

O.A.No.1055/2019 (D.B.)

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

**Dated : 14/01/2021.**

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

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. 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:-14/01/2021.**

aps.

**C.P.No.30/2020inO.A.No.44/2020 (D.B.)**

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

**Dated : 14/01/2021.**

Heard Shri R.V.Shiralkar, the Id. Counsel  
for the applicant and Shri S.A.Sainis, the Id. P.O.  
for the State. Await service of respondent no. 2.

2. The Id. P.O. desires two weeks time to file  
reply, **S.O. two weeks.**

**Vice Chairman**

**Date:-14/01/2021.**

aps.

O.A.No.309/2020 (D.B.)

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

**Dated : 14/01/2021.**

Heard Shri S.K.Verma, the Id. Counsel for the applicant and Shri S.A.Sainis, 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. Copy is served to the other side.

3. Matter is **admitted** and kept for final hearing.

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

5. **S.O. three weeks to file Rejoinder.**

**Vice Chairman**

**Date:-14/01/2021.**

aps.

O.A.No.365/2020 (D.B.)

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

**Dated : 14/01/2021.**

Heard Shri N.R.Saboo, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. The Id. P.O. desires two weeks time to file reply, **S.O. two weeks.**

**Vice Chairman**

**Date:-14/01/2021.**

aps.

O.A.No.700/2020 (D.B.)

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

**Dated : 14/01/2021.**

Heard Shri R.M.Tiwari, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. The Id. P.O. desires three weeks time to file reply, **S.O. three weeks.**

**Vice Chairman**

**Date:-14/01/2021.**

aps.

O.A.No.767/2020 (D.B.)

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

**Dated : 14/01/2021.**

Shri N.R.Saboo, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. The Id. P.O. desires two weeks time to file reply, **S.O. two weeks.**

**Vice Chairman**

**Date:-14/01/2021.**

aps.

O.A.No.971/2019 (D.B.)

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

**Dated : 14/01/2021.**

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

2. The Id. P.O. desires three weeks time to  
file reply, **S.O. three weeks.**

**Vice Chairman**

**Date:-14/01/2021.**

aps.

O.A.Nos.128,129,130&131/2020 (D.B.)

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

**Dated : 14/01/2021.**

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

2. The Id. P.O. desires four weeks time to file  
reply, **S.O. four weeks.**

**Date:-14/01/2021.**  
aps.

**Vice Chairman**



**C.P.No.04/2020inO.A.No.625/2019  
(D.B.)**

**Coram : Shri Shree Bhagwan, Vice  
Chairman  
Dated : 14/01/2021.**

Heard Shri G.K.Bhusari, the Id. Counsel  
for the applicant and Shri M.I.Khan, the Id. P.O. for  
the respondents.

2. The Id. P.O. desires two weeks time to file  
reply, **S.O. two weeks to file the reply of  
respondent nos. 1 & 2.**

**Date:-14/01/2021.**  
aps.

**Vice Chairman**

**C.P.No.39/2020inO.A.No.549/2016**  
**(D.B.)**

**Coram : Shri Shree Bhagwan, Vice  
Chairman**  
**Dated : 14/01/2021.**

Heard Shri R.M.Fating, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. The Id. P.O. submits that he will file the reply during the course of the day today. He further directed to serve the copy to the other side. **S.O. next week.**

**Date:-14/01/2021.**  
aps.

**Vice Chairman**

**O.A.St.No.2387/2019 (D.B.)**

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

**Dated : 14/01/2021.**

**C.A.Nos.501,502&503/2019:-**

Heard Shri A.P.Thakare, the Id. Counsel for the applicant and Shri , the Id. C.P.O. for the State.

2. In **C.A.No.503/2019** at P.B., Pg. No. 16 in first para, it is written that for serving all the private respondents by the registered post (i.e. Respondent nos. 4 to 84) the cost involved is Rs. 49,020/-. He is relying on MAT, Rule 11 (3) and desires that other alternative method be permitted for serving notice to R-4 to 84. In view of this situation, it is decided that the Id. C.P.O. will supply the email id's of all these employees; since they have been already appointed by the department. The Id. C.P.O. is directed to supply all the email id's to the Id. counsel for the applicant and file it on record. The Id. counsel for the applicant is further directed to serve all the respondents by email and file on record. The Id. C.P.O. further submits that he will file the reply on C.As.

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

4. Shri S.A.Deo, the learned C.P.O. waives notice for respondent no.1. Hamdast granted.

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

6. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of the O.A.

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

8. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with an affidavit of compliance in the Registry as far as possible once week before the date fixed by this Tribunal. Applicant is directed to file Affidavit of compliance and notice.

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.**

**Vice Chairman**

**Date:-14/01/2021.**

aps.

**O.A.St.No.29/2021 (D.B.)**

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

**Dated : 14/01/2021.**

**C.A.No.11/2021:-**

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

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

3. Shri S.A.Deo, the learned C.P.O. waives notice for respondent no.1. Hamdast granted.

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 the O.A.

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 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.

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

9. **S.O. four weeks.**

**Vice Chairman**

**Date:-14/01/2021.**

aps.

O.A.No.524/2019 (D.B.)

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

**Dated : 14/01/2021.**

None for the applicant. Shri  
P.N.Warjurkar, the Id. P.O. for the respondents.

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

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

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

**Vice Chairman**

**Date:-14/01/2021.**

aps.

**C.P.No.22/2020 in O.A.No.541/2016  
(D.B.)**

**Coram : Shri Shree Bhagwan, Vice  
Chairman  
Dated : 14/01/2021.**

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

2. The Id. P.O. has filed letter dated 13.01.2021 from Under Secretary, Public Health Department. In first para it is written that Government has approached to Hon'ble High Court in W.P.No. 8230/2018 that was decided on 11.03.2020. The Id. counsel for the applicant and Id. P.O. both submitted that the Writ Petition was dismissed and the order of this Tribunal has become final in this case. In second para Government has submitted that to finally implement the order passed by M.A.T., they have submitted the proposal to Finance Department. Since, there is some Financial burden the issue is delayed and after Finance Department, it will be placed before cabinet for the approval. They require four weeks time to implement the full order of MAT.

3. In view of their submissions and commitments as per letter dated 13.01.2021, four weeks time is granted and after four weeks concerned Deputy Secretary or Joint Secretary



should be personally present in the Tribunal, if decision is not taken till that time and submit the reason why their own letter dated 13.01.2021 has not been followed.

4. **S.O. 11.02.2021.**

5. **Steno copy is granted to the Id. P.O. to implement the order.**

**Vice**

**Chairman**

**Date:-14/01/2021.**

aps.

O.A.No.609/2020 (D.B.)

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

**Dated : 14/01/2021.**

**C.A.No.17/2021:-**

Heard Shri V.B.Gawali, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

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

3. However, Id. counsel for the applicant has filed C.A. No. 17/2021 for amendment. Hence, **C.A. No. 17/2021 for amendment is allowed.** The Id. counsel for the applicant is directed to carryout the amendment forthwith. He is further directed to supply the amended copy to the Id. P.O.

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

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

6. **S.O. tomorrow i.e. 15.01.2021.**

**Vice Chairman**

**Date:-14/01/2021.**

aps.





**O.A. 30/2020 (S.B.)**

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

**Dated : 14/01/2021.**

Heard Shri G.N. Khanzode,  
learned counsel for the applicant and Shri  
A.M. Ghogre, learned P.O. for  
respondents.

2. Learned Presenting Officer has  
filed affidavit in reply on behalf of  
respondent Nos. 1 to 4. Same is taken  
on record and copy thereof has been  
served on the other side.

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

**Vice-Chairman**

kpb.

O.A. 787/2020 (S.B.)

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

**Dated : 14/01/2021.**

None for the applicant. Shri A.M. Ghogre, learned P.O. for respondents.

2. Await service of respondent Nos. 2 & 3.

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

kpb.

**Vice-Chairman**

O.A. 788/2020 (S.B.)

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

**Dated : 14/01/2021.**

None for the applicant. Shri S.A. Sainis, learned P.O. for respondents.

2. Await service for respondent Nos. 2 & 3.

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

kpb.

**Vice-Chairman**

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

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

**Dated : 14/01/2021.**

Heard Shri N.R. Saboo, learned counsel for the applicant and Shri H.K. Pande, learned P.O. for respondents.

2. Learned P.O. seeks time for filing affidavit in reply on behalf of respondents. Time granted.

3. **S.O. to 18.01.2021.**

**Vice-Chairman**

kpb.



**O.A. 812/2018 (S.B.)**

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

**Dated : 14/01/2021.**

Heard Shri G.N. Khanzode, learned counsel for the applicant and Shri V.A. Kulkarni, learned P.O. for respondents.

2. Learned P.O. has filed affidavit in reply on behalf of respondent No. 4. Same is taken on record and copy thereof has been served on the other side.

3. The present O.A. is admitted and it be kept for final hearing on **after four weeks.**

**Vice-Chairman**

kpb.

O.A. 832/2019 (S.B.)

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

**Dated : 14/01/2021.**

Heard Shri S. Pandey, learned Advocate holding for Shri N.D. Thombre, learned counsel for the applicant and Shri A.P. Potnis, learned P.O. for respondents.

2. Learned P.O. seeks time for filing affidavit in reply on behalf of respondents. Time granted.

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

**Vice-Chairman**

kpb.

O.A. 553/2019 (S.B.)

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

**Dated : 14/01/2021.**

Heard Shri A.S. Shukla, learned counsel for the applicant and Shri A.P. Potnis, learned P.O. for respondents.

2. Learned P.O. seeks time for filing affidavit in reply on behalf of respondents. Time granted.

3. **S.O. after three weeks.**

**Vice-Chairman**

kpb.

O.A. 858/2020 (S.B.)

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

**Dated : 14/01/2021.**

Heard Shri N.R. Saboo, learned counsel for the applicant and Shri Shrikant Deo, learned C.P.O. for respondents.

2. Learned C.P.O. seeks time for filing affidavit in reply on behalf of respondents. Time granted.

3. **S.O. after three weeks.**

**Vice-Chairman**

kpb.

O.A. 924/2018 (S.B.)

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

**Dated : 14/01/2021.**

Heard Shri R.V. Shiralkar, learned counsel for the applicant and Shri H.K. Pande, learned P.O. for respondents.

2. **S.O. to 28.01.2021.**

kpb.

**Vice-Chairman**

O.A. 990/2017 (S.B.)

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

**Dated : 14/01/2021.**

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

2. **S.O. to 22.01.2021.**

kpb.

**Vice-Chairman**

O.A. 85/2018 (S.B.)

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

**Dated : 14/01/2021.**

Heard Shri G.N. Khanzode,  
learned counsel for the applicant and Shri  
V.A. Kulkarni, learned P.O. for  
respondents.

2. **S.O. next week.**

kpb.

**Vice-Chairman**

O.A. 543/2019 (S.B.)

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

**Dated : 14/01/2021.**

Heard Shri Bharat Kulkarni,  
learned counsel for the applicant and Shri  
H.K. Pande, learned P.O. for  
respondents.

2. **S.O. to 18.01.2021.**

kpb.

**Vice-Chairman**



O.A. 678/2018 (S.B.)

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

**Dated : 14/01/2021.**

Heard Shri Bharat Kulkarni,  
learned counsel for the applicant and Shri  
A.M. Khadatkar, learned P.O. for  
respondents.

2. **S.O. to 18.01.2021.**

kpb.

**Vice-Chairman**

**O.A. 783/2018 (S.B.)**

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

**Dated : 14/01/2021.**

Heard Shri P.V. Thakre, learned counsel for the applicant and Shri A.P. Potnis, learned P.O. for respondents.

2. Learned P.O. has filed affidavit in reply on behalf of respondent Nos. 5 to 7. Same is taken on record and copy thereof has been served on the other side.

3. At the request of learned Advocate for the applicant, **S.O. next week.**

**Vice-Chairman**

kpb.

O.A. 202/2020 (S.B.)

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

**Dated : 14/01/2021.**

Heard Shri S. Borkute, learned counsel for the applicant and Shri V.A. Kulkarni, learned P.O. for respondents.

2. Learned P.O. has filed affidavit in reply on behalf of respondent Nos. 4 to 6. Same is taken on record and copy thereof has been served on the other side.

3. At the request of learned P.O.,**S.O. after two weeks** for filing affidavit in reply of other respondents.

kpb.

**Vice-Chairman**

**C.A. 318/20 in O.A. 695/20 (S.B.)**

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

**Dated : 14/01/2021.**

Heard Shri Sumit Chaware,  
learned Advocate holding for Shri M.P.  
Kariya, learned counsel for the applicant  
and Shri V.A. Kulkarni, learned P.O. for  
respondents.

2. At the request of learned Advocate  
for the applicant, **S.O. after four weeks.**

**Vice-Chairman**

kpb.

O.A. 789/2020 (S.B.)

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

**Dated : 14/01/2021.**

None for the applicant. Shri Shrikant Deo, learned C.P.O. for respondents.

2. Learned C.P.O. has filed affidavit in reply on behalf of respondent No. 4. Same is taken on record.

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

**Vice-Chairman**

kpb.

**C.A. 382/20 in O.A. 613/18(S.B.)**

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

**Dated : 14/01/2021.**

**C.A. No. 382/2020**

Heard Shri H.V. Dhage, learned Advocate holding for Shri A.R. Prasad, learned counsel for the applicant and Shri V.A. Kulkarni, learned P.O. for respondents.

2. C.A. No. 382/2020 for early hearing is allowed.

3. Accordingly, C.A. No. 382/2020 stands disposed of with no order as to costs.

**O.A. No. 613/2018**

**S.O. to 11.02.2021.**

**Vice-Chairman**

kpb.

O.A. 784/2020 (S.B.)

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

**Dated : 14/01/2021.**

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

2. Notices of Respondent Nos. 2 & 3 not collected by the applicant.

3. As none present for the applicant

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

**Vice-Chairman**

kpb.

**O.A. 947/2018 (S.B.)**

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

**Dated : 14/01/2021.**

Heard Shri H.D. Futane, learned counsel for the applicant and Shri Shrikant Deo, learned C.P.O. for respondents.

2. Learned Advocate for the applicant has submitted that the respondents earlier issued notices in the year 2018, then he did not took necessary action.

3. Hence, the office is directed to issue fresh notices to the respondents, returnable **after four weeks**. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

5. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent



is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

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

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

**Vice-Chairman**

kpb.

**C.A. 373/20 in O.A. 991/19(S.B.)**

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

**Dated : 14/01/2021.**

**C.A. No. 382/2020**

Heard Shri S.B. Borkute, learned counsel for the applicant and Shri A.M. Khadatkar, learned P.O. for respondents.

2. Learned P.O. pointed out the order dated 03.08.2020, in which the respondents were given liberty in paragraph No. 4 to decide the proposal dated 22.08.2019 before next date of hearing.

3. Learned Advocate for the applicant has mentioned that the said proposal has been decided and rejected, therefore, he has filed the present C.A. No. 373/2020 for amendment in the O.A.

4. In view thereof, C.A. No. 373/2020 for amendment is allowed. The applicant shall carry out the necessary amendment within a period of one week and amended copy of the O.A. be supplied to the learned P.O.

3. Accordingly, C.A. No. 373/2020 stands disposed of with no order as to costs.

**O.A. No. 991/2019**

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

The present matter be treated as part heard.

kpb.

**Vice-Chairman**

**C.A. 14/21 in O.A. 643/20(S.B.)  
(Milind B. Koyal Vs. State of Mah. & Ors.)**

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

**Dated : 14/01/2021.**

**C.A. No. 14/2021**

Heard Shri S.P. Palshikar, learned counsel for the applicant and Shri P.N. Warjurkar, learned P.O. for respondents.

2. The applicant has filed C.A. No. 14/2021 for amendment in the O.A. and along with this C.A., he has annexed the letter dated 06.01.2021 and pointed out in para no. 3 of the letter, which reads as under :-

“3- ikyhl mifujh{k d feyu ckGd”.k  
dks y ; k; k i dj.kkr ‘kkI ukus “**l oru cMrOZ**  
**gh f’k{k j i d: u R; k, oth R; k; k “l or**  
**iq%FMir dj.; kr ; ks” o fu; kello; s**  
**vko’; d foHkox; plkl’th d: u mpr fu.k;**  
**?s; kr ; k; k vl svks k fnysys vl Y; kus Eg.kt.p**  
**‘kkI ukus vfi yk’k; k; k nks’keDr dsysul Y; kus**  
**egkj’V<sup>a</sup> ukxjh l ok %i nxd.k vo/kh] Loh; Rrj**  
**l ok] fuy;u] cMrOZ vkf.k l oru deh dj.ks b-**  
**dkGkrhy i nku% fu; e] 1981 e/khy fu; e 70**  
**¼4½ ud kj vki yk fnukd 04-12-2007 rs 26-**  
**07-2009 gk l okckg; dkyko/kh t’kprl k’as**  
**scuh½ fu; fer dj.; kph dk; bkgh i Lrkfor**  
vkgs ”

3. Learned Advocate for the applicant has also pointed out letter dated

03.012.2012 (Annexure A-7, P.B. page No. 24) written by the Additional Police Commissioner, Protection and Security, Mumbai, by which the applicant has been exonerated from the charges which were levelled against the applicant in the enquiry. In the last few lines, he has given following remarks, which are reproduced below :-

“Jh feyu ctGd”.k dks y] i ks m-fu- ; kppj  
Bo.; kr vkysys nks'kkjki gs l cG o Bkl  
i gjk0; kvHkkoh fl /n gkr ul Y; kus R; kuk l nj  
nks'kkjki krmu nks'keDr dj.; kph f'kQkj l pksd' kh  
vf/kdkjh ; kauh dsyys h vkgs l nj f'kQkj 'khl h  
vkEgh l ger vl uu Jh- feyu ctGd”.k dks y]  
i ksm-fu- l gj {k.k o l gj {kk rRdkyhu use.kod l 'kL=  
i ksyhl ] rklMno ; kulk ; kpsfo: /nP; k mi jkDr uem  
foHkkxh; pksd' krmu nks'keDr dj.; kr ; r vkgs”

4. Learned Advocate for the applicant has also pointed out the order of the State Government dated 16.01.2009 (Annexure A-4, P.B. page No. 20 collectively), by which the applicant's dismissal order under Article 311 (2) (B) was cancelled and in para No. 6 it was mentioned that his period from dismissal date to reinstatement in service will be considered separately. The applicant was reinstated in the service as per the

//3// CA 14/21 in OA 643/20

respondent No. 2 order dated 02.06.2009 (Annexure A-5, P.B. page No. 22) and detail posting order issued by the respondent No. 2 vide letter dated 04.06.2009 (Annexure A-6, paper book page No. 23).

5. The only grievance of the applicant remains regularization period from 04.12.2007 to 26.07.2009 during which he was out of service due to dismissal under Article 311 (2) (B) and for that purpose the Government issued direction vide its letter dated 09.10.2017 and communicated to the respondent No. 2. The respondent No. 2 is the competent authority for deciding that period it is remanded back to consider it. There was no whisper in the Government letter regarding any part of enquiry or any other issue. Whereas the letter dated 06.01.2021 written by the respondent No. 2 in para No. 3 which is reproduced below is not according to the directions given in the letter dated 09.10.2017 (Annexure A-8, P.B. page no. 25)

//4// CA 14/21 in OA 643/20

6. In view of this situation, C.A. No. 14/2021 is allowed. The applicant shall amend the O.A. within a period of one week and amended copy of the O.A. be supplied to the learned P.O.

7. Accordingly, C.A. No. 14/2021 stands disposed of with no order as to costs.

**O.A. No. 643/2018**

However, after receiving amended copy of the O.A., learned P.O. is directed to file detail reply to the amended O.A. on or before the next date of hearing.

Steno copy allowed.

**S.O. to 11.02.2021.**

**Vice-Chairman**

kpb.

**O.A. 122/17 (S.B.)**

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

**Dated : 14/01/2021.**

Heard Shri I.S. Charlewar, learned counsel for the applicant, Shri M.I. Khan, learned P.O. for respondent Nos. 1 to 3 and Shri J. Mokadam, learned Advocate for respondent No. 4.

2. Learned P.O. has submitted that order dated 03.03.2020 passed by this Bench has made a query regarding initiation of D.E. against the applicant or not ?. Today he has filed communication dated 17.03.2020 written by the Desk office, Maharashtra State. Same is taken on record and copy thereof has been served on the other side. In this letter, it is clearly mentioned in the last line that no D.E. was started against the applicant.

3. Learned Advocate for respondent No. 4 pointed out letter dated 25.04.2013 (Annexure A-4, P.B. page No. 42 collectively) written by the District Health Officer, Z.P., Vardha to the Secretary, Health Services, Mantralaya, Mumbai and



//2//

on page No. 43 it is mentioned that the applicant was superannuated on 30.06.2010. He has also pointed out letter dated 29.01.2014 (Annexure A-5, P.B. page No. 44), whereas they have mentioned the applicant's suspension period from 10.12.2001 to 30.06.2010 and the letter is written by the Under Secretary, Government of Maharashtra. It is a show cause notice and in para No. 2 of the said show cause notice, it is mentioned that the said period should be treated only for retirement salary. Prior to issuance of letter dated 29.01.2014 (Annexure A-5, P.B. page No. 44), the Special Judge, Bhandara acquitted the applicant vide its order dated 18.04.2012. Vide its order dated 18.04.2012, it appears that this judgment will consider in totality by the respondent No. 2.

4. In view of this situation, the Government vide its G.R. dated 10.12.2013 (Annexure A-8, P.B. page No. 50 collectively) has taken following decision, which is reproduced below:-

“ ‘kkI u fu.kz’ %&  
 iLr r idj.kh MKW xak/kj nknkth  
 uknxkoj rRdkyhu oS dh; vf/kdkjh] ikFkfed  
 vkjkk; dnmj /dkj xko] ft- HkM/kj k ; kauk ek- fo’kSk  
 U; k; ky; HkM/kj k ; kauh funkzk ePr d;svkgs I nj  
 U; k; fu.kz kfo: /n ek- mPp U; k; ky; ; fks vfi y  
 nk[ky dj.; kr vkysysukgh- R; keGsR; hpsfuyau  
 vl eFKuh; Bjys vkgs ; k ckch fopkijkr ?kmu  
 R; hok fn- 10-12-2001 rs fn- 30-06-2010 gk  
 fuyau dkyko/kh egkj k’V<sup>a</sup> ukxjh I ok ¼i nxg.k  
 vo/kh &&&&& b-½ fu; e 1981 e/khy fu; e 72  
 ¼3½ vUo; sl ozi; kst ukFkz drb; dkyko/kh Eg.kuu  
 xtg; /kj.; kl o ; k dkyko/khr R; huk ns; kr  
 vkysyk fuokz HkRrk I ek; kfr d: u moIjr osu  
 o HkRrsvnk dj.; kl ekU; rk ns; kr ; r vkgs”

However, subsequently, the Government had issued G.R. dated 10.06.2014 and by that G.R., the G.R. dated 10.12.2013 has been cancelled.

5. Both the counsels has submitted that the applicant died on 02.09.2014. However, the learned counsel for the applicant is directed to file on record death certificate of the applicant.

6. In this situation, since the applicant was acquitted, then superannuated and expired also, the G.R. dated 10.06.2014 is remanded back to the respondent No. 2 for considering the applicant’s case in

totality and to take decision within a period of six weeks from the date of this order.

7. **S.O. to 25.02.2021.**

8. Steno copy allowed.

kpb.

**Vice-Chairman**

O.A. No. 406/2020 (SB)

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

**Dated : 14.01.2021.**

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

The learned P.O. files reply on behalf of R-3&4. It is taken on record. The copy is served on the applicant. The Id. P.O. submitted that it is sufficient to decide the O.A.

The O.A. is admitted and it be kept for final hearing.

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

**S.O. 15/1/2021.**

**Member (J)**

dnk.

O.A. No. 206/2018 **(SB)**

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

**Dated** : **14.01.2021.**

None for the applicants. Shri H.K. Pande, Id. P.O. for the respondent nos.1&3. None for R-2.

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

**Member (J)**

dnk.

O.A. No. 574/2019 (SB)

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

**Dated : 14.01.2021.**

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1&2. Await service of R-3&4.

2. It is submitted that the respondent no.1 has modified the impugned order, therefore, there is no grievance.

3. In view thereof, the O.A. stands disposed of as withdrawn. No order as to costs.

**Member (J)**

dnk.

Rev. A. 05/2020 in O.A. No. 481/2018 **(SB)**

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

**Dated : 14.01.2021.**

None for the applicant. Shri H.K. Pande, Id. P.O. for R-1 &2. None for R-3&4.

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

**Member (J)**

dnk.

O.A. No. 21/2020 **(SB)**

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

**Dated : 14.01.2021.**

Shri Bharat Kulkarni, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. one week** for filing reply.

**Member (J)**

dnk.



O.A. No. 927/2020 (SB)

( Ms. M.R. Majarkhede Vs. State of Mah.)

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

**Dated** : 14.01.2021.

Heard Shri V.B. Gawali, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

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

**Lateron** –

The learned counsel for the applicant appeared lateron and submitted that this Bench shall hear his request for the interim relief. The respondents have already appeared in this matter and they have been given time to file reply. In this situation, it is not suitable to pass any order unless reply is filed by the respondents. If the applicant has urgency, he may circulate the matter for hearing after two weeks. The respondents are directed to file reply positively on the next date, otherwise the matter would be heard finally.

**S.O. two weeks.**

Steno copy be supplied...

**Member (J)**

dnk. .

O.A. No. 284/2018 **(SB)**

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

**Dated** : **14.01.2021.**

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

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

**Member (J)**

dnk.

O.A. Nos. 09/2020 & 10/2020 **(SB)**

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

**Dated : 14.01.2021.**

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

2. Both the O.As. are filed by the applicants. In O.A. No.09/2020, it is prayed that direction be given to the respondent no.2 to communicate the inquiry report and conclude the inquiry. In O.A.No. 10/2020, the applicant is seeking direction to the respondents to release gratuity and regular pension of the applicant. I have heard submissions on behalf of the applicant and on behalf of the respondents. Annex-A-1 is the letter written by the applicant to the Superintendent of Police, Amravati. After reading the letter, it seems that the applicant is facing criminal trial under Section 7 (13), 1 (d) & Section 13 (2) of the Prevention of Corruption Act and till today that prosecution is pending. I have gone to the Maharashtra Civil Services (Pension) Rules, 1982 (in short "MCS (Pension) Rules"). In Rule 27 of the MCS (Pension) Rules, the right is given to the Government to withhold or withdraw the pension or part of it, whenever departmental

proceeding or judicial proceeding is pending. Similarly, as per the Rule 130 (c) of the MCS (Pension) Rules, there is a direction not to pay gratuity to the retired Government servant till end of the Judicial proceeding. In view of this specific provision, I do not see any merit in the contention that the applicant has right to claim regular pension and amount of gratuity.

3. The learned counsel for the applicant submitted that the applicant is unnecessarily harassed and there is no progress in the trial as no Special Judge is appointed. In this regard, I would like to point out that the applicant should move the Hon'ble High Court for issuing suitable direction to the concerned authority to appoint the Special Judge and for expediting the criminal trial.

4. So far as the O.A.No.09/2020 is concerned, the applicant is seeking direction to pass the final order in the inquiry. In this regard, I would like to point out that even if such direction is given to the respondent no.2, the applicant would not be entitled for any relief as criminal trial is pending.

5. In view of this, both the O.As. stand dismissed. No order as to costs.

**Member (J)**

dnk.

O.A. No. 616/2020 (SB)

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

**Dated : 14.01.2021.**

**C.A. 378/2020 -**

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

2. The C.A.No. 378/2020 for effecting amendment in the O.A. is allowed. The amendment be effected within two weeks and amended copy be supplied to the respondents.

**O.A. No. 616/2020 -**

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

2 The learned counsel for the applicant is insisting to pass order regarding interim relief. Today, just now the application for amendment moved by the applicant is decided by this Bench and two weeks' time is given to the applicant to amend the O.A. The respondents have also right to file reply. In this situation, it is not suitable to consider the prayer for the interim relief. The applicant is at liberty to circulate the matter after two weeks.

**S.O. two weeks.**

**Member (J)**

dnk.

O.A. No. 860/2020 **(SB)**

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

**Dated : 14.01.2021.**

**C.A.No. 330/2020 -**

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

2. For the reasons stated in the application, the C.A. No.330/2020 to file joint application is allowed.

**O.A. 860/2020 –**

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

2. Issue notice to the respondents returnable in **Six weeks**. Learned C.P.O. waives notice for State. Hamdast allowed.

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

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

5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the

questions such as limitation and alternate remedy are kept open.

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

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

8. **In the meantime, the respondent no.2 is directed to take decision on the representations made by the applicant vide Annex-A-6 (a), Annex-A-6 (b) & Annex-A-6 (c).**

**S.O. Six weeks.**

**Member (J)**

dnk.

O.A. No. 138/2020 (SB)

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

**Dated : 14.01.2021.**

Heard Shri A.D. Girdekar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. The reply is already filed by the respondent no.2. The matter is admitted and it be kept for final hearing.

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

**S.O. three weeks.**

**Member (J)**

dnk.



O.A. No. 715/2018 (SB)

( V.S. Raut Vs. State of Mah. & Ors. )

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

**Dated : 14.01.2021.**

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

2. It is grievance of the applicant that as request for voluntary retirement was turned down on first occasion for the reason that the date of said voluntary retirement was not mentioned. The applicant thereafter made fresh application vide Annex-A-11, dated 31/5/2009. This application is rejected for the reason that the applicant did not complete 20 years continuous service.

3. The learned P.O. submitted that in Para-8 Chart is given with discloses the unauthorized absence of the applicant. In view of this, the Joint Director of Health Services (Ophthalmology) Department, Mumbai is directed to decide the nature of the absence of the applicant within a period of 60 days from the date of this order.

**S.O. Sixty days (PH).**

Steno copy be supplied...

**Member (J)**

dnk. .

O.A. No. 870/2020 (SB)

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

**Dated : 14.01.2021.**

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

2. At the request of the learned counsel for the applicant, issue fresh notices to the respondents returnable **in four weeks**. Learned P.O. waives notice for State. Hamdast allowed.

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

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

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

limitation and alternate remedy are kept open.

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

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

**S.O. four weeks.**

**Member (J)**

dnk.

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