

O.A. 493/2020 (S.B.)

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

Dated : 08/02/2021.

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

At the request of Id. counsel for the applicant, **S.O. 11/2/2021.**

Vice-Chairman

dnk.

O.A. 508/2020 (S.B.)

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

Dated : 08/02/2021.

M.S. D.V. Sapkal, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1 to 3 & 5 and none for R-4.

At the request of Id. counsel for the applicant, **S.O. 15/2/2021.**

Vice-Chairman

dnk.

O.A. 729/2020 (S.B.)

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

Dated : 08/02/2021.

Shri S.N. Gaikwad, 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. 22/2/2021.**

Vice-Chairman

dnk.

O.A.Nos. 822 & 975 of 2020 (S.B.)

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

Dated : 08/02/2021.

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. P.O., **S.O. 22/2/2021** for filing reply.

Vice-Chairman

dnk.

O.A. 1002/2019 (S.B.)

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

Dated : 08/02/2021.

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

2. The Id. P.O. files reply on behalf of R-4&5. It is taken on record. Copy is served on the applicant.

3. The impugned order is issued by the respondent nos.2&3, therefore, the learned P.O. submits that reply of R-2&3 is necessary and for that he seeks two weeks time to file the same.

4. The learned P.O. was directed to submit documents regarding payment of subsistence allowance to the applicant, which is yet not filed. The learned P.O. is directed to file the same on record.

5. The learned counsel for the applicant submits that he desires to file certain more documents on record.

6. In view of above, two weeks time is granted to file necessary documents on record.

S.O. two weeks.

Vice-Chairman

dnk.

O.A. 164/2020 (S.B.)

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

Dated : 08/02/2021.

Shri P.S. Patil, Id. counsel holding for
Shri V.A. Kothale, 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. one week**
for filing reply.

Vice-Chairman

dnk.

O.A. 210/2020 (S.B.)

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

Dated : 08/02/2021.

Shri R.V. Shiralkar, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1&2 and Shri N.S. Khandewale, Id .counsel for R-3.

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

Vice-Chairman

dnk.

O.A. 896/2020 (S.B.)

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

Dated : 08/02/2021.

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

At the request of Id. P.O., **S.O. 22/2/2021** for filing reply.

Vice-Chairman

dnk.

O.A. 904/2020 (S.B.)

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

Dated : 08/02/2021.

Heard Smt. Saboo, Id. counsel holding for Shri Saboo, Id .counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

2. The order of this Tribunal was passed on 18/1/2021 and the learned counsel for the applicant submitted that the applicant is due for retirement in the last week of this month.

3. The learned P.O. submits that he will take instructions from the Department and will file reply within one week.

S.O. 18/2/2021.

Vice-Chairman

dnk.

O.A. 05/2021 (S.B.)

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

Dated : 08/02/2021.

The applicant in person present. Shri S.A. Deo, Id. CPO for the respondents.

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

Vice-Chairman

dnk.

O.A. 116/2021 (S.B.)

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

Dated : 08/02/2021.

Heard Shri R.V. Shiralkar, Id .counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. Issue notice to the respondents, returnable **after four weeks**. Learned C.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.

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

Vice-Chairman

dnk.

O.A. 926/2017 (S.B.)

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

Dated : 08/02/2021.

Heard Shri J.C. Shukla, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 to 4 and none for other respondents.

At the request of Id. P.O., **S.O. 9/2/2021.**

Vice-Chairman

dnk.

O.A. 527/2019 (S.B.)

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

Dated : 08/02/2021.

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

The Id. P.O. submits that Shri M.I. Khan, Id. P.O. is not available, therefore, further time may be granted. At his request, **S.O. 15/2/2021.**

Vice-Chairman

dnk.

O.A. 801/2019 (S.B.)

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

Dated : 08/02/2021.

Ms. A. Tripathi, 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. two weeks** for filing rejoinder.

Vice-Chairman

dnk.

O.A. 927/2020 (S.B.)

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

Dated : 08/02/2021.

Shri V.B. Gawali, Id. counsel for the applicant and shri A.M. Khadatkar, Id. P.O. for the respondents.

The Id. P.O. submits that Shri M.I. Khan, Id. P.O. is not available, therefore, further time may be granted. At his request, **S.O. 11/2/2021.**

Vice-Chairman

dnk.

O.A. 1085/2019 (S.B.)

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

Dated : 08/02/2021.

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

2. As submitted by the learned counsel for the applicant, the applicant has been working in naxalite area in Chandrapur Tahsil since 2008 and as per the list given in the G.R. dated 11/7/2000 (A-4,P-31 to 36) at page no.36 the Chandrapur Tahsil is covered in tribal area. The learned counsel for the applicant is relying on the G.R. dated 6/8/2002 (A-5,P-37 to 44) and at page no. 41, Clause no. 1/2 provides further condition to the employees of Group-A & Group-B which is as follows –

1/2 1/2 vknokl h {ks-kr fdeku 2 o"ks plaxys dke
dy; k xV ^v* o xV ^c* P; k vf/kdk& kulk ns[thy R; k; k
i l rtp; k ftYg; kr l kbZuj kj use.kpk ns; kr ; kO; kr-**

3. The learned counsel for the applicant also relied upon the M.A.T. orders in O.A.Nos. 607/2016 & 81/2017 which are filed on record.

4. However, the learned P.O. desires further one week time to file reply. In this situation, one week time is granted to file reply.

It is made clear that if the reply is not filed within one week, the matter will be decided on merits.

S.O. 16/2/2021.

Vice-Chairman

dnk.

***O.A. 16/2021 (S.B.)**

(A.B. Idhole Vs. State of Maharashtra & Ors.)

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

Dated : 08/02/2021.

ORDER

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

2. The learned counsel for the applicant and learned P.O. pointed out the para-2 of the order dated 11/1/2021 which is as under –

“ As submitted by Id. counsel for the applicant, the applicant was suspended vide order dated 28/2/2020 and in para-3 it has been mentioned that effect has been given from 7/2/2020. The applicant is working as Range Forest Officer. The Id. counsel for the applicant submitted that in O.A. at Pg. No.7 (VIII) the Review Committee Meeting was held in Mantralaya, Mumbai in last week of December,2020. However, till now no enquiry order is issued, neither D.E. has been started nor Chargesheet has been served.”

3. The learned counsel for the applicant has also pointed out details in his O.A. on page no.5 clause (V) which is reproduced below –

“ (V) It is further submitted that the complaint was lodged by the complainant one Santosh Mahadeo Ghuge on 7/2/2020 and thereafter a crime was registered vide Crime No.61/2020 and a FIR was also registered against the applicant. Copy of FIR is enclosed herewith at A-3. It is to be noted that as on date no charge sheet for D.E. has been served upon the applicant and the period of 90 days has come to an end on 8/5/2020 therefore order of suspension is patently illegal and cannot be continued and hence order dated 28/2/2020 is liable to be quashed and set aside.”

4. After hearing pleadings of both the sides, various Judgments of Hon'ble Apex Court and Hon'ble High Court and Government of Maharashtra G.Rs. were also considered. In view of this following Judgments of Hon'ble Apex Court are reproduced as follows –

//2//

(i) The 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 in para no. 14, it has observed that :-

14 We, therefore, direct that the currency of a Suspension Order should not extend beyond three months if within this period the Memorandum of Charges/Chargesheet is not served on the delinquent officer/employee; if the Memorandum of Charges/Chargesheet is served a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the concerned person to any Department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognize that previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time limits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a criminal investigation departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us.

(ii) The Hon'ble Apex Court in its Judgment in Civil Appeal No. 8427-8428 of 2018 (Arising out of S.L.P. (Civil) No. 12112-12113 of 2017) in the case of **State of Tamil Nadu Vs. Pramod Kumar IPS and Anr. delivered on 21/08/2018** in its para no. 24 had observed as follows:-

*24. This Court in **Ajay Kumar Choudhary v. Union of India, (2015) 7 SCC 291** has frowned upon the practice of protracted suspension and held that suspension must necessarily be for a short duration. On the basis of the material on record, we are convinced that no useful purpose would be served by continuing the first Respondent under suspension any longer and that his reinstatement would not be a threat to a fair trial. We reiterate the observation of the High Court that the Appellant State has the liberty to appoint the first Respondent in a non sensitive post.*

(iii) The Principal Bench of Maharashtra Administrative Tribunal Mumbai Bench in O.A. No. 35/2018 Judgment delivered on 11/09/2018 has also rejected continuation of suspension beyond 90 days.

(v) The Hon'ble High Court of Bombay, Bench at Nagpur in W.P. No. 7506/2018, Judgment delivered on 17.07.2019 was also on same principle. It has observed in para no. 2 that **facts of this case are squarely covered by Government Resolution G.A.D. dated 09/07/2019.**

(ii) fuyfcr 'kk dh; l ocl; k T; k i d j .lh 3 efgl; kpk dkyko/lhr foHkxh; plsd'lh l q d: u nkskjk i = ct ko.; kr vkysulgh] v'kk i d j .lh ek- l ocl; U; k; ky; kpsvlnsk i kgrk] fuycu l ektr dj.; kf'kok; vU; i; k; jkgr ulgh- R; keGsfuyfcr 'kk dh; l ocl; kcr foHkxh; plsd' khph dk; bkgh l q d: u nkskjk i = ct ko.; kph dk; bk; h fuycu ki kl u 90 fno l k; k vkr dlvclj i .ksdsh t kby; ; kph n{krk@ [kcjnkjh?ks; kr ; koh-

(vi) The Government of Maharashtra vide its G.R. G.A.D. 'kk l u fu.kz d: 118@i zdz11@11v] fnukd 09-07-2019 in para nos. **1 (ii)** following decisions have been taken :-

//3//

fuyfcr 'kkI dh; I sdi; kT; k idj. h 3 efgU; kpk dkylo/Mr foHkxh; pki' h I q d: u nkskji i = ct. lo.; kr vkysulgh v'k idj. h ek I oHk U; k; ly; kpsvnski lgrki fuyau I ekr dj.; k'lok; vU; i; k; jigr ulgh R; keGsfuyfcr 'kkI dh; I sdi; kT; k idj. h 3 efgU; kpk dkylo/Mr foHkxh; pki' h I q d: u nkskji i = ct. lo.; kph dk; bk; h fuyau; uki kl u 90 fnoI k; k vkr dkVdki i .ksdyh t kb; ; kph n{krk@ [k; jnkjh?; s; kr ; koh-

5. This O.A. is squarely covered by Government of Maharashtra G.A.D. 'kkI u fu. k; dz 118@i z dz 11@11v] fnukd 09-07-2019.

6. The respondents have not followed settled legal citations, as discussed above and 'kkI u fu. k; dz 118@i z dz 11@11v] fnukd 09-07-2019 and orders of Hon'ble Apex Court and Hon'ble High Court as discussed above.

7. In view of above discussions, the order dated 28/2/2020 (A-1,P-13&14) requires to be revoked. Hence, the following order –

ORDER

(i) The suspension order dated 28/2/2020 (A-1,P-13&14) is revoked with immediate effect. The respondents are directed to issue necessary orders along with suitable posting order as per observations made in para-24 above by the Hon'ble Apex Court in case of **State of Tamil Nadu Vs. Pramod Kumar IPS and Anr. delivered on 21/08/2018** within 45 days from the date of this order.

(ii) With this direction, the O.A. stands disposed off. No order as to costs.
Steno copy is granted.

Vice-Chairman

*dnk.

***O.A. 15/2021 (S.B.)**

(K.M. Yele Vs. State of Maharashtra & Ors.)

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

Dated : 08/02/2021.

ORDER

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

2. At the request of learned counsel for the applicant, the matter is taken up on board today.

3. The applicant has been placed under suspension vide order dated 8/10/2020 (A-1,P-14&15) w.e.f. 8/2/2020. As submitted by the learned counsel for the applicant till now neither D.E. has been started nor Chargesheet has been served. The learned counsel for the applicant submitted at page no.6 at Clause-V which is reproduced as below –

“ (V) It is further submitted that the complaint was lodged by the complainant one Santosh Mahadeo Ghuge on 7/2/2020 and thereafter a crime was registered vide Crime No.61/2020 and a FIR was also registered against the applicant. Copy of FIR is enclosed herewith at A-3. It is to be noted that as on date no charge sheet for D.E. has been served upon the applicant and the period of 90 days has come to an end on 9/5/2020 therefore order of suspension is patently illegal and cannot be continued and hence order dated 8/10/2020 is liable to be quashed and set aside.”

4. After hearing pleadings of both the sides, various Judgments of Hon'ble Apex Court and Hon'ble High Court and Government of Maharashtra G.Rs. were also considered. In view of this following Judgments of Hon'ble Apex Court are reproduced below –

(i) The 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 in para no. 14, it has observed that :-

14 We, therefore, direct that the currency of a Suspension Order should not extend beyond three months if within this period the Memorandum of Charges/Chargesheet is not served on the delinquent officer/employee; if the Memorandum of Charges/Chargesheet is served a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the concerned person to any Department in any of its

offices within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognize that previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time limits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a criminal investigation departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us.

(ii) The Hon'ble Apex Court in its Judgment in Civil Appeal No. 8427-8428 of 2018 (Arising out of S.L.P. (Civil) No. 12112-12113 of 2017) in the case of **State of Tamil Nadu Vs. Pramod Kumar IPS and Anr. delivered on 21/08/2018** in its para no. 24 had observed as follows:-

24. This Court in **Ajay Kumar Choudhary v. Union of India, (2015) 7 SCC 291** has frowned upon the practice of protracted suspension and held that suspension must necessarily be for a short duration. On the basis of the material on record, we are convinced that no useful purpose would be served by continuing the first Respondent under suspension any longer and that his reinstatement would not be a threat to a fair trial. We reiterate the observation of the High Court that the Appellant State has the liberty to appoint the first Respondent in a non sensitive post.

(iii) The Principal Bench of Maharashtra Administrative Tribunal Mumbai Bench in O.A. No. 35/2018 Judgment delivered on 11/09/2018 has also rejected continuation of suspension beyond 90 days.

(iv) The Government of Maharashtra has issued G.R. dated 09/07/2019. The Id. Counsel for the applicant has relied on para no. (ii) of the said G.R. on Pg. No. 35.

(v) The Hon'ble High Court of Bombay, Bench at Nagpur in W.P. No. 7506/2018, Judgment delivered on 17.07.2019 was also on same principle. It has observed in para no. 2 that **facts of this case are squarely covered by Government Resolution G.A.D. dated 09/07/2019.**

1 (ii) fuyfcr 'kkI dh; I sckk; kT; k i dj. h 3 efgU; lpk dkylo/kr foHkxh; plkl 'h l q d: u nkskjk i = ctlo.; kr vlyulgh v'k i dj. h ek I oHk U; k; ky; kpsvlnsk ilgrk fuyau l ekr dj.; k'kok; vU; i; k; jlgr ulgh R; keGsfuyfcr 'kkI dh; I sckk; kcr foHkxh; plkl 'kph dk; bkgh l q d: u nkskjk i = ctlo.; kph dk; bk; hfuy; cuki kl u 90 fnol k; k vkr dkVclj i .ksclsh t kbz; ; kph n{krk@ [kcjnkjh ?ks; kr ; koh-

5. This O.A. is squarely covered by Government of Maharashtra G.A.D. 'kkI u fu.k; dz 118@i zdz11@11v] fnukd 09-07-2019.

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6. The respondents have not followed settled legal citations, as discussed above and G.R. 'kkI u fu.kz dz 118@izdz11@11v] fnukd 09-07-2019.

7. In view of above discussions, the order dated 8/10/2020 (A-1,P-14&15) requires to be revoked. Hence, the following order –

ORDER

(i) The suspension order dated 8/10/2020 (A-1,P-14&15) is revoked with immediate effect. The respondents are directed to issue necessary orders along with suitable posting order as per observations made in para-24 above by the Hon'ble Apex Court in case of **State of Tamil Nadu Vs. Pramod Kumar IPS and Anr. delivered on 21/08/2018** within six weeks from the date of this order.

(ii) With this direction, the O.A. stands disposed off. No order as to costs.

Steno copy is granted.

Vice-Chairman

*dnk.

O.A. 94/2021 (S.B.)

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

Dated : 08/02/2021.

Heard Shri S.V. Deshmukh, Id .counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the State.

2. The applicant belongs to the Irrigation Department and the applicant's name is at Sr.No. 54 (Page no.38) and in column no.5 it is mentioned that application was received on 30/5/2013. The learned counsel for the applicant pointed out that on page no.45 the candidates from 7 to 21 and particularly in column no.8 the date is written on which name was taken in waiting list. At Sr. No.7 the date is mentioned as 16/2/2016 and other dates are also mentioned. However, the learned counsel submitted that though the candidates at Sr.Nos.7 to 21 were juniors to the applicant, were appointed on compassionate ground and the applicant has been denied.

3. The learned counsel for the applicant has filed letter dated 12/1/2021 which is obtained by the applicant under RTI Act. In the said letter it is mentioned that as per direct

recruitment 76 posts (including 29 posts) of Civil Engineering Assistant are vacant.

4. The Id. P.O. also pointed out letter dated 4/1/2021 (A-5,P-75) written by the Superintending Engineer, PWD, Nagpur to Superintending Engineer & Administrator, Vainganga Nagar, Ajni, Nagpur. In para-7 it is admitted that the applicant's educational qualification was not updated and claim was shifted from PWD Department to the Irrigation Department and if any court case is made Irrigation Department will be responsible for that. So the Departments are admitting that the applicant was having the required educational certificates, but because of communication gap, his educational qualification was not updated in waiting list and he has already suffered and his juniors have been appointed.

5. In view of this situation, if the relief is not granted to the applicant, he will suffer unrepairable loss, therefore, the respondents are directed to keep one post vacant of Civil Engineering Assistant till final outcome of the O.A.

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

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

8. 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.

9. 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.

10. 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.

11. 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. 117/2021 (S.B.)

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

Dated : 08/02/2021.

Heard Shri V.R. Borkar, Id .counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for the respondents.

2. The applicant retired on 28/2/2013 from Gondia District and without giving any opportunity of hearing, recovery from pension of the applicant has been started by the impugned order dated 13/1/2021 (A-1,P-10). The learned counsel for the applicant also relied upon order of this Tribunal in O.As. 21 to 31 of 2021 which is filed on record. In the said order in para-3 the impugned order is stayed till filing of the reply, therefore, for justice and party, the impugned order dated 13/1/2021 (A-1,P-10) is stayed till filing of the reply.

3. Issue notice to the respondents returnable **after four 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 four weeks

Steno copy is granted.

Vice-Chairman

dnk.

O.A. 118/2021 (S.B.)

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

Dated : 08/02/2021.

Heard Shri V.R. Borkar, Id .counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for the respondents.

2. The applicant retired on 30/6/2014 and without giving any opportunity of hearing, recovery from pension of the applicant has been started by the impugned order dated 17/12/2020 (A-1,P-10). The learned counsel for the applicant also relied upon order of this Tribunal in O.As. 21 to 31 of 2021 which is filed on record. In the said order in para-3 the impugned order is stayed till filing of the reply, therefore, for justice and party, the impugned order dated 17/12/2020 (A-1,P-10) is stayed till filing of the reply.

3. Issue notice to the respondents returnable **after four 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 four weeks

Steno copy is granted.

Vice-Chairman

dnk.

O.A. 119/2021 (S.B.)

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

Dated : 08/02/2021.

Heard Shri V.R. Borkar, Id .counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for the respondents.

2. The applicant retired on 30/4/2011 and without giving any opportunity of hearing, recovery from pension of the applicant has been started by the impugned order dated 18/1/2021 (A-1,P-10). The learned counsel for the applicant also relied upon order of this Tribunal in O.As. 21 to 31 of 2021 which is filed on record. In the said order in para-3 the impugned order is stayed till filing of the reply, therefore, for justice and party, the impugned order dated 18/1/2021 (A-1,P-10) is stayed till filing of the reply.

3. Issue notice to the respondents returnable **after four 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 four weeks

Steno copy is granted.

Vice-Chairman

dnk.

O.A. 963/2020 (S.B.)

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

Dated : 08/02/2021.

Heard Shri A.D. Tote, Id .counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the State.

2. The applicant has been placed under suspension vide order dated 16/10/2020 (A-4, P-16). The learned counsel for the applicant further submits that the applicant due for retirement after four months. Sufficient time has lapsed when order of suspension was passed. As per the record, it appears that FIR has been filed against the applicant and matter has been made subjudice in the District and Session Judge, Darwha (P-18). The learned counsel for the applicant further submits that till now neither D.E. has been started nor charge sheet has been served.

3. Issue notice to the respondents returnable **after two 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 two weeks

Vice-Chairman

dnk.

O.A. 588/2019 (S.B.)

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

Dated : 08/02/2021.

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

2. It appears that the applicant has been working in naxalite area more than 5 years 11 months. The applicant has made application dated 10/2/2017 (P-38&39).

3. The respondents are directed to consider the applicant's application dated 10/2/2017 (P-38&39) and post him outside the naxalite area during the general transfers of the year 2021 as per the G.R. dated 6/8/2002. (A-3,P-24).

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

Steno copy is granted.

Vice-Chairman

dnk.

* * *

O.A.No.561/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 08/02/ 2021.

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

2. The Id. P.O. has filed reply on behalf of the respondent no. 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, the 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:-08/02/2021.

aps.

O.A.No.940/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 08/02/ 2021.

Heard Shri J.M.Shamkuwar, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State. Await service of respondent nos. 2 to 5.

2. The Id. counsel for the applicant submits that all the respondents are served. He further submits that he will file the affidavit in this regard. At the request of Id. P.O., **S.O. four weeks to file reply.**

Vice Chairman

Date:-08/02/2021.
aps.

O.A.No.17/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 08/02/ 2021.

Heard Shri Y.P.Kaslikar holding for Shri P.S.Patil, 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. three weeks to file reply.**

Vice Chairman

Date:-08/02/2021.
aps.

O.A.No.917/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 08/02/ 2021.

Heard Shri Y.P.Kaslikar holding for Shri P.S.Patil, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State. Await service of respondent no. 2.

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

Vice Chairman

Date:-08/02/2021.
aps.

O.A.Nos.69,70,71,72&73/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 08/02/ 2021.

Heard Shri A.S.Deshpande, 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. two weeks to file reply.**

Vice Chairman

Date:-08/02/2021.
aps.

O.A.No.948/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 08/02/ 2021.

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

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

Vice Chairman

Date:-08/02/2021.
aps.

O.A.No.07/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 08/02/ 2021.

Heard Shri B.Kulkarni, 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:-08/02/2021.
aps.

O.A.No.364/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 08/02/ 2021.

Heard Shri N.D.Thombre, 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 pursis dated 08.02.2021 and submits that he wants to withdraw this O.A.

3. In view of this, **O.A. is disposed of as withdrawn.**

Vice Chairman

Date:-08/02/2021.
aps.

O.A.No.612/2017 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 08/02/ 2021.

Heard Shri P.S.Sahare, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents. None for the respondent no. 3.

2. Since the matter has been remanded back by Hon'ble High Court. The Id. P.O. has to take the instructions from the respondents. At his request,
S.O. three weeks.

Vice Chairman

Date:-08/02/2021.
aps.

O.A.No.346/2018 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 08/02/ 2021.

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

2. As pointed out by Id. counsel for the applicant, private parties has not filed their reply. It appears that they are not interested in the matter.

3. At the request of Id. P.O., **S.O. two weeks to take instructions from the respondents and department.**

Vice Chairman

Date:-08/02/2021.

aps.