

O.A. 292/2020 with C.A. 183/2020 (D.B.)

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

Dated : 06/10/2021.

Heard Shri V.D. Awchat, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for the respondents and Shri P.J. Mehta, Id. counsel for Intervener.

The Id. P.O. files reply of R-2, i.e. MPSC on O.A. It is taken on record and copies are served to the other sides.

The O.A. is admitted and kept for final hearing. The Id. P.O. waives notice for the Respts.

S.O. in due course.

Vice-Chairman

dnk.

O.A. 164/2021 (D.B.)

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

Dated : 06/10/2021.

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

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

Vice-Chairman

dnk.

(D.B.)

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

Dated : 06/10/2021.

C.A.No.162/2021 in O.A. 326/2021 &

C.A.No. 163/2021 in O.A. 327/2021 -

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

2. The issue involved in the advertisement of MPSC which is dated 3/1/2014. In earlier order dated 15/9/2021 in para-2, the date of advertisement was given as 16/2/2018 which needs to be corrected. Similarly, it is also mentioned that the O.As. were filed on 29/4/2021 which are also after lapse of 10 years, but it is after lapse of more than three years.

3. The MPSC has published advertisement on 3/1/2014. Subsequently they have published second advertisement no.13/2018 which is dated 16/2/2018. The learned counsel is challenging both the advertisements.

4. The learned P.O. has filed reply of R-2, i.e., MPSC in both the O.As. Same are taken on record and copies are supplied to the other side.

5. The learned counsel desires to file rejoinder. He is permitted to do so.

6. The matters are admitted and kept for final hearing.

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

Put up before regular Division Bench.

Vice-Chairman

dnk.

O.A. 330/2021 (D.B.)

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

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

Dated : 06/10/2021.

Heard Shri D.R. Rupnarayan, Id .counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

2. The applicant is of the cadre of Naib Tahsildar and as per relief Clause 9 (i) on page no.15 of the O.A., he desires Ad-hoc promotion to the post of Tahsildar and for that he has made representation dated 17/11/2015 (A-14,P-64) to the Principal Secretary, Revenue Department. However, the learned counsel has not understood about the Mantralaya, because, he has made the Chief Secretary, Revenue and Forest Department, Mumbai as respondent no.1. He is made cleared that there is no post of Chief Secretary in the Revenue Department.

3. However, in the interest of justice, the Principal Secretary/ Additional Chief Secretary of Revenue Department is directed to decide the representation of the applicant 17/11/2015 (A-14,P-64) within two months from the date of receipt of this order as per existing rules and regulations.

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

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Vice-Chairman

dnk.

O.A. 337/2021 (D.B.)

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

Dated : 06/10/2021.

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

2. The Id. P.O. files reply of R-2&3. It is taken on record. Copy is served to the Id. counsel for the applicant. The Id. counsel wants to go through the same and file rejoinder.

3. The matter is admitted and kept for final hearing. The Id. P.O. waives notice for the Respts.

4. The Id. counsel for the applicant is at liberty file rejoinder, if any.

S.O. in due course.

Vice-Chairman

dnk.

O.A. 338/2021 (D.B.)

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

Dated : 06/10/2021.

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

2. The Id. P.O. files reply of R-2&3. It is taken on record. Copy is served to the Id. counsel for the applicant. The Id. counsel wants to go through the same and file rejoinder.

3. The matter is admitted and kept for final hearing. The Id. P.O. waives notice for the Respts.

4. The Id. counsel for the applicant is at liberty file rejoinder, if any.

S.O. in due course.

Vice-Chairman

dnk.

O.A. 349/2021 (D.B.)

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

Dated : 06/10/2021.

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

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

Vice-Chairman

dnk.

O.A. 841/2021 (D.B.)

(P.G. Sonewane & Ors. Vs. State of Mah.)

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

Dated : 06/10/2021.

C.A. 285/2021 -

Heard Shri I.N. Choudhari, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the State.

2. The learned counsel has filed C.A. for Jt. O.A. Since the grievance of all the applicants are common, therefore, the C.A. for filing Jt. O.A. is allowed and disposed off.

O.A. 841/2021 -

Heard Shri I.N. Choudhari, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the State.

2. As per internal correspondence dated 18/5/2016 (P-48 to 50) in Clause no.16 it is mentioned that the persons working in the Special Tiger Protection Force (STPF) can be transferred to Reserve Forest Guard post after completion of 40 years. The learned counsel is relying on that point. In the Standing order dated 18/10/2019 (A-4,P-104 to 109) the Clause (iv) on page no.105 is reproduced as below –

“(iv) On attainment of the age of 40 years, STPF personnel would be transferred out of the Tiger Reserve to other units of the State Forest Department. The State Governments must concur to absorb the STPF personnel in the regular establishment of their Forest Department after such personnel attain the age of 40 years for posting in any area within the said Department, other than tiger protection.”

3. Similarly, in the Standing Order on page no.107 the Clause (2) says that after completion of six years service, they can be transferred to other department. It appears this order has been

issued in pursuance of the National Tiger Reserve Authority, New Delhi guidelines in order dated 9/1/2013 which is mentioned in reference of the correspondence dated 18/10/2019 (A-4,P-104).

4. The learned counsel is directed that he should file Chart showing about all the applicants' date of birth when they completed 40 years and when they joined in STPF and as on today how many years they have served in STPF and supply copy to the learned P.O. before the next date of hearing.
5. Issue notice to the respondents returnable **after four 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 four weeks.

Vice-Chairman

dnk.

O.A. 877/2021 (D.B.)

(N.G. Ingle & 45 ors Vs. State of Mah & Ors.)

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

Dated : 06/10/2021.

C.A. 307/2021 -

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

2. The learned counsel has filed C.A. for Jt. O.A. Since the grievance of all the applicants are common, therefore, the C.A. for filing Jt. O.A. is allowed and disposed off.

O.A. 877/2021 -

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

2. The learned counsel has filed Pursis today in the Court and in the Pursis he has submitted that similarly situated persons like present applicants have filed Writ Petition No.6040/2021 under Article 226 and 227 of the Constitution of India before the Hon'ble Bombay High Court and has made following prayers in that writ petition which is reproduced as under –

“(A) To quash the Government Resolution dated 20/09/2021 issued by the Social Justice and Special Assistance Department, Mantralaya, Mumbai by issuing a writ of certiorari, or any other orders, directions or any other appropriate writ as the case may be ;

(B) to direct the respondents to continue to extent the benefits to the petitioners which they have been getting on the basis of G.R. dated 13/4/2011 issued by the respondent no.1 State, by issuing writ of mandamus, orders, directions or any other appropriate writ as the case may be;

(C) to grant interim stay to the operation, execution and implementation of the G.R. dated 20/9/2021 issued by the Social Justice and Special Assistant Department, Mantralaya, Mumbai pending hearing and final disposal of this writ petition ;

(D) to grant interim injunction restraining the respondents, their agents, servants and employee from implementing the G.R. dated 20/9/2021 or taking any action in furtherance thereof, pending hearing and final disposal of this writ petition;

(E) to grant any other relief to which the petitioners are found entitled in the peculiar facts and circumstances of the case”.

3. In the order dated 28/9/2021 in para-4 on page no.100 the Hon'ble Bombay High Court has made following observations –

“(4) Till next date, there shall be ad-interim relief in terms of prayer clauses (C) and (D). Parties to act on the authenticated copy of this order.”

4. Since the Hon'ble Bombay High Court has granted stay of clauses (C) & (D). In the O.A. on page no.27 the learned counsel has prayed in para-9 interim relief which is similar to the order passed by the Hon'ble Bombay High Court.

5. In view of this interim relief made in the O.A. on page no.27 in para-9 is granted. The effect of implementation of Govt. G.R. dated 20/9/2021 is stayed till decision of the O.A. However, the respondents are directed that the applicants be continued to get pay as they have been given before issuance of the Govt. G.R. dated 20/9/2021.

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.

Steno copy is granted...

Vice-Chairman

dnk.

O.A. 879/2021 (D.B.)

(C.D. Khode & 46 ors Vs. State of Mah.)

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

Dated : 06/10/2021.

C.A. 308/2021 -

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

2. The learned counsel has filed C.A. for Jt. O.A. Since the grievance of all the applicants are common, therefore, the C.A. for filing Jt. O.A. is allowed and disposed off.

O.A. 879/2021 -

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

2. The learned counsel has filed Pursis today in the Court and in the Pursis he has submitted that similarly situated persons like present applicants have filed Writ Petition No.6040/2021 under Article 226 and 227 of the Constitution of India before the Hon'ble Bombay High Court and has made following prayers in that writ petition which is reproduced as under –

“(A) To quash the Government Resolution dated 20/09/2021 issued by the Social Justice and Special Assistance Department, Mantralaya, Mumbai by issuing a writ of certiorari, or any other orders, directions or any other appropriate writ as the case may be ;

(B) to direct the respondents to continue to extent the benefits to the petitioners which they have been getting on the basis of G.R. dated 13/4/2011 issued by the respondent no.1 State, by issuing writ of mandamus, orders, directions or any other appropriate writ as the case may be;

(C) to grant interim stay to the operation, execution and implementation of the G.R. dated 20/9/2021 issued by the Social Justice and Special Assistant Department, Mantralaya, Mumbai pending hearing and final disposal of this writ petition ;

(D) to grant interim injunction restraining the respondents, their agents, servants and employee from implementing the G.R. dated 20/9/2021 or taking any action in furtherance thereof, pending hearing and final disposal of this writ petition;

(E) to grant any other relief to which the petitioners are found entitled in the peculiar facts and circumstances of the case”.

3. In the order dated 28/9/2021 in para-4 on page no.85 the Hon'ble Bombay High Court has made following observations –

“(4) Till next date, there shall be ad-interim relief in terms of prayer clauses (C) and (D). Parties to act on the authenticated copy of this order.”

4. Since the Hon'ble Bombay High Court has granted stay of clauses (C) & (D). In the O.A. on page no.27 the learned counsel has prayed in para-9 interim relief which is similar to the order passed by the Hon'ble Bombay High Court.

5. In view of this interim relief made in the O.A. on page no.27 in para-9 is granted. The effect of implementation of Govt. G.R. dated 20/9/2021 is stayed till decision of the O.A. However, the respondents are directed that the applicants be continued to get pay as they have been given before issuance of the Govt. G.R. dated 20/9/2021.

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.

Steno copy is granted...

Vice-Chairman

dnk.

O.A. 523/2021 (D.B.)

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

Dated : 06/10/2021.

**C.A.Nos. 291,292,293 &294 of 2021 in O.A.
523/2021 -**

Heard Shri R.V. Shiralkar, Id. counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for the respondents and Shri S.P. Palshikar, Id. counsel for Intervener.

At the request of Id. counsel for the applicant, **S.O. 11/10/2021.**

Put up along with other connected matters.

Vice-Chairman

dnk.

O.A. 524/2021 (D.B.)

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

Dated : 06/10/2021.

Heard Shri R.V. Shiralkar, Id .counsel holding for Shri V. Dongre, 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. 11/10/2021.**

Put up along with other connected matters.

Vice-Chairman

dnk.

O.A. 525/2021 (D.B.)

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

Dated : 06/10/2021.

Heard Shri R.V. Shiralkar, Id .counsel holding for Shri V. Dongre, 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. 11/10/2021.**

Put up along with other connected matters.

Vice-Chairman

dnk.

C.P. 39/2021 in O.A. 122/2010 (D.B.)

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

Dated : 06/10/2021.

Heard Shri B. Kulkarni, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The order was passed by MAT, Nagpur on 28/7/2015 in O.A.122/2010. The appeal was preferred before the Hon'ble High Court in Writ Petition No.6874/2016 which was dismissed on 26/2/2020. The Id. P.O. submits that the respondents have paid pension and interest to the applicant as per order of the MAT.

3. Today, the Id. P.O. has filed reply of R-3, i.e., Manager, Central Jail Press, Wardha Road, Nagpur and in para-3 it is mentioned that the respondents have refunded Rs.1,33,176/- with interest there on 15/6/2016 which was recovered towards the excess amount paid to the applicant. As per the MAT order the amount has been paid to the applicant and Hon'ble High Court has upheld the order of MAT vide order dated 26/2/2020. But, as submitted by the Id. P.O., the Department has approached to the Law and Judiciary Department for filing Review Application before the Hon'ble High Court.

4. In view of this, four weeks time is granted to place on record about progress of Review Application.

5. It is submitted that the respondents are in the progress of revising the pension of the applicant, but they are waiting for filing Review Application before the Hon'ble High Court.

S.O. after four weeks.

Vice-Chairman

dnk.

O.A. Nos.609,613 & 614 of 2021 (D.B.)

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

Dated : 06/10/2021.

Heard Shri Akhilesh Potnis, Id. counsel holding for Shri M.M. Sudame, Id. counsel for the applicant (In O.A. 609/2021) and Shri N.R. Shiralkar, Id .counsel for the applicant (in O.A.Nos. 613& 614 of 2021), Shri A.M. Ghogre, Id. P.O. and other Id. P.Os. for the respondents in all O.As.

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

Vice-Chairman

*dnk.

O.A.No.139/2020 (S.B.)

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

C.A.No.300/2021:-

Shri D.B.Walthare, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the Respondents.

2. **C.A. for Early Hearing is allowed.**

3. At the request of Id. counsel for the applicant, **S.O. 20.10.2021.**

Vice Chairman

Date:-06/10/2021.
aps.

O.A.No.247/2020 (S.B.)

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

C.A.No.140/2020:-

Shri R.D.Bawiskar, the Id. counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the Respondents.

2. **C.A. for Jt. O.A. is allowed.**

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

Vice Chairman

Date:-06/10/2021.
aps.

O.A.No.658/2020 (S.B.)

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

None for the applicant. 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, O.A. is **admitted** and kept for final hearing.

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

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

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

Vice Chairman

Date:-06/10/2021.
aps.

O.A.No.892/2020 (S.B.)

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

Shri P.S.Kshirsagar, the Id. counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the Respondents.

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

Vice Chairman

Date:-06/10/2021.

aps.

O.A.No.80/2021 (S.B.)

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

Shri S.K.Verma, the Id. counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the Respondents.

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

Vice Chairman

Date:-06/10/2021.
aps.

O.A.No.125/2021 (S.B.)

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

Ms. S.Meghe, the Id. counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the Respondents.

2. The Id. counsel for the applicant submits that the grievance of the applicant is redressed. Hence, she wants to withdraw the O.A..

3. Hence, **matter is disposed of as withdrawn.**

Vice Chairman

Date:-06/10/2021.
aps.

O.A.No.223/2021 (S.B.)

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

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

Vice Chairman

Date:-06/10/2021.
aps.

O.A.No.331/2021 (S.B.)

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

Shri V.G.Palshikar, the Id. counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the Respondents.

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

Vice Chairman

Date:-06/10/2021.
aps.

O.A.No.426/2021 (S.B.)

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

Shri S.N.Gaikwad, the Id. counsel for the applicant, Shri V.A.Kulkarni, the Id. P.O. for the Respondent nos. 1 to 3 and Smt. S.P.Giratkar, the Id. counsel for the respondent no. 4.

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. The applicant was suspended vide order dated 10.02.2021 (A-2, Pg. No. 14). By reply of Respondent no. 1 as whereas pleadings by Id. counsel for the applicant; It appears that till now no chargesheet has been served to the applicant. The settled principle on continuation of suspension which are 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 Hon'ble High Court of Bombay, Bench at Nagpur in W.P. No. 7506/2018, Judgment delivered on 17.07.2019 (Annexure-A-6, Pg. No. 47), 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 'kkI dh; I dckk; k T; k i d j .kh 3 efgll; kpk dkyko/khr foHkxh; pkd'kh I q d: u nks'k'k'ki i = ctko.; kr vkysukgh] v'kk i d j .kh ek- I okp U; k; ky; kpsvmsk i kgrk] fuyeu I ektr dj.; k'kok; vU; i; k; jkgr ukgh- R; keqsfuyfcr 'kkI dh; I dckckcr foHkxh; pkd'kph dk; bkgh I q d: u nks'k'k'ki i = ctko.; kph dk; bk; h fuyeu ki kl u 90 fnol k; k vkr dkVdij i .ksdsh t'kby; ; kph n{krk [kjnkjh ?s; kr ; koh-

(V) The Government of Maharashtra vide its G.R. G.A.D. 'kkI u fu.kz dz 118@i zdz 11@11v] fnukd 09-07-2019 in para nos. 1 (i, ii & iii) following decisions have been taken :-

i) fuyfcr 'kkI fd; I dckk; k T; k i d j .kh 3 efgll; k; k dkyko/khr foHkxh; pkd'kh I q d: u nks'k'k'ki i = ctko.; kr vkysvkg] v'kk i d j .kh fuyeu dY; ki kl u 3 efgll; kr fuyeu kpk vk<kok ?nu fuyeu i qspkyw Boko; kpsvI Y; ki R; kckcrpk fu.kz I q i "V vkns'kkI g %dij .k feekd d g½ u {ke i k/kdk&; k; k Lrjkoj ?s; kr ; kok-

ii) fuyfcr 'kkl dh; I dcl; k T; k i dj .kh 3 efgU; kpk dkyko/khr foHkxh; pkcl'kh l q d: u nskjki i = ctlo.; kr vksukgh] v'kk i dj .kh ek- l olp U; k; ky; kps vksk i kgrkj fuyæu l ekir dj.; kf'kok; vU; i; k; jkgr ukgh- R; keGsfuyfcr 'kkl dh; I dcl; kcr foHkxh; pkcl'kph dk; bkgh l q d: u nskjki i = ctlo.; kph dk; bk; h fuyæuki kl u 90 fnol k; k vkr dkVclj i .ks dsh tky; ; kph n{krk [kcjnkjh ?ks; kr ; koh-

iii) QkStnkjh i dj .kkr fo'kskr% ykpyir i dj .kh fuyfcr 'kkl dh; I dcl; j foHkxh; pkcl'kh l q d: u nskjki i = ctlo.kckcr vko'; d rks vfhky[k ykpyir i frcdkd foHkxkus l æû/kr izkkl dh; foHkxkl mi yC/k d: u nsksvko'; d jkfgy-

4. In view of discussions in above paras following order:-

A. Suspension order dated 10.02.2021 by respondent no. 4 is revoked with immediate effect on technical ground since it is violative of settled principle of Law.

B. Respondents are directed to issue necessary order and posting order as per para no. 24 of 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.**

5. With these directions, **O.A. is disposed of with no order as to costs.**

Vice Chairman

Date:-06/10/2021.

aps.

O.A.No.493/2021 (S.B.)

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

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

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

Vice Chairman

Date:-06/10/2021.
aps.

O.A.No.503/2021 (S.B.)

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

Shri R.Deshpande, the Id. counsel for the applicant, Shri M.I.Khan, the Id. P.O. for the Respondents and Shri R.N.Sen, the Id. counsel for the respondent no. 5.

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

Vice Chairman

Date:-06/10/2021.

aps.

O.A.No.586/2021 (S.B.)

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

Shri K.D.Badole, the Id. counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the Respondents.

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

Vice Chairman

Date:-06/10/2021.
aps.

O.A.No.781/2021 (S.B.)

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

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

2. The matter was heard on 06.09.2021 and in para nos. 3 & 4 specific order was given which were below:-

3. The learned counsel has relied on G.R. dated 6/8/2002 (A-3,P-21 to 28) and mainly relied on internal page-5 of the G.R. the clause M (2) which is as under –

^M (2) vifnokl h {ks-kr fdeku 2 o"klpkysdke dyv; k xV v o c P; k vf/kdk&; kulk nf[kr R; k; k i l arP; k ftYg; kr l kbZq kj use.kcdk ns; kr ; k0; kr**-

4. The applicant has completed 4 years at Gondia and after that he has submitted his choice posting as per representation dated 22/3/2020 (A-4,P-29&30) in which he has given three choices and all the three choices are for Pune. As submitted by the learned counsel, the transfer order dated 30/8/2021 (A-6,P-33) was issued by the office of respondent no.2 in which five Officers were transferred, out of that four Officers excluding Sr.No.2 were posted at Pune. However, the applicant's request application was not considered, it was ignored. The applicant is not challenging that order. The request of the applicant is that as per document A-7,P-35 at Sr.No.4 one Mohan B. Jagtap who is retiring on 31/10/2021 that post is at Pune and considering the applicant's tenure for about four years in tribal and naxalite area, the applicant's case should be considered.

3. The O.A. was filed on 02.09.2021. However, respondents have not yet filed reply. The Id. P.O. today again desires two weeks time which will frustrate the justice to the applicant. When the State Government has taken a policy decision vide G.R. dated 06.08.2002 (A-3, Pg. Nos. 21 to 28) a specifically made provisions to give some incentive to Government Employees vide it's clause M (2) to ensure that employees work with dedication in Tribal

and Naxal Affected Area and specifically they should be rewarded. It's duty of all Government Departments including respondents to ensure that the policy is honestly implement and concern employees are given appropriate justice to set the example that attracting more employees to work with dedication in such areas. Respondents are also reminded that in our Constitution there is fifth scheduled area and there is an article 244 (1) which have been specially made to enhance the quality of administration and governance in Tribal Area. This is Tribal, Naxal and left wing extremist area and the applicant has served for more than four years in that area. Denying justice to applicant as per the Government Policy will set wrong example for a large number of good employees.

4. In view of the above discussions, respondents are morally duty bound to implement the Government Policy. The Id. counsel for the applicant desires to file affidavit about the applicant's grievances.

5. Meanwhile, respondents are directed not to issue any posting order against the post of Shri Mohan Bhausahab Jagtap who is retiring on 31.10.2021 as per documents at A-7, Pg. No. 35.

6. S.O. 11.10.2021.

7. Steno copy is granted.

Vice Chairman

Date:-06/10/2021.

aps.

O.A.No.782/2021 (S.B.)

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

Shri R.M.Fating, the Id. counsel for the applicant, Shri M.I.Khan, the Id. P.O. for the Respondents and Shri N.D.Thombre, the Id. counsel for the respondent no. 4.

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

Vice Chairman

Date:-06/10/2021.
aps.

O.A.St.No.685/2021 (S.B.)

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

C.A.No.129/2021:-

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

2. The Id. counsel for the applicant filed on record condonation of delay application and there is a delay of more than four years as per the objection taken by Id. P.O.. The Id. counsel for the applicant submits that there is total delay of 864 days. The respondents are directed to file reply that how many days delay in filing of O.A..

3. The Id. counsel for the applicant has relied on Judgment of Principal Bench in O.A. No. 293/2017 and he mainly relied on para no. 8 of the said Judgment which is below:-

"8. Though the government servant is expected to be aware of the orders issued by the Government from time to time, in the peculiar circumstances where there was a twin born earlier and the third child is born just immediately after the stipulated date, it would be in the interest of justice not to deny him consideration for compassionate appointment. The compassionate appointment is basically to meet the economic hardship of the Government servant who has expired."

4. The Id. counsel for the applicant should also file on record about the diseased father of applicant is having how many children's were born after cut-of-date.

5. Notice on C.A. to Respondents be issued returnable in **four weeks**.

6. Shri M.I.Khan, the learned P.O. waives notice for respondent no.1. Hamdast granted.

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 the O.A.
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 an affidavit of compliance in the Registry as far as possible once week before the date fixed by this Tribunal. Applicant is directed to file Affidavit of compliance and notice.
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. four weeks.**
13. *The Id. counsel for the applicant is also directed to remove office objection.*

Vice Chairman

Date:-06/10/2021.

aps.

Rev.Appl.15/2021inO.A.No.818/2017 (S.B.)

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

Ms. M.Iyer, the Id. counsel for the applicant
and Shri S.A.Sainis, the Id. P.O. for the Respondents.

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

Vice Chairman

Date:-06/10/2021.
aps.

O.A.No.872/2021 (S.B.)

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

Ms. G.R.Diwe, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State.

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

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

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

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

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

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

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

Vice Chairman

Date:-06/10/2021.
aps.

O.A.No.886/2021 (S.B.)

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

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

2. The Id. counsel for the applicant pointed out that applicant was first transferred vide order dated 07.05.2021 (A-1, Pg. No. 11) from Zari to District Yavatmal within four months. Applicant was further transferred by 22.09.2021 (A-3, Pg. No. 13) where applicant's name appeared at Sr. No. 12. In the impugned order of transfer dated 22.09.2021; in para no. 3; respondents have mentioned that election is one of the reason in the District for this transfer.

3. The Id. counsel for the applicant further pointed out letter written by respondents to District Collector, Amravati to cancel the applicant's transfer; recommending the application of applicant for cancellation of transfer vide order dated 22.09.2021.

4. In view of stand taken by Respondent no. 3; **Status-quo in respect of applicant to the order dated 22.09.2021 (A-3, Pg. No. 13) is granted as on today.**

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

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

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

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

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

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

11. **S.O. four weeks.**

12. **Steno copy is granted.**

Vice Chairman

Date:-06/10/2021.

aps.

O.A.No.893/2021 (S.B.)

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

Shri N.R.Saboo, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State.

2. As submitted by Id. counsel for the applicant; it appears that there was reorganization of Amravati and Yavatmal Circle and in view of that as submitted by Id. counsel for the applicant; correspondence dated 25.10.2019 (A-3, Pg. No. 20) was issued by respondent no. 2. A committee was constituted to consider the choice of each and every employee and in para no. 5 it was also made clear that suggestion was given which is reproduced below:-

"I n d i / k r d e p l j h ; k u h f n y y ; k f o d Y i k u d k j e k . l h d y y s o u f o H l k x f d o k f B d k . k R ; k u k u f e G I Y ; k l U ; k f ; d i z j . k m n H k o ' k d r k r R ; k e G s ; k c k r i j r [k = h g l s l v k o ' ; d v k g s r l p l k n j d y y ; k d e p k & ; k ; k f o d Y i k r c n y f d o k l n j f o d Y i j n a g l s k j u k g h r ; k p h n { k r k ? k r h y - "

3. The Id. counsel for the applicant submits that there were several employees whose choice were not considered but subsequently the representation of the applicant shows that applicant has given choice as Wasim, Pusad as per Pg. No. 27 and applicant is at Sr. No. 11. Applicant has submitted two applications one is dated 23.08.2021 (A-6, Pg. No. 34) and other is dated 08.09.2021 (A-9, Pg. No. 47). The Id. counsel for the applicant has also pointed out correspondence dated 09.09.2021 (A-10, Pg. No. 48) written by internal correspondence of the department where it appears that there are some vacancy in Washim, Forest Division and applicant's one of the choice is also Washim.

4. In view of above discussions, respondent no. 3 is directed to decide both the representations of the applicant in compliance to order dated 09.09.2021 if Sirputi (District Washim) is vacant **within three weeks** from the date of receipt of this order.

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

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

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

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

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

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

11. **S.O. three weeks.**

12. **Steno copy is granted.**

Vice Chairman

Date:-06/10/2021.

aps.

O.A.No.930/2018 (S.B.)

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

Shri G.G.Bade, the Id. counsel for the applicant, Shri M.I.Khan, the Id. P.O. for the Respondents and Shri B.N.Jaipurkar, the Id. counsel for the respondent no. 4.

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

Vice Chairman

Date:-06/10/2021.

aps.

O.A.No.581/2019 with C.A.No.150/2021 (S.B.)

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

Shri N.W.Almelkar, 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 C.A. No. 150/2021 on 20.04.2021 and reply of this C.A. is still awaited. The Id. P.O. submits that he has received parawise reply.

3. If the reply is not file till next date, matter be heard on merit. **S.O. 20.10.2021.**

4. **Matter be treated as P.H.**

Vice Chairman

Date:-06/10/2021.
aps.

O.A.No.892/2019 (S.B.)

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

Shri A.T.Purohit, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the Respondents.

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

Vice Chairman

Date:-06/10/2021.
aps.

Rev.No.03/2020inO.A.No.84/2019 (S.B.)

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

Shri S.P.Palshikar, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the Respondents.

2. At the request of Id. counsel for the applicant, **S.O. 13.10.2021.**

Vice Chairman

Date:-06/10/2021.
aps.