/21inO.A.879/17 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 23/07/ 2021.

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

2. At the request of Id. P.O., **S.O. 28.07.2021 to file reply.**

Vice Chairman

Date:-23/07/2021.
aps.

O.A.No.574/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 23/07/ 2021.

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. counsel for the applicant has filed Rejoinder on behalf of the applicant. 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. 18.08.2021.**

Vice Chairman

Date:-23/07/2021.
aps.

O.A.Nos.773&774/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 23/07/ 2021.

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

2. In order dated 07.07.2021 in para no. 2
following observations were made which is below:-

*"In order dated 08.03.2021, it was
made clear that applicant had two more
chances; either to appeal before Government
or to appeal before Hon'ble Governor."*

3. If during next date of hearing nobody
appears on behalf of the applicant than the matter
will be **dismissed in default.**

Vice Chairman

Date:-23/07/2021.
aps.

O.A.No.187/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 23/07/ 2021.

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

2. The Id. counsel for the applicant has filed pursis dated 23.07.2021 to withdraw the O.A. on the point of Jurisdiction. Hence, **O.A. stands disposed of as withdrawn.**

3. *The Id. counsel for the applicant is at liberty to approach before appropriate bench for his grievance.*

Vice Chairman

Date:-23/07/2021.

aps.

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

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 23/07/ 2021.

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

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

Vice Chairman

Date:-23/07/2021.

aps.

C.P.No.24/2021inO.A.No.197/2015 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 23/07/ 2021.

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

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

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

4. **S.O. four weeks.**

Vice Chairman

Date:-23/07/2021.

aps.

O.A.No.220/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 23/07/ 2021.

Heard Shri G.G.Bade, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the Respondents.

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

3. *Put up this matter along with O.A. No. 343/2019.*

Vice Chairman

Date:-23/07/2021.

aps.

O.A.No.343/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 23/07/ 2021.

Heard Shri G.G.Bade, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the Respondents.

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

3. *Put up this matter along with O.A. No. 220/2021.*

Vice Chairman

Date:-23/07/2021.
aps.

O.A.No.25/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 23/07/ 2021.

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the Respondents.

2. At the request of Id. counsel for the applicant, **S.O. 06.08.2021.**

Vice Chairman

Date:-23/07/2021.
aps.