

**O.A. 428/2021 (S.B.)**

**(Ramshiromani R. Dwivedi Vs. State of Mah.)**

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

**Dated : 10/06/2021.**

Heard Shri V.R. Borkar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. As submitted by the learned counsel for the applicant, the applicant retired in the year 2012 and almost after 9 years the Additional Treasury Officer, Nagpur (R/4) has passed the order dated 20/01/2021 (A-1,P-11) regarding recovery of amount from pension and gratuity to tune of Rs. 1,72,758/-. This order has been passed without giving any opportunity of hearing to the applicant.

3. In view of this situation, **the impugned order dated 20/01/2021 (A-1,P-11) is stayed** till filing of the reply by the respondents.

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

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

6. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along

with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

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

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

**Vice-Chairman**

dnk.

**O.A. 429 /2021 (S.B.)**

**(Suresh M. Gangulwar Vs. State of Mah.)**

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

**Dated : 10/06/2021.**

Heard Shri V.R. Borkar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. As submitted by the learned counsel for the applicant, the applicant retired in the year 2013 and almost after 8 years the Additional Treasury Officer, Nagpur (R/4) has passed the order dated 16/04/2021 (A-1,P-11) regarding recovery of amount from pension and gratuity to tune of Rs. 48,102/-. This order has been passed without giving any opportunity of hearing to the applicant.

3. In view of this situation, **the impugned order dated 16/04/2021 (A-1,P-11) is stayed** till filing of the reply by the respondents.

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

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

6. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along

with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

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

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

**Vice-Chairman**

dnk.

O.A. 430/2021 (S.B.)

**(Samadhan T. Bodade Vs. State of Mah.)**

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

**Dated : 10/06/2021.**

Heard Shri V.R. Borkar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. As submitted by the learned counsel for the applicant, the applicant retired in the year 2009 and almost after 12 years the Additional Treasury Officer, Chandrapur (R/4) has passed the order dated 06/05/2021 (A-1,P-10) regarding recovery of amount from pension and gratuity to tune of Rs. 3,60,306/-. This order has been passed without giving any opportunity of hearing to the applicant.

3. In view of this situation, **the impugned order dated 06/05/2021 (A-1,P-10) is stayed** till filing of the reply by the respondents.

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

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

6. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along

with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

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

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

**Vice-Chairman**

dnk.

O.A. 431/2021 (S.B.)

**(Harendrasingh R. Thakur Vs. State of Mah.)**

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

**Dated : 10/06/2021.**

Heard Shri V.R. Borkar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. As submitted by the learned counsel for the applicant, the applicant retired in the year 2010 and almost after 11 years the Additional Treasury Officer, Chandrapur (R/4) has passed the order dated 01/04/2021 (A-1,P-10) regarding recovery of amount from pension and gratuity to tune of Rs. 3,07,710/-. This order has been passed without giving any opportunity of hearing to the applicant.

3. In view of this situation, **the impugned order dated 01/04/2021 (A-1,P-10) is stayed** till filing of the reply by the respondents.

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

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

6. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along

with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

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

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

**Vice-Chairman**

dnk.



O.A. 433 /2021 (S.B.)

**(Manoranjan N. Meshram Vs. State of Mah.)**

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

**Dated : 10/06/2021.**

Heard Shri V.R. Borkar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. As submitted by the learned counsel for the applicant, the applicant retired in the year 2012 and almost after 9 years the Additional Treasury Officer, Chandrapur (R/4) has passed the order dated 12/05/2021 (A-1,P-10) regarding recovery of amount from pension and gratuity to tune of Rs. 3,11,908/-. This order has been passed without giving any opportunity of hearing to the applicant.

3. In view of this situation, **the impugned order dated 12/05/2021 (A-1,P-10) is stayed** till filing of the reply by the respondents.

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

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

6. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along

with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

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

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

**Vice-Chairman**

dnk.

O.A. 432/2021 (S.B.)

(Shankar J. Gowardipe Vs. State of Mah.)

Coram: Shri Shree Bhagwan,  
Vice-Chairman.

Dated : 10/06/2021.

Heard Shri V.R. Borkar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. As submitted by the learned counsel for the applicant, the applicant retired in the year 2012 and almost after 9 years the Additional Treasury Officer, Chandrapur (R/4) has passed the order dated 01/06/2021 (A-1,P-10) regarding recovery of amount from pension and gratuity to tune of Rs. 3,09,212/-. This order has been passed without giving any opportunity of hearing to the applicant.

3. In view of this situation, **the impugned order dated 01/06/2021 (A-1,P-10) is stayed** till filing of the reply by the respondents.

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

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

6. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along

with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

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

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

**Vice-Chairman**

dnk.

**\*O.A. 420/2021 (S.B.)**

**(Chandrashekhar D. Gharat Vs.State of Mah.)**

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

**Dated : 10/06/2021.**

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the State.

2. As submitted by the learned counsel for the applicant, the applicant was posted at Yavatmal District under Jail Establishment. He was relieved on 13/5/2017 to join at Amravati Central Jail on transfer. As per the correspondence dated 4/9/2017 (A-1,P-8) issued by the Superintendent, Yavatmal District Jail it seems that the applicant had requested to retain Government accommodation due to education of his daughter, but his request was not considered and vide this letter dated 4/9/2017 (A-1,P-8) Superintendent, Yavatmal District Jail, Class-I informed the applicant that beyond prescribed period house rent will be charged as per market rate. The learned counsel for the applicant has filed G.R. dated 10<sup>th</sup> Sept., 1996 (P-24). As per this G.R. on page no.25 point no.d which is reproduced below -

^%d½ rhu efgU; kP; k dkyko/khuarj l ozi dzj .kh i rh plj l  
QWkl #i ; s 10@& i æk.ks fuokl LFkkukP; k , dqk pVbz

{k=QGkl kBh nMuh; njkus vuKlrh 'kpy vldkj.kh  
dj.; kr ; koh\*\*

3. The Government has prescribed charge @ Rs.10/- per Sq. feet for staying at Government quarter after prescribed period from transfer date. The learned counsel for the applicant further submitted that the applicant's Govt. quarter is about 220 Sq. feet which will have to be multiplied by Rs.10/- and rent comes to be Rs.2200/- per month. But the respondents have calculated amount of rent by taking rate of Rs.100/- per Sq. feet and total of 22,000/- per month rent has been calculated and recovery is done to the tune of Rs.3,30,000/-. The applicant has made representation dated 8/6/2019 (A-7,P-27) to the Principal Secretary, Home Department (M.S.), Mumbai and on page no. 28 it is mentioned that recovery of Rs. 3,30,000/- is done which is against the Govt. G.R. dated 10<sup>th</sup> Sept., 1996 (P-24). Aggrieved with this recovery, the applicant has approached to this Tribunal.

4. The learned counsel for the applicant submits that the recovery is started from May,2019 till date. In the interest of justice, the respondents are directed not to further recover the amount till final disposal of the O.A.

5. Issue notice to the respondents returnable **after six weeks**. Learned 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 six weeks.**

**Vice-Chairman**

dnk.

**\*O.A. 34/2021 (S.B.)**

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

**Dated : 10/06/2021.**

Heard Shri M.R. Rajgure, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for respondent no.1. None for other respondents.

2. The learned counsel for the applicant submitted that the applicant retired on 30/06/2018 and he is receiving provisional pension. However final pension is yet to be received. The learned counsel further pointed out that Assistant Superintending Engineer, Irrigation Department, Nagpur has issued letter dated 13/12/2019 (A-1,P-22) and fixed the applicant's pay which is acceptable to the applicant. However, this order has not been implemented till now by the respondent no.3 i.e. Executive Engineer, Lower Wardha Canal Division, Wardha. Aggrieved with non implementation of this order of Assistant Superintending Engineer, Irrigation Department, Nagpur, the applicant has approached to this Tribunal. It is not understood why the respondent no.3 has disobeyed the order of the respondent no.2 who is his senior officer.

3. The learned P.O. desires three weeks time to file reply. At his request, **S.O. three weeks** for filing reply.

**Vice-Chairman**

dnk.



**\*O.A. 427/2021 (S.B.)**

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

**Dated : 10/06/2021.**

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

2. The applicant was suspended on 24/7/2018 (A-2,P-10) while working at Dhule District Jail under various offences registered against him and he was arrested for the offences. Subsequently, the applicant was reinstated vide order dated 18/5/2021 (A-3,P-12) and posted at Nagpur.

3. The learned counsel for the applicant submits that changing the applicant's headquarter from Dhule to Nagpur is not correct. Aggrieved with this order the applicant has approached to this Tribunal.

4. The applicant has made representation dated 20/5/2021 (A-4,P-14) to the respondent no.2 to give placement of posting at Thane.

5. In view of above, the respondents are directed to decide applicant's representation dated 20/5/2021 (A-4,P-14) within six weeks from receipt of this order.

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

**Vice-Chairman**

dnk.

**\*O.A. 426/2021 (S.B.)**

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

**Dated : 10/06/2021.**

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

2. The applicant is a Medical Officer, Group-A. He is suspended vide order dated 10/2/2021 (A-2,P-14) issued by the Health Department, Chief Executive Officer, Zilla Parishad, Gadchiroli.

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.**

**Vice-Chairman**

dnk.

**O.A. 421/2021 (S.B.)**

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

**Dated : 10/06/2021.**

Heard Shri B.V. Chawhan, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for the State.

2. The applicant is a R.F.O. and she is working in South Bramhapuri Forest Range. She is placed under suspension vide order dated 24/5/2021 (A-IV,P-15) by the respondent no.2.

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.**

**Vice-Chairman**

dnk.

**O.A. 506/2020 (D.B.)**

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

**Dated : 10/06/2021.**

**MCA No. 10/2021 -**

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondent nos.1,2&4. None for R-3.

2. The learned counsel for the applicant has filed MCA No. 10/2021 and submitted that in order dated 6/5/2021 in para-3 the applicant's representation date is mentioned as 2/5/2021, but it should be corrected as 12/3/2021.

3. In view of above, in order dated 6/5/2021 the date of applicant's representation should be corrected as 12/3/2021. However, on page no.49 of O.A. applicant's application was seen and no date is mentioned there and the applicant has not signed on page no.50 also. The office is directed to correct the date in para-3 of order dated 6/5/2021 as 12/3/2021

4. The MCA is allowed and disposed of. No order as to costs.

**Vice-Chairman**

dnk....

**O.A.No.419/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 10/06/ 2021.**

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

2. The applicant was suspended vide order dated 05.05.2018 (Annexure-A-1, P.B., Pg. No. 12) and subsequently department reinstated the applicant vide order dated 29.01.2021 (Annexure-A-2, P.B., Pg. No. 14); applicant is at Sr. No. 9 bearing name Vilas Baurao Wadekar. The Chargesheet was served to the applicant vide order dated 17.02.2021 (Annexure-A-3, P.B., Pg. No. 16). Subsequently, applicant vide letter dated 06.03.2021 (Annexure-A-4, P.B., Pg. No. 24) requested respondents to appoint Shri M.M.Kumbhare who is a retired Assistant Commissioner of Police to defend him in enquiry; the same was rejected vide order dated 26.04.2021 (Annexure-A-5, P.B., Pg. No. 25) by Departmental Enquiry Officer and Assistant Police Commissioner of Police. The circular is also issued by Jt. Commissioner of Police vide letter dated 29.07.2019 (Annexure-A-6, P.B., Pg. No. 26). The applicant is aggrieved with the order dated 29.07.2019 (Annexure-A-6, P.B., Pg. No. 26) that not to appoint Shri M.M.Kumbhare retired A.C.P. due to circular of Joint Police Commissioner, Nagpur has approached to this Tribunal.

3. In view of this situation, Respondents are directed to clarify why the facility cannot be granted to the applicant as prescribed in Police Manual. **Till clarification, proceedings of the departmental enquiry is stayed.**

4. Issue notice to Respondents, returnable on four weeks. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

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

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

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

9. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original



Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

10. S.O. four weeks.

11. Steno copy is granted.

**Date:-10/06/2021.**  
aps.

**Vice Chairman**

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

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 10/06/ 2021.**

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

2. The Id. counsel for the applicant has pointed out circular dated 12.06.2020 (Annexure-A-11, P.B., Pg. No. 36) by Soil and Water Conservation Department in which applicant's name appear at Sr. No. 537 at P.B., Pg. No. 39; where applicant date of appointment as Junior Engineer is mentioned as 01.10.2002.

3. The Id. counsel for the applicant has also pointed out P.B., Pg. No. 28, dated 08.09.2020, wherein last line following observations is made:-

"en o tyl ढळ्ळ.क foHkxkP; k vkLFki udjhy tyl ढळ्ळ.क vf/kdkjh] xV&c jkt i f=r %i nfodk/kjd½ ok l oxkP; k fnukad 01-01-2018 jktP; k vire T; sBrk ; knhe/; snq Lrh dj.; kl kBh ofjy i æk.ks v-dz:1 rs4 e/; suen dlyY; k ckchud kj vko'; d nLrk, ot ; kl kcr l knj dj.; kr ; s vl u nLr, otP; k vk/WjsJh Vh-Mh-i kj/kh] tyl ढळ्ळ.क vf/kdkjh ; kph tUerkjh[k fnukad 04-11-1964 n'kzo.; kr ; koh o dfu"B vfHk; ark i nkoj fu; Prrhpk fnukad 07-11-1984 n'kzo.; kr ; kok] ghfourh"

4. By the above para, it appears that applicant's appointment date is 07.01.1984; whereas on P.B., Pg. No. 39, the same is mentioned as 01.10.2002. The applicant has made many representations and last representation is dated 25.09.2020 (Annexure-A-8, P.B., Pg. No. 29) for correction regarding date of

appointment. However, these representations have not been decided till now and respondents are ready with the promotion process; if promotion orders are issued without disposing his representations; applicant would be made to suffer in his carrier.

5. In view of this, respondents are directed that while issuing any promotional order, keep one post vacant for **Nagpur Division** for the applicant till this O.A. is decided. *Respondents are at liberty to decide these representations before filing reply.*

6. Issue notice to Respondents, returnable on six weeks. Learned C.P.O. waives notice for R-1. 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.

12. **S.O. six weeks.**

13. **Steno copy is granted.**

**Vice Chairman**

**Date:-10/06/2021.**

aps.

**C.P.No.18/2019inO.A.No.123/2017 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 10/06/ 2021.**

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

2. The Id. P.O. submits that pension and gratuity have been paid to the applicant. However, interest on gratuity is pending. In the order dated 22.03.2021, in para no. 3, it was specifically mentioned that proposal was pending at the end of Law and Judiciary Department. However, Id. P.O. submits that department will take the decision within two weeks as per M.C.S. (Pension) Rules, 1982, Section 129-B, which is very much clear about payment of interest on delayed payment of pension and further dues.

3. In view of clear provisions in M.C.S. Pension Rule, Respondents are directed to pay interest on delayed payment of gratuity as per provision contained in M.C.S. (Pension) Rules, 1982, Section 129-B **within two weeks** from the date of this order and file the compliance report.

**4. S.O. 30.06.2021.**

**5. Steno copy is granted.**

**Vice Chairman**

**Date:-10/06/2021.**

aps.

O.A.No.245/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 10/06/ 2021.**

**C.A.No.141/2021:-**

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the Respondents. None for respondent no. 3.

2. In O.A. No. 245/2021, the Id. counsel for the applicant has submitted that respondent no. 3 was promoted as Garden Superintendent. However, in reply, respondents are filed that respondent no. 3 was appointed by promotion. Hence, C.A. NO. 141/2021 has filed by the Id. counsel for the applicant in this regard.

3. Hence, **C.A. No. 141/2021 for amendment is allowed.** The Id. counsel for the applicant is directed to carry out the amendment within one week. Subsequently, three weeks time is granted to the Id. P.O. to file reply.

4. **S.O. 28.06.2021.**

**Vice Chairman**

**Date:-10/06/2021.**  
aps.

O.A.No.425/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 10/06/ 2021.**

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

2. As submitted by the Id. counsel for the applicant, Public Health Department published vacancy of various posts as per Annexure-A-2, P.B., Pg. No. 10, advertisement year 2018. The said post advertisement is at P.B., Pg. No. 15 and at Sr. No. 11 there was post of Staff Nurses and in bracket it is written "50 VDs vkjkk; l ok l pkyuky; o os dhi; f'k{k.k o l ákkku l pkyuky; kP; k 'kkI fd; i fjp; kZegkfo?kky; krthy mRrh.kz>kyys menokj ; kb; k e/ku jk[kho"

3. In response to the above advertisement applicant applied as per Annexure-A-3, P.B., Pg. No. 30 on the top it is written "Staff Nurse (Private) (50%)". The applicant was called for the examination and in the result applicant scored 156 marks and she stood at Sr. No. 7 in private 50% quota. The result was declared by Deputy Director of Health Services, Akola Circle, Akola. The publication of this result has been communicated by Respondent no. 3 to Respondent no. 2 vide letter dated 03.05.2021 (Annexure-A-7, P.B., Pg. No. 52) and in the last para it is mentioned below:-

"dfjrk Ldy vkkk ufl k ds bz ,e- gkkI hVy] ijy] epbz : X.ky; ke/ku mRrh.kz>kyY; k vf/ki fjpjhdck ; kpk fuoMh ckrpk dlvk

[kt xh l et.; kr ; kok fclok 'kl dh; ; kclcr di ; k ; k clk; ky; kl  
elxh' kL d: u Jherhf{krhtk x.kk i okj ; kkk i k= fclok vi k= dj.; kr  
; kos; kclcr di ; k ; k clk; ky; kl elxh' kL dj.; kr ; kosfg fourth"

4. By the above letter, the Deputy Director has asked the Director on only one point that whether the institute from which applicant is passed should be treated as private or Government? Applicant has also made correspondence to the respondent no. 3 vide letter dated 03.05.2021 (Annexure-A-6, P.B., Pg. No. 51) and after last para in bottom it is written "K.E.M. (King Edward Memorial) Hospital corporation gs (BMC) vrxr ; r vl Y; keGsl nj i f'k.k l kFlk gs [kt xh l njkr ekMrs djhrk ; kx; clk; bkgHLro l fou; l knj"

5. In response to the letter dated 03.05.2021 (Annexure-A-7, P.B., Pg. NO. 52) by Respondent no. 3 to Respondent no. 2; where in last para only one clarification has been asked. The Respondent no. 2 vide letter dated 27.05.2021 (Annexure-A-8, P.B., Pg. No. 53) has diverted the issue and not clearly given opinion to the Respondent no. 3. In the last line, it is only written that he should act further by letter dated 20.05.2021. It appears that applicant has successfully passed the examination and she is due for appointment.

6. In view of this situation, **respondents are directed to keep one post vacant for the applicant if at all they are going to fill the post in private quota till decision of the Original Application.**



7. Issue notice to Respondents, returnable on four weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

9. 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.

10. 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.

11. 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.

12. 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.

13. S.O. four weeks.

**Vice Chairman**

**Date:-10/06/2021.**  
aps.