

(D.B.)

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

**Dated : 05/02/2020.**

**O.As. 919, 921 of 2017 & 83,320,321,322, 323,  
324 & 764 of 2018 -**

Shri S.S. Deshpande, 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. 14/02/2020.**

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 561/2015 (D.B.)

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

**Dated : 05/02/2020.**

Shri DCR Mishra, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

At the request of Id. counsel for the applicants, **S.O. 18/02/2020.**

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 852/2017 (D.B.)

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

**Dated : 05/02/2020.**

Shri A.R. Fule, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

At the request of Id. counsel for the applicants, **S.O. 20/02/2020.**

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 217/2018 (D.B.)**

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

**Dated : 05/02/2020.**

Shri Shubhamkar Phadnis, Id. counsel holding for Shri N.C. Phadnis, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

2. Shri Shubhamkar Phadnis, Id. counsel submitted that Shri N.C. Phadnis, Id. counsel for the applicant is out of Nagpur, therefore, the matter may be adjourned. It is noticed by this Bench that on the last several occasions adjournment were sought for the same reasons, therefore, the matter is adjourned with the understanding that the Id. counsel for the applicant will argue the matter positively on the next date.

**S.O. 26/02/2020.**

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 566/2013 (D.B.)

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

**Dated : 05/02/2020.**

Shri P.P. Khaparde, Id. counsel holding  
for Shri G.G. Bade, Id .counsel for the applicants  
and Shri V.A. Kulkarni, Id. P.O. for R-1 to 3.  
None for other respondents.

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

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 188/2019 (D.B.)

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

**Dated : 05/02/2020.**

Shri S.S. Shingane, Id. counsel holding for Shri S.V. Bhutada, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 25/2/2020.**

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 506/2018 (D.B.)

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

**Dated :** 05/02/2020.

Heard Smt. K.N. Saboo, Id .counsel for the applicant and shri V.A. Kulkarni, Id. P.O. for the respondents.

The Id. P.O. has already filed reply of R-2,4&5.

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

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

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

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 610/2018 (D.B.)

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

**Dated : 05/02/2020.**

Shri A.P. Sadavarte, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1 to 6. None for R-7.

At the request of Id. P.O., **S.O.**  
**13/2/2020.**

**Member (J)**

**Vice-Chairman**

dnk.



O.A. 975/2018 (D.B.)

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

**Dated : 05/02/2020.**

Shri A.S. Dhore, 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.**

**Member (J)**

**Vice-Chairman**

dnk.

**\*O.A. 114/2018 (D.B.)**

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

**Dated : 05/02/2020.**

**C.A. No. 27/2020 -**

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

2. For the reasons stated in the application, the C.A.No.27/2020 is allowed.

**O.A.114/2018 –**

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

2. As per order dated 16/10/2019 the records were to be produced by the learned P.O. The learned P.O. submitted that he has received the records and he will produce the same on the next date.

**S.O. 11/02/2020.**

**Member (J)**

**Vice-Chairman**

dnk.

\* O.A. 972/2019 (D.B.)

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

**Dated : 05/02/2020.**

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

2. The Id. P.O. submitted that the draft reply is prepared and it is forwarded for the approval and therefore two weeks time is required.

3. The learned counsel for the applicant submitted that the other batchmates who are appointed in the recruitment process, are sent for the Training and this will cause grave prejudice to the applicant.

4. In view of these circumstances, the matter be kept for final hearing after two weeks. In the meantime, liberty is given to the respondents to file their reply. The Bench will consider the question of seniority of the applicant at the time hearing the matter.

**S.O. 18/2/2020.**

**Member (J)**

**Vice-Chairman**

dnk.

**\*O.A. 68/2020 (D.B.)**

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

**Dated : 05/02/2020.**

**C.A. 35/2020 -**

Heard the applicant no.1 in person and Shri P.N. Warjurkar, Id. P.O. for the State.

2. The C.A. No. 35/2020 is for permission to file joint O.A. Both the applicants are facing the disciplinary proceeding which is common. The C.A. as well as the O.A. is signed by both the applicants, therefore, the C.A.No.35/2020 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.

3. However, it is made clear that the applicant no.2 as per the law cannot authorise the applicant no.1 to plead on her behalf.

**O.A. 68/2020 -**

Heard the applicant no.1 in person and Shri P.N. Warjurkar, Id. P.O. for the State.

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

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

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

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. Applicants are 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 three weeks.**

**Member (J)**

**Vice-Chairman**

dnk.

**\*O.A. 846/2012 (D.B.)**

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

**Dated : 05/02/2020.**

Heard Mrs. N.P. Thete, Id. counsel holding for Shri S. Borkar, Id. counsel for the applicant and Shri A.M. Ghgore, Id. P.O. for the respondents.

2. The learned P.O. has produced letter from the office of Commissioner of Police, Nagpur dated 5/2/2020. In the letter, it is mentioned that the pension case to pay provisional pension to the applicant is forwarded to the Accountant General, Nagpur on 09/12/2019, but the orders are not passed by the Accountant General, Nagpur, therefore, time is required. In this situation, the respondent no.2. the Commissioner of Police, Nagpur is directed to depute a person to follow up the matter and steps be taken to pay the provisional pension along with the arrears to the applicant within two weeks. The Id. P.O. is also directed to place on record the documents regarding payment of GPF, GIS and leave encashment.

**S.O. after two weeks.**

**Member (J)**

**Vice-Chairman**

dnk.

**\*O.A. 217/2019 (D.B.)**

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

**Dated : 05/02/2020.**

Heard Shri S.P. Kshirsagar, Id. counsel for the applicants and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. It appears from that the record that the respondent no.2, the Secretary, Water Resources Department has issued the G.R. dated 31/5/2017 (A-II, P-57). In this O.A. there are 7 applicants and they are not shown either in the office of respondent no.2 or in the office of the respondent no.3. It will complicate the service conditions of the applicants. The respondent nos.2&3 are directed to depute the respective Joint Secretary or Deputy Secretary of the Department who are looking after the establishment in the respective departments i.e. Water Resource Department and Soil & Moisture Conservation Department to explain before the Tribunal why applicants names are not shown in the seniority list of any of the Departments.

**S.O. 25/2/2020 (PH)**

Steno copy is granted to the Id. P.O.

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 646/2019 (D.B.)**

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

**Dated : 05/02/2020.**

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

2. It is contention of the applicant that he was appointed in service vide order dated 26/9/2018 (A-7,P-20) for a period of 120 days on temporary basis. It is submitted that the respondent no.3 passed the impugned order dated 20/12/2018 (A-1,P-14) and terminated the service of the applicant observing that the Crime under Section 12 of the Prevention of Corruption Act was registered against the applicant and he was under arrest. It is submitted that as strictures are passed in the order, therefore, this order is illegal. The learned counsel for the applicant submitted that even if a person is appointed on a temporary basis or even on a contract basis, the termination of the services without following the procedure for inflicting the punishment of dismissal, removal or reduction in rank, the Government is bound to comply the material requirements under Article 311 of the Constitution of India. It is submitted that it was



necessary for the respondent no.3 to make out a case that it was reasonably not practicable to conduct an Inquiry, therefore, the termination order is illegal.

3. It is submission of the learned P.O. that the applicant was engaged in service only for a period of 120 days, the applicant had no right to the post and consequently as the period of 120 days is now expired, no direction can be given to reinstate the applicant in the service.

4. In case of **Aman Shah Hussain Shah & Ors. Vs. Chief Officer, Municipal Council, Karanja, 2013 (4) Mh.L.J.,255.** It is laid down that one ad-hoc cannot substitute another ad-hoc is not a correct legal position. Secondly, the applicant was not appointed as per the Recruitment Rules, but his appointment was only for period of 120 days, therefore, direction cannot be given to reinstate the applicant in service. However, as the order impugned is stigmatic and without assigning any reason service is terminated before 120 days, at the most the applicant can claim the salary for the remaining period.

5. The learned counsel for the applicant submitted that the representation is made by the applicant on 11/2/2019 for his reinstation in service. In this regard, we have already observed that the applicant has no legal right to claim the post as he was appointed only for a period of 120 days. We make it clear that it is

choice of the respondents to consider the representation and to decide it. We do not see any reason to issue any direction in this regard. It is expected that the respondents may take the suitable decision. Hence, we pass the following order –

**ORDER**

- (i) The O.A. stands disposed of.
- (ii) The respondents to pay the salary from the period 20/12/2018 till 28/1/2019 within a period of three months from the date of this order.
- (iii) No order as to costs.

**Member (J)**

**Vice-Chairman**

dnk....

**O.A. No.788/2018 (S.B.)**

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

**Dated : 5.2.2020**

Heard Shri P.P. Khaparde, learned Advocate for the Applicant and Shri A.P. Potnis, learned Presenting Officer for the Respondents.

2. Issue fresh notice to respondents no.2 to 4 and 6 returnable in four weeks.
3. **S.O. to four weeks.**

**Member (J)**

(sgj)

**O.A. No.636/2019 (S.B.)**

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

**Dated : 5.2.2020**

Heard Shri A. Jibhkate, learned Advocate for the Applicant and Shri S.A. Sainis, learned Presenting Officer for Respondents no.1 to 4. None for Respondent no.5.

2. Ld. Advocate for the applicant submits that while passing order dated 21.8.2019 this Bench has observed that the respondents shall consider the possibility to adjust the applicant at Nagpur considering her grievances. It is submitted that now on promotion of Shri B.S. Bapat, Laboratory Technician, one post at Nagpur is vacant and she has made representation to the Principal Secretary, Public Health Department, Maharashtra to give her posting. In view of this the respondent no.1/Principal Secretary is directed to take decision on the representation dated 1.2.2020, made by the applicant, within two weeks.

3. **S.O. to two weeks.** Steno copy be supplied.

**Member (J)**

(sgj)

**O.A. No.768/2019 (S.B.)**

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

**Dated : 5.2.2020**

Heard Shri A.P. Sadavarte, learned Advocate for the Applicant and Shri A.P. Potnis, learned Presenting Officer for Respondents no.1 to 3. None for respondents no.4 & 5.

2. Ld. PO states that parawise remarks are received and seeks two weeks time to file reply.

3. **S.O. to 25.2.2020.**

**Member (J)**

(sgj)

**O.A. No.831/2019 (S.B.)**

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

**Dated : 5.2.2020**

Heard Shri A.P. Sawavarte, learned Advocate holding for Shri S.P. Palshikar, learned Advocate for the Applicant and Shri A.M. Khadatkar, learned Presenting Officer for the Respondents.

2. Ld. PO files reply on behalf of respondents no.2 & 3.

3. **Admit. Place the above matter for final hearing on 18.2.2020.**

**Member (J)**

(sgj)

**O.A. No.859/2019 (S.B.)**

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

**Dated : 5.2.2020**

Heard Shri S. Pande, learned Advocate for the Applicant and Shri M.I. Khan, learned Presenting Officer for the Respondents.

2. Ld. PO has produced letter dated 4.1.2020 received from the Desk Officer, Agriculture Department, Maharashtra. After reading the letter it seems that the enquiry against the applicant was completed and the enquiry report was received on 20.6.2013, as the criminal case was pending therefore request was made by the applicant not to conclude the enquiry. Now the Sessions Court, Nagpur allowed Criminal Appeal No.98/2016 preferred by the applicant and acquitted him from the charges under Sections 448 & 354 of IPC. The judgment delivered by the Sessions Court acquitting the appellant is not challenged by the Government. Under these circumstances the respondent no.1 is directed to take final decision in the DE within four weeks.

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

**Member (J)**

(sgj)





**O.A. No.1050/2019 with CA.20/20 (S.B.)**

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

**Dated : 5.2.2020**

Heard Shri B.L. Meshram, learned Advocate for the Applicant and Shri V.A. Kulkarni, learned Presenting Officer for the Respondents.

2. Ld. PO has filed copy of letter dated 1.1.2018 written by Deputy Secretary, Fisheries Department, Government of Maharashtra. In this letter it is mentioned that as the applicant was convicted in Criminal Case No.10/2010, as per Rule 27 order was passed by Government of Maharashtra not to pay pension and gratuity to the applicant. It is mentioned that the applicant is acquitted in appeal preferred in the Sessions Court and in view of this judgment of the Sessions Court, the Government has decided not to initiate disciplinary proceedings against the applicant and the Government has withdrawn the order not to pay pension and gratuity to the applicant.

3. In view of this, the respondents are directed to pay regular pension, gratuity and all other retirement benefits, which are not paid to the applicant, within eight weeks. OA and CA are disposed off.

**Member (J)**

(sgj)

**O.A. No.905/2018 (S.B.)**

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

**Dated : 5.2.2020**

Heard Shri Sohail Shaikh, learned Advocate holding for Shri A.S. Dhore, learned Advocate for the Applicant and Shri V.A. Kulkarni, learned Presenting Officer for the Respondents.

2. **S.O. to one week.**

**Member (J)**

(sgj)

**O.A. No.760/2016 (S.B.)**

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

**Dated : 5.2.2020**

None for Applicants and Respondent no.3.  
Heard Shri S.A. Sainis, learned Presenting Officer for  
Respondents No.1 & 2.

2. Applicants as well as Ld. Advocate for the  
applicants are absent. It appears from the record  
that since 31.10.2017 the applicants and their  
counsel are not appearing to argue the matter. In  
view of this the OA stands dismissed in default. No  
order as to costs.

**Member (J)**

(sgj)

**O.A. No.82/2018 (S.B.)**

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

**Dated : 5.2.2020**

None for the Applicant. Heard Shri M.I. Khan, learned Presenting Officer for the Respondents.

2. Applicant as well as Advocate for the applicant are not appearing to argue the matter since 4.4.2018. They are absent today also. Therefore, OA is dismissed in default. No order as to costs.

**Member (J)**

(sgj)

**O.A. No.558/2018 (S.B.)**

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

**Dated : 5.2.2020**

Heard Shri R.D. Hajare, learned Advocate holding for Shri M.M. Sudame, learned Advocate for the Applicant and Shri S.A. Sainis, learned Presenting Officer for the Respondents.

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

**Member (J)**

(sgj)

**O.A. No.735/2018 (S.B.)**

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

**Dated : 5.2.2020**

Heard Shri Sohail Sheikh, learned Advocate holding for Shri S.P. Palshikar, learned Advocate for the Applicant and Shri P.N. Warjekar, learned Presenting Officer for the Respondents.

2. At the request of Ld. Advocate for the applicant adjourned to 6.2.2020.

3. **S.O. to 6.2.2020.**

**Member (J)**

(sgj)

**O.A. No.83/2019 (S.B.)**

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

**Dated : 5.2.2020**

Heard Shri Sohail Sheikh, learned Advocate holding for Shri S.P. Palshikar, learned Advocate for the Applicant and Shri M.I. Khan, learned Presenting Officer for the Respondents.

2. At the request of Ld. PO adjourned to four weeks.
3. **S.O. to four weeks.**

**Member (J)**

(sgj)

**O.A. No.461/2019 (S.B.)**

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

**Dated : 5.2.2020**

None for the Applicants. Heard Shri V.A. Kulkarni, learned Presenting Officer for the Respondents.

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

**Member (J)**

(sgj)



**O.A. No.949/2019 (S.B.)**

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

**Dated : 5.2.2020**

Heard Shri Pratik Mehta, learned Advocate for the Applicants and Shri A.M. Khadatkar, learned Presenting Officer for the Respondents.

2. Ld. PO submitted that in para 2 of the reply it is clear that the services of the applicants were made available at Mumbai vide order dated 22.11.2019 and it was only till 31.3.2020. In this para it is also mentioned that this was done in pursuance to the order dated 5.12.2019 which is issued by respondent no.4. Ld. PO is directed to produce the copy of order passed by respondent no.4 on 5.12.2019.

3. **S.O. to 12.2.2020.** Part Heard. Steno copy be supplied.

**Member (J)**

(sgj)

**OAs. No.58 to 63/2020 (D.B.)**

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

**Date : 5.2.2020**

Heard Ms. Priti Rane, learned Advocate for the Applicants and Shri S.A. Deo, learned Chief Presenting Officer for the Respondents.

2. At the request of Ld. Advocate for the applicants adjourned to 11.2.2020.

3. **S.O. to 11.2.2020 at 3.00 p.m.**

**Member (J)**

**Vice-Chairman**

(sgj)

O.A.No.269/2017 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :05/02/ 2020.**

None for the applicant. Shri M.I.Khan, the Id.  
P.O. for the respondents.

2. The Id. P.O. has filed reply on behalf of the  
respondent no. 4. It is taken on record. He submits  
that he will serve the copy to the other side. He  
further submits that reply of respondent no. 4 is  
sufficient to decide the matter.

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

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

5. **S.O. four weeks.**

**Vice Chairman**

**Date:-05/02/2020.**

aps.

**O.A.No.678/2017 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :05/02/ 2020.**

**C.A.No.319/2018:-**

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

**2. C.A. No. 319/2018 for Early Hearing is allowed.**

**3. S.O. next week.**

**Vice Chairman**

**Date:-05/02/2020.**  
aps.

**O.A.No.841/2017 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :05/02/ 2020.**

Heard Shri S.Phadnis, 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.**

**Vice Chairman**

**Date:-05/02/2020.**  
aps.

O.A.St.No.1495/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :05/02/ 2020.**

**C.A.No.366/2018:-**

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

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

**Vice Chairman**

**Date:-05/02/2020.**  
aps.

**O.A.No.344/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :05/02/ 2020.**

None for the applicant. Shri A.M.Khadatkar,  
the Id. P.O. for the respondent nos. 1 to 3. None for  
the respondent no. 4.

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

**Vice Chairman**

**Date:-05/02/2020.**  
aps.

O.A.No.744/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :05/02/ 2020.**

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

2. The Id. P.O. has filed reply on behalf of the respondents. It is taken on record. Copy is served to the other side.

3. The matter is **admitted** and kept for final hearing.

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

5. *Put up along with the O.A. Nos. 178 & 302/18.*

**Vice Chairman**

**Date:-05/02/2020.**  
aps.



O.A.No.916/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :05/02/ 2020.**

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

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

**Vice Chairman**

**Date:-05/02/2020.**  
aps.

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

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :05/02/ 2020.**

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

2. The Id. P.O. has filed reply on behalf of the respondent nos. 1 to 3. It is taken on record. Copy is served to the other side.

3. As per the reply para no. 7 of P.B., Pg. No. 28 which is marked Exh. A for the purpose of identification is reproduced below:-

*"The meeting of the said suspension review committee has been held on 23.01.2020. The committee has taken the brief review of applicant's suspension case in the said meeting and the decision regarding reinstatement of the applicant is under the consideration of the State Government."*

4. Respondents are directed to take decision as per the para no. 7 of the above said reply **within two weeks** from the date of this order and communicate it to the Id. counsel for the applicant and Tribunal too through Id. P.O..

5. Meanwhile, matter is **admitted** and kept for final hearing.

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

7. S.O. 28.02.2020.

Date:-05/02/2020.  
aps.

**Vice Chairman**

O.A.No.602/2017 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :05/02/ 2020.**

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

2. The Id. P.O. submitted that reply had already been filed. Hence, matter is **admitted** and kept for final hearing.

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

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

5. *Meanwhile, the Id. counsel for the applicant is at liberty to file Rejoinder, if he so desires.*

**Vice Chairman**

**Date:-05/02/2020.**  
aps.

**O.A.No.702/2016 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :05/02/ 2020.**

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

2. At the request of Id. counsel for the applicant, **S.O. 07.02.2020.**

**Vice Chairman**

**Date:-05/02/2020.**  
aps.

**O.A.No.742/2016 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :05/02/ 2020.**

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

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

**Vice Chairman**

**Date:-05/02/2020.**  
aps.

O.A.Nos.178&302/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :05/02/ 2020.**

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

**2. S.O. 24.02.2020.**

3. *Put up along with the O.A. No. 744/2019 and O.A. No. 253/2019 (which was already admitted and left by the concerned office clerk).*

**Vice Chairman**

**Date:-05/02/2020.**  
aps.

**O.A.No.1026/2018 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :05/02/ 2020.**

Heard Shri S.K.Thengri, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

2. As requested by Id. counsel for the applicant, matter should be put up before Hon'ble Member (J), since it was heard previously in that Court.

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

**Vice Chairman**

**Date:-05/02/2020.**  
aps.



**O.A.No.603/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :05/02/ 2020.**

Heard Shri S.Wahane, 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. 17.02.2020.**

**Vice Chairman**

**Date:-05/02/2020.**  
aps.

**O.A.No.307/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :05/02/ 2020.**

Heard Shri R.R.Changule, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

2. As submitted by Id. counsel for the applicant, applicant has been served show cause notice as per Annexure-A-1, P.B., Pg. No. 21 and applicant has submitted reply as per Annexure-A-2, P.B., Pg. No. 22, Major Punishment order has been passed as per Annexure-A-3, P.B., Pg. No. 23 and applicant has been dismissed from Kotwal post.

3. Applicant has approached to the S.D.O., Durwa by the representation at Annexure-A-4, P.B., Pg. No. 24. The appellate authority has passed order which is at Annexure-A-3, P.B., Pg. Nos. 47 to 52 on Pg. No. 51 the order is reproduced below:-

*"1. From the above statements and the documents filed in the matter, I have come to the conclusion that the order passed by Tahsildar Ner is proper and hence the order passed by Tahsildar Ner passed on 25.10.2017 is affirmed.*

*2. The name of appellant was included in the crop insurance list by the Talathi who are responsible and no action seems to be taken on them. The respondent has to take action against the culprit*

*Talathi by immediately and the action taken report be presented to this office."*

4. This matter is remanded back to respondent no. 1 to follow all the procedure and then take action against the applicant till that time **order passed by respondent no. 1 at Annexure-A-3 is quashed and set aside on technical ground.** However, by record it does not appear that decision was taken as per Maharashtra VillagePolice Act, 1967 (Kotwal [Recruitment and Appointment] Rule, 1959 procedure laid down under Section 7 (1) had been followed before awarding major penalty.

5. Hence Respondent no. 1 is at liberty to start fresh enquiry as per procedure laid down under Section 7 (1) of Maharashtra VillagePolice Act, 1967 (Kotwal [Recruitment and Appointment] Rule, 1959 and take action as per Rule and Regulations.

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

**Vice Chairman**

**Date:-05/02/2020.**

aps.