

O.A.327/2019 (D.B.)

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

Dated : 05/11/2020.

Shri A.P. Sadavarte, Id .counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1 to 5 and Shri S.N. Gaikwad, Id. counsel for R-6.

At the request of Id. P.O., **S.O. 2nd week
of December,2020.**

Vice-Chairman

dnk.

***O.A.716/2020 (D.B.)**

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

Dated : 05/11/2020.

C.A. No. 277/2020 -

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

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. stands disposed of accordingly.

O.A. 716/2020 –

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

2. As aggrieved by the applicants, the learned counsel for the applicants explained that the only relief for the applicants is that the respondents should consider their names for promotion. As per the relief clause no. 9 (i) (page no.8) the following relief has been sought–

“ 9 (i) Direct the respondent no.2, the Superintendent Engineer and Circle Officer, Vigilance Unit (Nagpur Circle), Irrigation Department to consider the case of the applicants for promotion to the post of Senior Clerk in Open Category in view of the letter dated 29/12/2017 (Annex.A-4) within stipulated period, as per the Rules, 1994.”

3. In view of above, the respondents are directed to consider the names of the applicants for promotion as and when DPC meeting will be held for the posts for which the applicants are eligible for promotion as per their seniority and if vacancies are available then to consider for promotion as per prayer clause as mentioned above.

4. With this direction, the O.A. stands disposed of. No order as to costs.

Vice-Chairman

dnk.

O.A. 746/2020 (D.B.)

(D.N. Kedar Vs. State of Mah. & Ors.)

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

Dated : 05/11/2020.

C.A. 280/2020 -

Heard Shri D.S. Sawarkar, Id. counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for the State.

2. The service condition of the applicant has been changed by the impugned order dated 04/02/2020 (A-1,P-22) without giving any chance to the applicant and applicant has been put on 11 months on supernumerary post. In similar matters, this Bench has granted interim relief till filing of the reply in the O.A.. In the interest of Justice and equity **the impugned order dated 04/02/2020 (A-1,P-22) be stayed till filing of the reply in the O.A.**

3. In view thereof, the C.A. is allowed and disposed of.

O.A. 746/2020 –

Heard Shri D.S. Sawarkar, Id. counsel for the applicant and Shri S.A. Deo, Id. C.P.O. 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.

Steno copy is granted...

Vice-Chairman

dnk.

O.A.747/2020 (D.B.)

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

Dated : 05/11/2020.

C.A. No. 281/2020 -

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

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. stands disposed of accordingly.

C.A.No. 284/2020 –

Heard Shri N.R. Saboo, Id. counsel for the applicants and Shri S.A. Deo, Id. C.P.O. for the State and Shri S.G. Jagtap, Id. counsel for proposed respondents.

2. The learned counsel for proposed respondents has filed C.A. No. 284/2020. The learned counsel for proposed respondents is directed to supply the copies to the other sides.

3. For the reasons stated in the application, the C.A. is allowed and disposed of.

O.A. 747/2020 –

Heard Shri N.R. Saboo, Id. counsel for the applicants and Shri S.A. Deo, Id. C.P.O. for the State and Shri S.G. Jagtap, Id. counsel for proposed respondents.

2. The learned counsel for the applicant submit that the matter may be circulated during the vacation. However, his request is turned down and he is directed to circulate the matter **after Diwali Vacation.**

3. Issue notice to the respondents returnable in **last week of November,2020.** Learned C.P.O. waives notice for State. Hamdast allowed.

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

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

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

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

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

S.O. last week of November,2020.

Vice-Chairman

dnk.

(D.B.)

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

Dated : 05/11/2020.

**M.C.A.No. 64/2017 in O.A. 302/2016 & MCA
65/2017 in O.A. 635/2016**

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

2. As pointed by the learned P.O., the order on C.A. Nos. 227/2017 & 228/2017 in O.A.Nos. 233/2016 & 301/2016 along with O.A.Nos. 234,302,477,517,518,635 & 663 of 2016 was passed on 3/5/2017. The learned P.O. submits that he wants to take instructions about the progress of DPC meeting and file on record necessary documents. He is directed to supply the copies to the other side.

3. Notices on MCAs. be issued to the respondents returnable in **2nd week of December,2020.**

4. The learned P.O. waives notice for the State. Hamdast granted.

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 the O.A.

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 an affidavit of compliance in the Registry as far as possible once week before the date fixed by this Tribunal. Applicant is directed to file Affidavit of compliance and notice.

S.O. 2nd week of December,2020

Vice-Chairman

dnk.

O.A.561/2020 (D.B.)

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

Dated : 05/11/2020.

Heard Shri R.M. Tahaliyani, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1. Await service of R-2&3.

The Id. counsel for the applicant submitted that he will file service affidavit during the course of day. He is permitted to do so.

The Id. P.O. is directed to file reply on the next date.

S.O. after four weeks.

Vice-Chairman

dnk.

O.A.748/2020 (D.B.)

(P.B. Gawande Vs. State of Mah. & Ors.)

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

Dated : 05/11/2020.

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

2. The applicant is appointed as Assistant Director of Town Planning Department and he acquired Master Degree in July,2017. After completion of three in July,2020 he became eligible for promotion to the post of Deputy Director of Town Planning Department as per recruitment rules (Annex-A-7,P-48). However, the learned counsel for the applicant submits that the selection has been prepared disregarding the applicant's claim who is at sr.no.1 in the seniority list and he has completed all the eligibility for promotion as Deputy Director of Town Planning Department. The applicant's apprehension is that meanwhile promotion is given juniors to the applicant.

3. The learned counsel for the applicant has invited my attention G.R. dated 1/8/2019 (A-12,P-90) and part at page no.101 in clause no. 5.1.3. He further submits that according to this, the selection list has not been prepared in October,2020.

4. In view of this, the respondents are directed not to go ahead with any promotion orders till filing of the reply by the respondents.

5. Issue notice to the respondents returnable **after four weeks**. Learned C.P.O. waives notice for State. Hamdast allowed.
6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
7. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
8. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
9. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
10. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

S.O. after four weeks.

Steno copy is granted...

Vice-Chairman

dnk.

***O.A.833/2018 (D.B.)**

(Dr. C.V. Akre Vs. State of Mah. & Ors.)

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

Dated : 05/11/2020.

C.A.No. 283/2020 -

Heard Shri S.S. Ghate, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1 to 3. None for other respondents.

2. The applicant sought following reliefs in para no. 9 (I), (II) & (III) (page no.18) in O.A.

“ (I) Quash and set aside the impugned order dated 17/4/2018 passed by respondent no.1 and order dated 7/5/2018 passed by respondent no.2 being illegal.

(II) Direct the respondents to declare that the applicant is senior to the respondent nos.4&5.

(III) Direct the respondents to correct the seniority list dated 25/1/2018 by showing the applicant above the respondent nos.4&5.”

3. Today the learned counsel for the applicant has filed C.A.No. 283/2020 and sought relief in prayer clause to include the name of the applicant in the DPC. The respondents are directed to include the applicant's name in DPC

if found eligible and take further action as per eligibility and vacancy.

4. With this direction, the C.A. stands allowed and disposed of.

O.A.833/2018 –

Heard Shri S.S. Ghate, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1 to 3. None for other respondents.

S.O. after four weeks.

Steno copy is granted...

Vice-Chairman

dnk.

O.A.213/2020 (D.B.)

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

Dated : 05/11/2020.

C.A. 282/2020 -

Heard Shri S. Dhore, Id. counsel holding for Ms. Preeti Rane, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the State.

The learned counsel for the applicant has filed C.A. No. 282/2020 and seeks permission to change the name of respondent no.3. In view of this, the C.A. is allowed and disposed of.

The necessary changes be made within two weeks or during the course of day and after the changes copies be supplied to the other side.

O.A.213/2020 –

Heard Shri S. Dhore, Id. counsel holding for Ms. Preeti Rane, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. 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.317/2020 (D.B.)

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

Dated : 05/11/2020.

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

2. The Id. P.O. has filed reply on behalf of R-4. It is taken on record and copy is given to the applicant.

3. Considering the urgency that the applicant's appointment on supernumerary post will expire on 20/11/2020.

4. In view thereof, the matter is admitted and it be kept for final hearing on 19/11/2020.

5. The Id. P.O. waives notice on behalf of the respondents.

S.O. 19/11/2020.

Vice-Chairman

dnk.

O.A.750/2020 (D.B.)

(S.K. Sapkal Vs. State of Mah. & ors.)

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

Dated : 05/11/2020.

Heard Shri S. Dhore, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the State.

2. As pointed out by the learned counsel for the applicant, the Joint Director, Vocation Education and Training, Regional Office, Amravati vide his letter dated 11/3/2011 (A-5, P-21) has already granted required relief to the applicant and in the last para of the order, he has clearly mentioned henceforth the applicant will be treated under SBC category and not under S.T. category. He has also mentioned that the applicant's seniority will be treated from 15/6/1995 and not from 25/10/1985 as per relevant G.R. and Government policy. The relevant G.Rs. have also been mentioned in reference nos.1&2. Even after as submitted by the learned counsel for the applicant vide order dated 11/3/2020 the applicant has been placed on supernumerary post for 11 months and his service conditions have been changed without giving any opportunity of hearing to the applicant. In similar circumstances, the reliefs have been granted to the applicants. In the interest of justice and equity, **the order dated 11/3/2020 (A-9,P-42) be stayed till filing of the reply by the respondents.**

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

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

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

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

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

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

S.O. after six weeks.

Steno copy is granted....

Vice-Chairman

dnk.

O.A.751/2020 (D.B.)

(Dr. A.H. Bhaisare Vs. State of Mah. & ors.)

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

Dated : 05/11/2020.

Heard Shri Rohit Joshi, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the State.

2. The learned counsel for the applicant has invited my attention Notification dated 2/11/2020 (A-6,P-25) where the applications have been called for filling the posts from 3/11/2020 to 6/11/2020. The respondents are directed to keep one post vacant at Yavatmal where the applicant is working till filing of the reply by the respondents. .

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

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

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

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

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

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

S.O. after six weeks.

Steno copy is granted...

Vice-Chairman

dnk.

***C.P. 40/2020 in O.A.426/2020 (D.B.)**

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

Dated : 05/11/2020.

Heard Shri S.K. Verma, Id. counsel for the applicants and Shri V.A. Kulkarni, Id. P.O. for the State.

2. As submitted by the Id. P.O., the A.G. Office has already issued the order to the Treasury Office not to recover the amount. However, in this Contempt Petition the Treasury Office is not a party. The learned counsel for the applicant is directed to add Treasury Officer as respondents in this matter. The necessary amendment be carried out within two weeks

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

3. The learned P.O. waives notice for State. Hamdast granted.

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

Vice-Chairman

dnk.
**

O.A.No.157/2020 (S.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 05/11/ 2020.

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

2. **S.O. After Diwali Vacation.**

Vice Chairman

Date:-05/11/2020.
aps.

O.A.No.471/2020 (S.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 05/11/ 2020.

M.C.A.No.35/2018:-

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

2. The Id. P.O. submits that he got telephonic information that order has been complied. However, he desires to file compliance order on record after vacation. Hence, **M.C.A. No. 35/2018 stands disposed of.**

3. **S.O. 20.11.2020.**

Vice Chairman

Date:-05/11/2020.
aps.

O.A.No.493/2020 (S.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 05/11/ 2020.

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

2. The Id. counsel for the applicant submits that notices have been served. The Id. P.O. filed reply on behalf of the respondent no. 3. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the O.A.

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

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

5. **S.O. last week of November, 2020.**

Vice Chairman

Date:-05/11/2020.

aps.

O.A.Nos.739,740&741/2020 (S.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 05/11/ 2020.

Heard Shri G.G.Bade, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the State.

2. The matter was heard on 01.10.2020 in this Tribunal and respondents were directed to decide the representations of the applicants within 30 days. Representations have been decided by the Civil Services Board and on P.B., Pg. No. 14 (A) & (B); Civil Services Board relied on 02 G.Rs. i.e. 22.05.2017 and 09.04.2018 and continued with the previous order only.

3. The Id. counsel for the applicant relied on letter issued by P.C.C.F. (HoFF), M.S., Nagpur dated 18.10.2019 (Annexure-A-5, P.B., Pg. No. 46) and he mainly relied on para no. 05 (P.B., Pg. No. 50) of the said letter which is below:-

"5. ou foHkkxlp; k brj 'kk[kr dkk; jr vl yY; k ouj {kdkauk fo' ksk 0; k?kz I j {k.k nykr dke dj.; kph vkoM vl Y; kl R; kpk cnyhl kBh i k/kU; kusfopkj djkok- v'kk ouj {kdkph cnyh djko; kph >kY; kl R; kps o; 34 o"kk {kk tkLr ul koj rlp I æ/kr ouj {kd gs ekufi d o 'kkfjfdn"V; k I {ke vl .ks vko'; d vkgs I nj ckchpk fopkj d: u I {ke i kf/kdkjh ; kauh fo' ksk 0; k?kz I j {k.k nykr cnyh ckcr fu.kz ?; kok-"

4. Today as submitted by Id. P.O., representations have been decided. However, as pointed out by Id. counsel for the applicant

grievances of the applicants have not been solved and applicants are still aggrieved with the decision. In this situation, it is better that these transfer orders are required to be done in consultation with P.C.C.F. (Wild Life)/ Chief Wild Life, Warden of the Maharashtra State. In view of this, following order:-

ORDER

Respondents are directed to consider the representations again afresh in consultation with P.C.C.F. (Wild Life)/ Chief Wild Life Warden of Maharashtra State **within 30 days from the date of this order** and file the same on record along with the opinion of Chief Wild Life Warden about the decision.

5. Issue notice to Respondents, returnable on last week of November, 2020. Learned 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.

11. **S.O. first week of December, 2020.**

Vice Chairman

Date:-05/11/2020.

aps.

O.A.No.742/2020 (S.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 05/11/ 2020.

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

2. The applicant has submitted various representations to the respondents. The last representation is on P.B., Pg. No. 17 dated 25.06.2019 in which he has also mentioned representations dated 12.09.2017, 10.01.2018, 06.04.2018. Respondents are directed to decide the representation at the time of next transfer session i.e. on 2021.

3. With the above directions, **O.A. stands disposed of with no order as to costs.**

Vice Chairman

Date:-05/11/2020.

aps.

O.A.No.743/2020 (S.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 05/11/ 2020.

Heard Smt. S.W.Deshpande, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State.

2. The applicant invited my attention on letter dated 13.07.2020; by this letter it appears that applicant has been relieved by Dean, Government College, Chandrapur (Afternoon). But there is nothing written order on record. Now, applicant submits that she should be allowed to join at G.M.C., Nagpur for which there is no order on record.

3. Issue notice to Respondents, returnable on 23.11.2020. 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. 23.11.2020.**

10. **Steno copy is granted.**

Vice Chairman

Date:-05/11/2020.

aps.

O.A.No.744/2020 (S.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 05/11/ 2020.

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

2. The applicant has been put under suspension vide order dated 23.09.2020 (Annexure-A-1, P.B., Pg. No. 19) by S.D.O., Darwa; the contention of the counsel is that there was no enquiry before suspension order. However, before that applicant was placed under suspension only notice was given to applicant and applicant desired some more time to submit reply but before that suspension order was issued.

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

Vice Chairman

Date:-05/11/2020.

aps.

O.A.No.745/2020 (S.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 05/11/ 2020.

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

2. As pointed out by the Id. counsel for the applicant, O.A. No. 950/2018 was heard before D.B. and order was passed on 07.12.2018. Today the impugned order is at dated 17.10.2020, P.B., Pg. No. 23. In the interest of justice and equity, interim relief requested by the Id. counsel for the applicant in para no. 10 at P.B., Pg. No. 19 is granted and **order dated 17.10.2020 (Annexure-A-1, P.B., Pg. No. 23) is stayed till filing of the reply.**

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

10. **Steno copy be granted.**

Vice Chairman

Date:-05/11/2020.

aps.

O.A.Nos.134/19withC.A.162/20withO.A.135/

19WithO.A.136/19withO.A.137/19 (S.B.)

Coram : Shri Shree Bhagwan, Vice Chairman

Dated : 05/11/ 2020.

Heard Shri N.R.Saboo, 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. 24.11.2020.**

Vice Chairman

Date:-05/11/2020.

aps.

O.A.No.345/2019 (S.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 05/11/ 2020.

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

2. At the request of Id. P.O., **S.O. 26.11.2020.**

Vice Chairman

Date:-05/11/2020.
aps.

O.A.No.901/2019 (S.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 05/11/ 2020.

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

2. The impugned order is dated 08/10.12.2008 (Annexure-A-8, P.B., Pg. No. 26). It appears that the impugned order itself is very clear and shows that applicant was first sent on compulsory leave; subsequently vide impugned order the said period were converted into earned leave. In these process applicant losses the 125 days from his earned leave account (dated 05.03.2004 to 17.03.204 i.e. 13 days and dated 01.05.2004 to 20.08.2004 i.e. 112 days) i.e. without any fault on his part.

3. Matter was first heard on 19.11.2019 and notices were issued; subsequently in order dated 22.06.2020, specific query was made to the Id. P.O. that whether there is any provision in the M.C.S. (Discipline and Appeal Rule, 1979) to send any employee on leave forcibly or not ? Which has been observed in para no. 3 of the order dated 22.06.2020. Respondents have filed the reply and the Id. counsel for the applicant has pointed out reply in para no. 6, P.B., Pg. No. 43, it is clearly mentioned that applicant never applied for leave. Respondents have produced following chart:-

Sr. No.	Points	Submissions
1	Whether, Applicant had applied for the earned leave from 05.03.2004 to 17.03.2004 (13 days)?	No
2	Whether, he again applied for earned leave from 01.05.2004 to 20.08.2004 (112 Days) As per respondents order dated 08.12.2008?	No

4. And admittedly applicant has not applied for leave from (dated 05.03.2004 to 17.03.2004 i.e. 13 days and dated 01.05.2004 to 20.08.2004 i.e. 112 days) total 125 days. Applicant had never applied for any leave. Just below the chart; respondents have admitted that Collector, Akola by the order dated 03.03.2004 sent the applicant on leave until further orders i.e. without any leave application from applicant side; which is against the rule prescribed under the Discipline and Appeal, Rule 1979 and subsequently respondents have regularized this 125 days leave period as earned leave while reflecting it as illegal punishment of sending him on 125 days period in his service record. It is clearly injustice to the applicant, and the respondents are not having

any jurisdiction to act beyond existing Rules and Regulations of Law.

5. In view of this situation, the order dated 08/10.12.2008 (Annexure-A-8, P.B., Pg. No. 26) is totally illegal and does not have any legal support. Hence, it requires to be quashed and set aside. So, following orders:-

ORDER

A. O.A. is allowed in terms of clause 8 (i) & (ii).

(1) order dated 08/10.12.2008 is hereby quashed and set aside.

(2) Period of leave from (dated 05.03.2004 to 17.03.2004 i.e. 13 days and dated 01.05.2004 to 20.08.2004 i.e. 112 days) total 125 days be treated as on duty period for all purposes and applicant be paid salary for this period and this does not affect on his service record including his pensionary benefits.

B. Respondents are further directed to comply the above order **within 60 days from the date of this order.**

C. With the above directions, O.A. stands disposed of with no order as to costs.

Vice Chairman

Date:-05/11/2020.

aps.

O.A.Nos.178&302/18WithO.A.253&744/19

(S.B.)

Coram : Shri Shree Bhagwan, Vice Chairman

Dated : 05/11/ 2020.

Heard Shri S.N.Gaikwad holding for Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the Respondents.

2. At the request of Id. counsel for the applicant, **S.O. 03.12.2020.**

Vice Chairman

Date:-05/11/2020.

aps.