

O.A. 113/2015 (D.B.)

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

**Dated :** 21/11/2019.

**C.A. 154/2019 -**

Ms. M.C. Pete, Id. counsel holding for  
Shri P.S. Sahare, Id. counsel for the applicants,  
Shri H.K. Pande, Id. P.O. for R-1 to 3 and Ms.  
S.P. Namdurkar, Id. counsel for R-4.

At the request of Id. counsel for  
respondent no.4, **S.O. four weeks.**

**Member (J)**

**Vice-Chairman**

dnk.

**C.P. 34/19 in O.A. 603/2016 (D.B.)**

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

**Dated : 21/11/2019.**

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

2. The learned P.O. has filed the G.R. dated 14/11/2019 in which decision is taken by the Government to give deemed date to the applicant as per the direction dated 01/11/2018, but it is done subject to the outcome of the Writ Petition which would be filed before the Hon'ble High Court. Till today definite submission is not made that the Writ Petition is filed and pending. Under these circumstances, 30 days more time is given to the respondents to comply the remaining part of the order or to produce the Stay order from the Hon'ble High Court.

**S.O. 02/01/2020.**

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 383/2019 (D.B.)

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

**Dated : 21/11/2019.**

Shri S.P. Agrawal, Id .counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1. Await service of R-2&3.

The learned counsel for the applicant submitted that two weeks time is required to file service report. At his request, **S.O. two weeks.**

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 754/2015 (D.B.)

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

**Dated :** 21/11/2019.

**C.A. 141/16 in C.P. St.556/2016 -**

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

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

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 207/2018 (D.B.)

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

**Dated : 21/11/2019.**

Shri Borkute, Id .counsel holding for Smt. S.S. Dashputre, Id .counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1 to 3. Await service of R-4.

At the request of Id. counsel for the applicant, **S.O. one week** for filing service affidavit.

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 1007/2018 (D.B.)**

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

**Dated : 21/11/2019.**

**C.A. 434/2019 -**

Heard Shri S.C. Deshmukh, Id .counsel for the applicant, Shri P.N. Warjurkar, Id. P.O. for R-1 to 3. None for other respondents.

We are satisfied that the proposed respondents are necessary parties to the present application. Hence, the C.A.No. 434/2019 is allowed. Necessary amendment be carried out within one week.

**O.A. 1007/2018 -**

After amendment issue notice to the newly added respondents returnable **on 02/01/2020**. Hamdast allowed.

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

3. 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.

4. 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.

5. 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.

6. 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. 02-01-2020.**

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 847/2019 (D.B.)

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

**Dated :** 21/11/2019.

Shri S. Borkute, Id .counsel for the applicant and shri P.N. Warjurkar, Id .P.O. for the respondents.

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

**Member (J)**

**Vice-Chairman**

dnk.



**O.A. 400/18 (D.B.)**

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

**Dated : 21/11/2019.**

**Rev. 30/19 in C.A.435/19 in O.A.400/18 -**

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

The Id. P.O. files reply on behalf of R-1 to 3 in Review application. It is taken on record.

The matter be kept for hearing on the next date.

**S.O. three weeks.**

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 709/2018 (D.B.)

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

**Dated : 21/11/2019.**

There is a leave note from Shri S.P. Palshikar, Id .counsel for the applicant. Shri P.N. Warjurkar, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. after three weeks.**

**Member (J)**

**Vice-Chairman**

dnk.

**C.P. 11/19 in O.A. 395/2018 (D.B.)**

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

**Dated : 21/11/2019.**

There is a leave note from Shri S.P. Palshikar, Id .counsel for the applicant. Shri P.N. Warjurkar, Id. P.O. for the respondents.

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

**Member (J)**

**Vice-Chairman**

dnk.

**C.P. 31/19 in O.A. 35/2018 (D.B.)**

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

**Dated : 21/11/2019.**

Shri A.P. Khadatkar, Id .counsel for the applicant and Shri P.N. Warjurkar, Id. P.O .for the respondents.

The Id. P.O. submitted that he is intending to file affidavit-in-reply to the rejoinder filed by the applicant. At his request, **S.O. one week.**

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 772/2019 (D.B.)

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

**Dated :** 21/11/2019.

None for the applicant. Shri A.M.  
Ghogre, Id. P.O. for the State.

**S.O. three weeks.**

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 908/2019 (D.B.)**

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

**Dated : 21/11/2019.**

Heard Shri N.R. Saboo, Id .counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the State.

2. Issue notice to R-2 & 3, returnable **after 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. after four weeks.**

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 909/2019 (D.B.)**

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

**Dated : 21/11/2019.**

Heard Shri N.R. Saboo, Id .counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the State.

2. Issue notice to R-2 & 3, returnable **after 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. after four weeks.**

**Member (J)**

**Vice-Chairman**

dnk.

**C.P. 46/19 in O.A. 610/2017 (D.B.)**

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

**Dated : 21/11/2019.**

Heard Shri I. K. Daudadariya, Id. counsel holding for Shri G.G. Bade, Id. counsel for the applicants and Shri A.M. Khadatkar, Id. P.O. for the State.

2. Issue Notice to the respondent No. 2 returnable after **three weeks** under Rule 8 of the MAT (Contempt of Courts) Rules, 1996 as to why they should not be proceeded for committing contempt of this Tribunal's order and as to why they shall not be punished under the Contempt of Court Act.

3. Shri A.M. Khadatkar, the learned P.O. waives notice for respondent No.1. Hamdast granted.

4. S.O. **after three weeks.**

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 50/2015 (D.B.)**

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

**Dated : 21/11/2019.**

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

The Id. P.O. files today copy of G.R. No. Raa.kri. Dho-2002/C.No.68/Kri. Yu. Se.-2, Government of Maharashtra, School Education and Sports Department, dated 30/04/2005. Copy of the same is taken on record and marked Exh-X.

**S.O. three weeks.**

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 431/2018 (D.B.)

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

**Dated : 21/11/2019.**

Heard Shri I. K. Daudadariya, Id. counsel holding for Shri G.G. Bade, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1 to 4. None for R-5.

At the request of Id. P.O., **S.O. Next week.**

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 720/2018 (D.B.)

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

**Dated : 21/11/2019.**

Shri S.K. Verma, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

The Id. P.O. files separate reply of the respondents and respondent no.3. Same are taken on record.

**S.O. Next week.**

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 490/2017 (D.B.)

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

**Dated :** 21/11/2019.

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

The learned counsel for the applicant requested one week time for submitting copy of the Caste Certificate and other necessary documents for the scrutiny of the Caste Certificate.

**S.O. one week.**

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 638/2017 (D.B.)

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

**Dated : 21/11/2019.**

Heard Shri R. Joshi, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1. None for R-2.

The Id. P.O. submitted that he would file reply of respondent no.1 within one week.

On failure of the respondent no.1 to file reply on the next date, the matter would be heard.

**S.O. one week.**

**Member (J)**

**Vice-Chairman**

dnk.

**O.A. 505/2018 (D.B.)**

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

**Dated : 21/11/2019.**

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

2. We have perused the termination order which is at page no.15 and in para-2 of the order it is mentioned that if the Government servant is removed from the service for the reason that he fails to produce typing certificate within two years and subsequently if the Government servant passes the typing examination, then he should be reinstated in service on the same post, but without back wages.

3. The learned counsel for the applicant submitted that now the applicant has passed the typing examination conducted by the Government recognised Institute on 26/4/2019. In view of this, the applicant may apply to the Superintendent of Police, Wardha for her appointment and after satisfying that she has passed typing examination as required, the respondent no.2 shall decide the representation



within two months from the date of receipt of its receipt.

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

**Member (J)**

**Vice-Chairman**

dnk.

O.A. 431/2018 (D.B.)

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

**Dated : 21/11/2019.**

Heard Shri I. K. Daudadariya, Id. counsel holding for Shri G.G. Bade, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1 to 4. None for R-5.

At the request of Id. P.O., **S.O. Next week.**

**Member (J)**

**Vice-Chairman**

dnk.

O.As. 341 & 342 of 2019 (D.B.)

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

**Dated : 21/11/2019.**

Shri I. K. Daudadariya, Id. counsel holding for Shri G.G. Bade, Id. counsel for the applicants and Shri V.A. Kulkarni, Id. P.O. for the respondents.

At the request of Id .counsel for the applicants, **S.O.1<sup>st</sup> week of December,2019.**

**Member (J)**

**Vice-Chairman**

dnk.

**C.P. 06/19 in O.A. 112/2008 (D.B.)**

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

**Dated : 21/11/2019.**

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

2. The learned counsel for the applicant produced order dated 10/10/2019 passed by the S.P., Buldhana. The learned counsel for the applicant invited our attention to para nos. 9 & 10. In para-9 the Superintendent of Police has mentioned that on the basis of incomplete information and misleading information, order dated 13/8/2018 was passed one-sidedly in bias manner and it is illegal. Similarly, in para-10 it is mentioned that the MAT, Nagpur Bench has passed order without examining all the papers and the order passed by the MAT is apparently erroneous. In the same paragraph, even allegations are made against the Presenting Officer that though the Presenting Officer was informed to file Review Application, but nothing was done. After reading the contents of the order passed by the Superintendent of Police, Buldhana (R/2), we are of the view that the allegations are made in reckless manner and

therefore we think it just to call upon the Superintending of Police, Buldhana to remain present personally and to justify the allegations or to give the cogent explanation how the allegations are not amounting to contempt.

3. Dr. Dilip Patil Bhujbal author of this order, i.e., the Superintendent of Police, Buldhana is hereby directed to appear before this Bench on 09/12/2019. The learned counsel for the applicant is directed to hand over copy of the order to the learned P.O.

**S.O. 09/12/2019.**

**Member (J)**

**Vice-Chairman**

dnk.

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O.A. No. 410/19 **(SB)**

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

**Dated : 21.11.2019**

Shri G.K. Bhusari, 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. one week.**

**Member (J)**

dnk.

O.A. No. 803/2017 **(SB)**

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

**Dated : 21.11.2019**

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

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

**Member (J)**

dnk.

O.A. No. 162/2019 **(SB)**

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

**Dated : 21.11.2019**

Shri A.P. Tathod, Id .counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1&2, Shri G.K. Bhusari, Id .counsel holding for Shri S.N. Gaikwad, Id. counsel for R-3&4 and Shri A.P. Sadavate, Id .counsel for R-5.

At the request of Id. counsel for R-3&4, **S.O. 25/11/2019.**

**Member (J)**

dnk.



O.A. No. 284/18 **(SB)**

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

**Dated : 21.11.2019**

Shri A.P. Tathod, Id .counsel holding for  
Shri A.D. Girdekar, Id .counsel for the applicant  
and Shri S.A. Sainis, 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. No. 787/18 **(SB)**

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

**Dated : 21.11.2019**

Shri G.K. Bhusari, Id .counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1 to 3, none for R-4 and Shri A.Y. Kapgate, Id. counsel for R-5.

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

**Member (J)**

dnk.

O.A. No. 875/18 (SB)

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

**Dated : 21.11.2019**

Smt. K.N. Saboo, Id .counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1,2,4,&5 and B.N. Jaipurkar, Id. counsel for R-3.

At the request of Id. counsel for R-3, **S.O.**  
**two weeks** for filing reply.

**Member (J)**

dnk.

O.A. No. 299/19 (SB)

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

**Dated : 21.11.2019**

The applicant in person present. Shri V.A. Kulkarni, Id. counsel for the respondents.

The Id. P.O. submitted that he has received parawise comments and one week time is required to file reply. At his request, **S.O. 28/11/2019.**

**Member (J)**

dnk.

O.A. No. 488/19 (SB)

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

**Dated : 21.11.2019**

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

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

**Member (J)**

dnk.

O.A. No. 776/19 (SB)

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

**Dated : 21.11.2019**

None for the applicant. Shri S.A. Sainis,  
Id. P.O. for R-1. Await service of R-2&3.

**S.O. two weeks.**

**Member (J)**

dnk.

O.A. No. 27/19 (SB)

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

**Dated : 21.11.2019**

Shri G.K. Bhusari, Id .counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1 to 3 and Shri P.J. Mehta, Id. counsel for R-4.

The Id. P.O. files reply on behalf of R-2&3. It is taken on record.

Shri Mehta, Id .counsel also files reply on behalf of R-4. It is taken on record.

**Heard. Admit.**

The Id. P.O. waives notice for R-1 to 3.

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

**Member (J)**

dnk.

O.A. No. 923/17 (SB)

**Coram : Hon. Shri A.D. Karanjkar,**

**Member (J).**

**Dated : 21.11.2019**

Ms. S.S. Dhone, Id .counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1&2 and Shri S. Majid, Id .counsel for R-3&4.

Shri Majid, Id. counsel for R-3&4 has filed affidavit of Dr. Y.N. Choudhari and requested for further time to file affidavit of another Doctor who is now at Pune. Copy of the same is taken on record and also given to the learned counsel for the applicant.

**S.O. 05/12/2019.**

**Member (J)**

dnk.

O.A. No. 373/2018 **(SB)**

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



**Dated : 21.11.2019**

**Member (J)**

dnk.

O.A. No. 373/2018 **(SB)**

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

**Dated : 21.11.2019**

Shri P.J. Mehta, Id .counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

**S.O. one week.**

**Member (J)**

dnk.

O.A. No. 59/19 **(SB)**

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

**Dated : 21.11.2019**

There is a leave note from Shri S.P. Palshikar, Id .counsel for the applicant. Shri H.K. Pande, Id. P.O.for R-1&2. None for R-3.

**S.O. three weeks.**

**Member (J)**

dnk.

O.A. No. 71/19 **(SB)**

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

**Dated : 21.11.2019**

Heard Shri N.D. Thombre, Id .counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

**Closed for orders.**

**Member (J)**

dnk.

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O.A.No.639/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :21/11/ 2019.**

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

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

**Vice Chairman**

**Date:-21/11/2019.**  
aps.

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :21/11/ 2019.**

**C.A. No. 437/2019:-**

Heard Shri R.R.Dawda, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the State.

2. The Id. counsel for the applicant submits that he desires to change the designation and address of respondent no. 2. He is permitted to do the same. **C.A. No. 437/2019 is allowed.**

3. After changing the designation and address of respondent no. 2. Issue notice to newly added respondent no. 2, returnable on four weeks. Learned 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.

**C.A. No. 319/2019:-**

**S.O. four weeks.**

**Vice Chairman**

**Date:-21/11/2019.**  
aps.

**O.A.No.506/2017 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :21/11/ 2019.**

Heard Smt. Saboo, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. three weeks.**

**Vice Chairman**

**Date:-21/11/2019.**  
aps.



O.A.No.268/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :21/11/ 2019.**

**C.A.No.414/2019:-**

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

2. In order dated 10/10/2019, in para no. 3 certain documents were asked to produce by Id. P.O.. The Id. P.O. further desires two weeks time to file on record. **C.A. No. 414/20219 for early hearing is allowed.**

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

**Vice Chairman**

**Date:-21/11/2019.**  
aps.

**O.A.No.771/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :21/11/ 2019.**

Heard Shri A.S.Ghawde, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

2. As per the Id. counsel for the applicant, service affidavit has been filed. At the request of Id. P.O., **S.O. two weeks.**

**Vice Chairman**

**Date:-21/11/2019.**  
aps.

**O.A.No.910/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :21/11/ 2019.**

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

2. Issue notice to R-2, 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.**

9. *The Id. counsel for the applicant is directed to remove office objections before next date of hearing.*

**Vice Chairman**

**Date:-21/11/2019.**

aps.

**O.A.No.911/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :21/11/ 2019.**

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

2. Issue notice to R-2, 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:-21/11/2019.**  
aps.

**O.A.No.786/2015 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :21/11/ 2019.**

Heard Shri R.A.Haque, the Id. Counsel for the applicant, Shri P.N.Warjekar, the Id. P.O. for the respondent nos. 1 & 2 and Shri A.M.Tirukh, the Id. counsel for the respondent no. 3.

2. The Id. counsel for the applicant filed certain documents. It is taken on record. Copy is served to the other side.

3. The Id. counsel for the respondent no. 3 as well as Id. P.O. desires time, **S.O. 05/12/2019.**

**Vice Chairman**

**Date:-21/11/2019.**  
aps.

**O.A.No.927/2017 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :21/11/ 2019.**

Heard Shri P.P.Kotwal, the Id. Counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant desires to file certain documents on record. He is directed to file along with the C.A..

3. The Id. P.O. desires two weeks time. **S.O. 05/12/2019 by way of last chance.**

**Vice Chairman**

**Date:-21/11/2019.**  
aps.



**O.A.No.807/2016 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :21/11/ 2019.**

Heard Shri I.K.Daudasariya holding for Shri G.G.Bade, 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. next week.**

**Vice Chairman**

**Date:-21/11/2019.**  
aps.

O.A.No.158/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :21/11/ 2019.**

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

2. The Id. counsel for the applicant has relied upon the Judgment of M.A.T. bench at Annexure-A-8, P.B., Pg. No. 84 in which various O.As. has been decided. He is also relied upon the Hon'ble High Court Judgment in the case of **State of Maharashtra Vs. Meena A. Kuwalekar & Ors.** which is at Annexure-A-9, P.B., Pg. No. 113. He further submits that the applicant's case of initial date of appointment should be taken as date for calculating time of promotion. These two Judgments are already covered the points. The Id. counsel for the applicant further placed reliance on the Judgment of **Vasant Gangaramsa Chandan Vs. State of Maharashtra & Ors. (1996) 10 Supreme Court Cases 148** which is marked Exh. "X". He further placed reliance on **M.A.T., Mumbai Judgment in O.A. No. 416/2012 delivered on 15/12/2014** which is at Annexure-A-13, P.B., Pg. No. 145.

3. The Id. P.O. brings my attention to the reply at P.B., Pg. No. 165 which is reproduced below:-

*"M.P.S.C. and hence the applicants are not entitled to the benefits claimed by them. However, the matter is under consideration of the respondent no. 1 and*

*appropriate action will be taken on the same being considered by the respondent no. 1."*

4. The Id. counsel for the applicant submits that very soon he will file the written notes of arguments.

5. **Closed for orders.**

**Vice Chairman**

**Date:-21/11/2019.**  
aps.

**O.A.No.14/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :21/11/ 2019.**

Heard Shri N.S.Warulkar, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

**2. S.O. Tuesday i.e. 26/11/2019.**

**Vice Chairman**

**Date:-21/11/2019.**  
aps.

**O.A.No.394/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :21/11/ 2019.**

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

2. The Id. counsel for the applicant has relied upon the Judgment in O.A. No. 542/2017 of M.A.T., Nagpur Bench delivered on 14/03/2019 at P.B., Pg. No. 21. He further submits that present O.A. relief clause are covered by the same Judgment. Government reply filed in that O.A. is taken in this O.A. also.

**3. Close for orders.**

**Vice Chairman**

**Date:-21/11/2019.**  
aps.

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :21/11/ 2019.**

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

2. The applicant was suspended vide order dated 02/03/1993 (Annexure-A-1, P.B., Pg. No. 11) and subsequently applicant was reinstated vide order dated 24/09/1998 (Annexure-A-2, P.B., Pg. No. 12). Subsequently, order was passed on 22/02/2016 (Annexure-A-10, P.B., Pg. Nos. 55 to 57) wherein on P.B., Pg. No. 57 following observations have been made:-

^l cc egkjkrV<sup>o</sup> ulxjh l ok %i nxcg.k vo/kh] Loh; Rrj l ok vlf.k fuyæu] cMrQhzo l orsu dkk-uk Vld.k sbr; khh i nku% fu; e 1981 ps fu; e 72%½ vho; s ^Jh- , e- vlj- i qikyokj] rRdk] e[; ky; l gk; ; d] ftYgk fujh[kd] Hkqe vfhky[k dk; kÿ; ] xMfpjkyh gYyh l okfuorR; kpk fnukad 03-03-1993 rs28-09-1998 i ksrkpk fuyæu dkyko/kh gk fuyæu dkyko/kh Eg.kup xtg; /kj.; kr; ; bÿ- R; kkk fuyæu dkyko/khe/; s i nku dÿY; k fuokgHR; k 0; rtfjDr dkskrgh jDde %fuyæu dkyko/kh i jrrh% vukS vl .kkj ukgh i jrrq l nj dkyko/kh gk l okfuorRr orukdeh xtg; /kj.; kr; ; bÿ o ; k 0; rtfjDr vl; dkskrgh i; kst uki khh l nj dkyko/kh l ok dkyko/kh Eg.kup xtg; /kjY; k tk.kkj ukgh- vl svkns k nskr ; r vkgS

3. It appears that the applicant was reinstated in 1998 and it was also mentioned that for retirement benefits i.e. pension his suspension period will not be considered as suspension period. It will carried out as duty period. The Id. counsel for

the applicant has also relied upon the Judgment of Session Court, Gadchiroli where applicant has been exonerated as per order (P.B., Pg. Nos. 23 to 42, Annexure-A-6) at P.B., Pg. No. 41 para no. 1. Id. P.O. has pointed out report of enquiry Officer in departmental enquiry is at P.B., Pg. Nos. 17 & 18 in last para. It is reproduced below:-

mi jkDr dxni =ko: u o l k{knkj k; k l k{kho: u vi pkjh depkjh Jh- i li yojk ; kauh ; k [kR; kP; k : Yl vMM LVMMhx vMMj l -e/khy fu; e 1] 3 o 4 P; k Hkx dsk vkgs r l p ftYgk fufj {kd Hkie vfhky{k ; k; k vf/kdkjkpk xjoki j l njps5 gh ekSt .kh i dzj .kkr dskvk vkgs gh l dirn'kLh fnl u ; s vl u Li "V ghrs R; keGSR; kRkoj ykoyyk nskkjki i wkr fu; ekP; k o dxni =kP; k vk/kkjsfl /n gkr vkgs l cc vi pkjh Jh- i li yojk gp tckcnkj vl Y; kps Li "Vi .ks fnl rs l cc R; kauh egkj k"V<sup>2</sup> ulxjh l ok %orZkd½ fu; e 1971 e/khy fu; e 3 ¼1½/anku½¼rhu½ pk Hkx dsk vkgs

4. The D.E. officer has indicted the applicant. The Id. counsel for the applicant has relied upon para no. "A" on P.B., Pg. No. 6 of O.A., which is below:-

*"It is submitted that the Hon'ble Apex Court in Capt. M. Paul Anthoy's case reported in (1999) 3 SCC 679 held that "since the appellant has been acquitted we would not direct any fresh departmental enquiry to be instituted against him on the same set of facts, the appellant shall be reinstated forthwith and shall also be paid entire arrears of salary together with all allowances from the date of suspension till his retirement." In view of this settled position of law the act of respondents denying the benefit of suspension period i.e. increment in salary for that period is unsustainable and bad in law."*

5. However, Id. P.O. submits that facts of that case might be different than this case. In view of applicant's exoneration from the Court and set of

facts, applicant is granted relief clause on P.B. Pg. No. 7, 8-A with following conditions:-

- A. O.A. is partly allowed.
- B. Applicant's suspension period is to be treated as duty period notionally and applicant will be given increment for that period notionally without any actual monetary benefits of that period or backwages.
- C. Subsequent to that applicant's pension will be revised accordingly.
- D. However, other relief clause in para no. 8 i.e. B, C and D are rejected.
- E. Similarly, applicant will not be entitled to claim any interest since he is not granted any monetary benefit in the form of backwages.
- F. No order as to costs.

**Vice Chairman**

**Date:-21/11/2019.**  
aps.



**O.A.No.725/2016 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :21/11/ 2019.**

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

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

**Vice Chairman**

**Date:-21/11/2019.**  
aps.