

ORIGINAL APPLICATION NO.368/2020
(Rakesh Sonawane Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 08.10.2020.

ORAL ORDER :

Shri V.B.Wagh learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.

2. Registry is directed not to place the present matter before the Bench to which Shri B.P.Patil, Vice-Chairman is a member.

VICE CHAIRMAN

YUK ORAL ORDERS 08.10.2020

ORIGINAL APPLICATION NO.373/2020
(Rohan Jadhav Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 08.10.2020.

ORAL ORDER :

Shri V.B.Wagh learned Advocate for the applicant and Shri M.S.Mahajan learned Chief Presenting Officer for the respondents.

2. Registry is directed not to place the present matter before the Bench to which Shri B.P.Patil, Vice-Chairman is a member.

VICE CHAIRMAN

YUK ORAL ORDERS 08.10.2020

M.A.NO.214/2020 IN O.A.NO.286/2020
(Ravi Harne Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 08.10.2020.

ORAL ORDER :

Shri K.G.Salunke learned Advocate for the applicant in O.A., Shri A.S.Deshmukh learned Advocate for the applicant in M.A. and Shri M.P.Gude learned Presenting Officer for the respondents.

2. Registry is directed not to place the present matter before the Bench to which Shri B.P.Patil, Vice-Chairman is a member.

VICE CHAIRMAN

YUK ORAL ORDERS 08.10.2020

ORIGINAL APPLICATION NO.367/2020
(Manoj Jadhav Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 08.10.2020.

ORAL ORDER :

Shri V.B.Wagh learned Advocate for the applicant and Smt. Priya Bharaswadkar learned Presenting Officer for the respondents.

2. Registry is directed not to place the present matter before the Bench to which Shri B.P.Patil, Vice-Chairman is a member.

VICE CHAIRMAN

YUK ORAL ORDERS 08.10.2020

ORIGINAL APPLICATION NO.406/2020
(Anil Gavit Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 08.10.2020.

ORAL ORDER :

1. Learned Advocate for the applicant Shri V.H.Dighe has prayed for circulation on today itself.
2. There is no urgency in the matter. Date is already fixed. Hence, the circulation sought by the applicant is rejected.
3. Matter to come up on due date.

VICE CHAIRMAN

YUK ORAL ORDERS 08.10.2020

ORIGINAL APPLICATION NO.413/2020
(Sainath R. Thombre Vs. State of Maharashtra & Ors.)

WITH

ORIGINAL APPLICATION NO.414/2020
(Suresh S. Chate Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 08.10.2020.

ORAL ORDER :

Heard Shri S.D.Joshi learned Advocate for the applicants, Smt. Priya Bharaswadkar and Shri V.R.Bhumkar learned Presenting Officers for the respondents in respective cases.

2. Learned Advocate for the applicant sought leave of the Tribunal to amend the prayer clauses 8(A) and 9(a) in O.A.No.413/2020 suitably as there are typographical mistakes. In view of the submissions of the learned Advocate for the applicant leave is granted. Applicant shall amend the O.A. forthwith.

3. The applicants have challenged the impugned suspension orders dated 11-09-2020 passed by the respondent no.3 in view of Section 25(2) of the Maharashtra Police Act and Section 3(1-A) of the Bombay Police (Punishment & Appeal) Rules, 1956. Learned Advocate for the applicants has submitted that the impugned orders have been passed during the pendency of the departmental enquiry and the

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O.A.No.413/2020 & 414/2020

suspension of the applicants is not as a punishment imposed on him, and therefore, no appeal is provided under the Bombay Police (Punishment & Appeal) Rules, 1956 for challenging the said order. He has submitted that the impugned orders have been passed by the respondent no.3 with malice and vindictively as some orders have been passed against the respondent no.3 in the O.As. filed by the applicants. He has submitted that as no appeal or representation is provided under the Bombay Police (Punishment & Appeal) Rules, 1956, the present O.As. are maintainable.

4. He has further submitted that the representations made by the applicants with the respondent no.3 on 19-09-2020 & 22-09-2020 will not cause hurdle in filing the present O.A. He has submitted that this Tribunal has jurisdiction to entertain the O.As. challenging the order passed by the concerned authorities with malice. In support of his submissions he has placed reliance on the judgment of Hon'ble Supreme Court in case of **M.P. State Agro Industries V/s. Jahan Khan** decided on 05-09-2007 and the judgment of Hon'ble Bombay High Court

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O.A.No.413/2020 & 414/2020

Bench at Aurangabad in Writ Petition No.8137/2014 in case of **Sureshsing Kanusing Taji V/s. The State of Maharashtra & Another** decided on 07-10-2014. He has submitted that in view of the said decisions, this Tribunal is competent to entertain the O.As. Therefore, he has prayed to entertain the O.As.

5. Learned P.Os. have submitted that the impugned orders have been passed under Section 25(2) of the Maharashtra Police Act and Rule 3(1-A) of the Bombay Police (Punishment & Appeal) Rules, 1956. They have submitted that the explanation 3 to Sub Rule (1-A) to Rule 3 of Bombay Police (Punishment & Appeal) Rules, 1956 provides that the order passed under the Sub Rule may be revoked at any time by the authority making the order or by any authority to which it is subordinate. They have submitted that the said Rules provide that aggrieved person may approach the authority making the order or any authority to which it is subordinate by way of filing the representation or appeal. They have submitted that since the alternate remedy has been provided under the Explanation (1-A) of Rule 3 of the Bombay Police (Punishment & Appeal) Rules, 1956, the present O.As. are not maintainable as

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O.A.No.413/2020 & 414/2020

the applicants have got alternate remedy to challenge the said impugned orders.

6. They have further submitted that the applicants have filed the representations dated 19-09-2020 & 22-09-2020 before the respondent no.3 challenging the impugned orders and prayed to revoke the same. Their representations are still pending with the respondent no.3. They have submitted that in view of the provisions of Section 20(2)(b) of the Administrative Tribunals Act, 1985, O.As. can be entertained after expiry of period of 6 months, if the representation is preferred. They have submitted that in view of the said provisions, the O.As. cannot be admitted before expiry of statutory period mentioned therein. Therefore, they have prayed to dismiss the O.As. on that ground.

7. On perusal of the impugned orders, it reveals that the impugned orders have been passed by the respondent no.3 in view of the provisions of Section 25(2) of the Maharashtra Police Act and Section 3(1-A) of the Bombay Police (Punishment & Appeal) Rules, 1956. The impugned suspension orders have been issued as departmental enquiry is contemplated into

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O.A.No.413/2020 & 414/2020

their conduct. The impugned orders of suspension have not been passed by way of punishment. Explanation (iii) to Sub Rule (1-A) to Rule 3 of Bombay Police (Punishment & Appeal) Rules, 1956 provides that the authority which has passed the order or any authority to which the authority is subordinate may revoke the order at any time. The said provision is relevant and material. Therefore, the same is reproduced as under:

“3 (1) Without prejudice to the provisions of any law for the time being in force, the following punishments may be imposed upon any Police Officer, namely:-

(a-1) -----

(a-2) -----

(1-A) (i) -----

(ii) -----

(iii) An order of suspension under sub-rule (1) may be revoked at any time by the authority making the order or by any authority to which it is subordinate. ”

8. The impugned orders provide provision of making representation by the applicants to the concerned

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O.A.No.413/2020 & 414/2020

authority for revocation of the said orders or to approach the authority to which the said authority is subordinate. Said section is similar to the Rule 4(5)(b) of the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979. The applicants have approached the respondent no.3 for revocation of the said orders by filing the representations dated 19-09-2020 & 22-09-2020. Same are still pending with the respondent no.3. It means that the applicants have availed the alternate remedy available to them under the service rules.

9. Section 20(2)(b) of the Administrative Tribunals Act, 1985 provides that if the Government servant has approached the competent authority challenging the impugned order by preferring the representation, then the O.A. cannot be admitted unless the expiry of 6 months' period specified therein. In the instant case, the applicants have preferred the representation dated 19-09-2020 & 22-09-2020 to the respondent no.3 and the same are under consideration. Before expiry of statutory period provided under Section 20(2)(b) of the Administrative Tribunals Act, 1985 the applicants have filed these O.As. Therefore, the O.As. cannot be

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O.A.No.413/2020 & 414/2020

admitted before the expiry of statutory period mentioned therein.

10. I have gone through the decisions referred above by the learned Advocate for the applicants. I have no dispute regarding the settled legal principles laid down therein. The facts in the present cases are totally different than the facts in the decisions referred to by the Advocate of the applicants. Therefore, those decisions are not much useful to the applicants in the present case.

11. In view of the above discussion, the present O.As. cannot be admitted as those are not maintainable. Therefore, same deserve to be dismissed. Hence, the O.A.No.413/2020 & O.A.No.414/2020 are dismissed. There shall be no order as to costs.

VICE CHAIRMAN

YUK ORAL ORDERS 08.10.2020

ORIGINAL APPLICATION NO. 415/2020
(Vishal S. Waghmare Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 8.10.2020

ORAL ORDER :

Heard Shri S.S. Jadhavar, learned Advocate holding for Shri Suhas P. Shirsat, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the Applicant, S.O. to 15.10.2020.

VICE CHAIRMAN

SAS ORAL ORDERS 8.10.2020

ORIGINAL APPLICATION NO. 416/2020
(Sharad S. Mulgir Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single
Bench due to non-availability of Division
Bench.]

DATE : 8.10.2020

ORAL ORDER :

Heard Shri S.S. Jadhavar, learned Advocate holding for Shri Suhas P. Shirsat, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the Applicant, S.O. to 15.10.2020.

VICE CHAIRMAN

SAS ORAL ORDERS 8.10.2020

ORIGINAL APPLICATION NO. 417/2020
(Udhav T. Satpute Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single
Bench due to non-availability of Division
Bench.]

DATE : 8.10.2020

ORAL ORDER :

Heard Shri S.S. Jadhavar, learned Advocate holding
for Shri Suhas P. Shirsat, learned Advocate for the
applicant and Shri V.R. Bhumkar, learned Presenting
Officer for the respondents.

2. At the request of the learned Advocate for the
Applicant, S.O. to 15.10.2020.

VICE CHAIRMAN

SAS ORAL ORDERS 8.10.2020

M.A.NO. 242/2020 IN O.A.ST.NO.961/2020
(Sachin U. Shinde & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 8.10.2020

ORAL ORDER :

Heard Shri H.A. Joshi, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. This is an application preferred by the applicants seeking leave to sue jointly.

3. For the reasons stated in the application, and since the cause and the prayers are identical and since the applicants have prayed for same relief, and to avoid the multiplicity, leave to sue jointly granted, subject to payment of court fee stamps, if not paid.

4. Accompanying O.A. be registered and numbered, after removal of office objections, if any. The present M.A. stands disposed of accordingly without any order as to costs.

VICE CHAIRMAN

ORIGINAL APPLICATION ST.NO. 961/2020
(Sachin U. Shinde & Ors. Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 8.10.2020

ORAL ORDER :

Heard Shri H.A. Joshi, learned Advocate for the applicants and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 26.11.2020.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicants are authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are 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.

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O.A.ST.NO. 961/2020

6. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicants are directed to file affidavit of compliance and notice.

7. S.O. to 26.11.2020.

8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

SAS ORAL ORDERS 8.10.2020

ORIGINAL APPLICATION ST.NO.845/2020
(Amit S. Tandale Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single
Bench due to non-availability of Division
Bench.]

DATE : 8.10.2020

ORAL ORDER :

Heard Shri V.M. Vibhute, learned Advocate holding
for Shri S.D. Munde, learned Advocate for the applicant
and Shri M.S. Mahajan, learned Chief Presenting Officer for
the respondents.

2. At the request of the learned Advocate for the
Applicant, S.O. to 19.11.2020.

VICE CHAIRMAN

SAS ORAL ORDERS 8.10.2020

ORIGINAL APPLICATION ST.NO.460/2020
(Jagannath S. Patil Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single
Bench due to non-availability of Division
Bench.]

DATE : 8.10.2020

ORAL ORDER :

Heard Shri V.M. Vibhute, learned Advocate holding
for Shri S.B. Bhosale, learned Advocate for the applicant
and Shri B.S. Deokar, learned Presenting Officer for the
respondents.

2. At the request of the learned Advocate for the
Applicant, S.O. to 19.11.2020.

VICE CHAIRMAN

SAS ORAL ORDERS 8.10.2020

M.A.ST.NO.588/2020 IN O.A.ST.NO.586/2020
(Balu R. Nagare Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single
Bench due to non-availability of Division
Bench.]

DATE : 8.10.2020

ORAL ORDER :

Heard Shri V.M. Vibhute, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. At the request of the learned Advocate for the Applicant, S.O. to 19.11.2020.

VICE CHAIRMAN

SAS ORAL ORDERS 8.10.2020

ORIGINAL APPLICATION NO. 931 OF 2019
(Smt. Ashwini P. Kankute Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 08.10.2020

ORAL ORDER :

Heard Shri Manish P. Tripathi, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. It is submitted by the learned Advocate for the applicant that as per order dated 02.03.2020, he obtained notice for respondent No. 3 from the office of this Tribunal and posted the same with the post office on 20.03.2020. However, due to lockdown on account of Corona Pandemic the track report could not be obtained from the postal department and now it is not available.

3. Thus, the learned Advocate for the applicant wants to serve fresh notice upon the respondent No. 3. Hence, issue fresh notice to the respondent No. 3, returnable on 25.11.2020.

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

5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly

authenticated by Registry, along with complete paper book of the case. Respondents are 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 acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

8. S.O. to 25.11.2020.

9. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 08 OF 2020
(Arvind M. Kulkarni Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 08.10.2020

ORAL ORDER :

Heard Shri Girish Kulkarni (Mardikar), learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. It is submitted by the learned Advocate for the applicant that as per order dated 19.03.2020, he obtained notice for respondent No. 1 from the office of this Tribunal and posted the same with the post office. Notice was served upon the respondent No. 1 on 31.03.2020 before the returnable date. However, he could not submit the service affidavit on record due to lockdown on account of Corona Pandemic. He, therefore, prayed for extension of time with permission to file service affidavit on record. Permission granted as prayed for by the learned Advocate for the applicant.

3. Service affidavit be taken on record.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 1080 OF 2019
(Ravindra S. Patil Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 08.10.2020

ORAL ORDER :

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. It is submitted by the learned Advocate for the applicant that as per order dated 06.03.2020, he obtained notice from the office of this Tribunal for service upon respondent Nos. 2 & 4 and posted the same with the post office. However, due to lockdown on account of Corona Pandemic the track report could not be obtained from the postal department and now it is not available.

3. Thus, the learned Advocate for the applicant wants to serve fresh notice upon the respondent Nos. 2 & 4. Hence, issue fresh notice to the respondent Nos. 2 & 4, returnable on 24.11.2020.

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

5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly

authenticated by Registry, along with complete paper book of the case. Respondents are 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 acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

8. S.O. to 24.11.2020.

9. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 120 OF 2020
(Vinit S. Pawar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 08.10.2020

ORAL ORDER :

Heard Shri A.D. Sugdare, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. It is submitted by the learned Advocate for the applicant that as per order dated 03.03.2020, he obtained notices from the office of this Tribunal for service upon all the respondents. Accordingly, he posted the said notices with the postal department. However, the track report is not available due to lockdown on account of Corona Pandemic. Therefore, it cannot be ascertained as to whether the notices were served upon the respondents.

3. Thus, the learned Advocate for the applicant wants to serve fresh notices upon all the respondents. Hence, issue fresh notices to all the respondents, returnable on 24.11.2020.

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

5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly

authenticated by Registry, along with complete paper book of the case. Respondents are 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 acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

8. S.O. to 24.11.2020.

9. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 149 OF 2020
(Vitthal J. Ambatwad Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 08.10.2020

ORAL ORDER :

Heard Shri Sanjay L. Bhapkar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. It is submitted by the learned Advocate for the applicant that as per order dated 18.03.2020, he posted the notices with the post office. However, the notices of respondent Nos. 1, 2 & 5 could not be served before the returnable date i.e. 29.04.2020 due to lockdown on account of Corona Pandemic, but the said notices were served after the due date. Hence, to avoid the lacuna in service of notices the applicant prayed for issuance of fresh notices to the respondent Nos. 1, 2 & 5.

3. Hence, issue fresh notices to the respondent Nos. 1, 2 & 5, returnable on 25.11.2020.

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

5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly

authenticated by Registry, along with complete paper book of the case. Respondents are 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 acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

8. S.O. to 25.11.2020.

9. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 150 OF 2020
(Ramkrishna D. Nagargoje Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 08.10.2020

ORAL ORDER :

Heard Shri Sanjay L. Bhapkar, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. It is submitted by the learned Advocate for the applicant that as per order dated 18.03.2020, he posted the notices with the post office. However, the notices of respondent Nos. 1, 2, 4 & 5 could not be served before the returnable date i.e. 29.04.2020 due to lockdown on account of Corona Pandemic, but the said notices were served after the due date. Hence, to avoid the lacuna in service of notices the applicant prayed for issuance of fresh notices to the respondent Nos. 1, 2, 4 & 5.

3. Hence, issue fresh notices to the respondent Nos. 1, 2, 4 & 5, returnable on 25.11.2020.

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

5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly

authenticated by Registry, along with complete paper book of the case. Respondents are 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 acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

8. S.O. to 25.11.2020.

9. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 151 OF 2020
(Krantikumar V. Penurkar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 08.10.2020

ORAL ORDER :

Heard Shri Sanjay L. Bhapkar, learned Advocate for the applicant and Shri M.P. Gude, learned Chief Presenting Officer for the respondents.

2. It is submitted by the learned Advocate for the applicant that as per order dated 18.03.2020, he posted the notices with the post office. However, the notices of respondent Nos. 1, 2 & 5 could not be served before the returnable date i.e. 29.04.2020 due to lockdown on account of Corona Pandemic, but the said notices were served after the due date. Hence, to avoid the lacuna in service of notices the applicant prayed for issuance of fresh notices to the respondent Nos. 1, 2 & 5.

3. Hence, issue fresh notices to the respondent Nos. 1, 2 & 5, returnable on 25.11.2020.

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

5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly

authenticated by Registry, along with complete paper book of the case. Respondents are 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 acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

8. S.O. to 25.11.2020.

9. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 113 OF 2020

(Graduate Part Time Employees Association, Dhule, through its President Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 08.10.2020

ORAL ORDER :

Heard Shri Ashish Rajkar, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. It is submitted by the learned Advocate for the applicant that as per order dated 24.02.2020, he obtained the notice from the office of the Tribunal on 25.02.2020 for service upon the respondents and he posted the same with the postal department. However, due to lockdown on account of Corona Pandemic the track report could not be obtained from the postal department and now it is not available. He, therefore, prayed for issuance of fresh notices to the respondents.

3. Hence, issue fresh notices to the respondents, returnable on 25.11.2020.

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

5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper

book of the case. Respondents are 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 acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

8. S.O. to 25.11.2020.

9. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 269 OF 2020
(Narayan P. Kawthalkar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

DATE : 08.10.2020

ORAL ORDER :

Heard Shri S.D. Joshi, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. It is submitted by the learned Advocate for the applicant that as per order dated 10.09.2020, he posted the notice of respondent No. 3 with the postal department. However, the track report could not be obtained due to some technical problem in the website of the postal departmental. Hence, it cannot be ascertained as to whether the respondent No. 3 was served within time. Hence, he prayed for issuance of fresh notice to the respondent No. 3.

3. In view thereof, issue fresh notice to the respondent No. 3, returnable on 19.10.2020.

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

5. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper

book of the case. Respondents are 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 acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

8. S.O. to 19.10.2020.

9. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 231/2020
(Umesh T. Hule Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 8.10.2020

ORAL ORDER :

Heard Shri N.L. Jadhav, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks time to take instructions from the the applicant. Time granted.

3. In the circumstances, S.O. to 2.11.2020.

VICE CHAIRMAN

ARJ ORAL ORDERS 8.10.2020

ORIGINAL APPLICATION NO. 366/2020
(Bharat L. Dhonde Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 8.10.2020

ORAL ORDER :

Heard Shri Amol A. Kokad, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 19.11.2020.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are 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 acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 19.11.2020.

8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 377/2020
(Ganesh B. Chaudhari Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 8.10.2020

ORAL ORDER :

Heard Shri Manish V. Bhamre, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 23.11.2020.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are 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

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O.A. NO. 377/2020

(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 acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 23.11.2020.

8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ARJ ORAL ORDERS 8.10.2020

ORIGINAL APPLICATION NO. 378/2020
(Krushnakant I. Salunkhe Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 8.10.2020

ORAL ORDER :

Heard Shri Manish V. Bhamre, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 23.11.2020.

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

4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are 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 acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 23.11.2020.

8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 379/2020
(Ravindra N. Wagh Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 8.10.2020

ORAL ORDER :

Heard Shri Manish V. Bhamre, learned Advocate for the applicant and Shri M.P. Gude, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 23.11.2020.

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

4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are 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 acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 23.11.2020.

8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 380/2020
(Kiran A. Patil Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 8.10.2020

ORAL ORDER :

Heard Shri Manish V. Bhamre, learned Advocate for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 23.11.2020.

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

4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are 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 acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 23.11.2020.

8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 381/2020
(Kalu I. Dhangar Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 8.10.2020

ORAL ORDER :

Heard Shri Manish V. Bhamre, learned Advocate for the applicant and Shri B.S. Deokar, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 23.11.2020.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are 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 acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 23.11.2020.

8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 384/2020
(Jitendra V. Kadam Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 8.10.2020

ORAL ORDER :

Heard Shri A.P. Ghule Patil, learned Advocate holding for Shri Anand S. Jondhale, learned Advocate for the applicant and Shri I.S. Thorat, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks time for taking instructions from the applicant as to whether he has availed the remedy of filing appeal against the impugned or not. Time granted.

3. In the circumstances, S.O. to 19.11.2020.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 383/2020
(Sachin D. Maindale Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 8.10.2020

ORAL ORDER :

Heard Shri S.S. Jadhavar, learned Advocate holding for Shri Omprakash Y. Kashid, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Learned Advocate for the applicant seeks leave of the Tribunal to add the Special Inspector General of Police, State Reserve Police Force, Mumbai as party respondent as the applicant is challenging the order passed by the said authority. Leave as prayed for is granted. The applicant shall carry out the suitable amendment forthwith.

3. The applicant has challenged the circular dated 6.10.2003 issued by the added respondent no. 7 the Special Inspector General of Police, State Reserve Police Force, Mumbai and also challenged the order dated 10.8.2020 issued by the respondent no. 5 to

recover the rent of the Government accommodation provided to the applicant for residential purpose at the penal rate on the basis of the circular dtd. 6.10.2003 issued by the added respondent no. 7. The applicant has been charged for the offences punishable u/s 354-A of the I.P.C. and u/s 670-A of the Information & Technology Act, 2008. He has submitted that the applicant was thereafter suspended and the departmental enquiry has been initiated against him. Thereafter the suspension of the applicant has been revoked on 28.5.2020. He has submitted that the applicant is residing in the Government accommodation allotted to him. But the respondent no. 5 has issued the recovery order dated 10.8.2020 on the basis of the circular dated 6.10.2003 issued by the added respondent no. 7. He has submitted that the said recovery is illegal and therefore he prayed to stay the execution and operation of the impugned order.

4. Learned Presenting Officer has submitted that the respondents are going to file their detailed affidavit in reply and therefore she sought time.

5. On perusal of record, it reveals that the impugned recovery order dtd. 10.8.2020 passed by the respondent no. 5 is on the basis of the circular dated 6.10.2003 issued by the respondent no. 7. Prima-facie, the applicant has made out a case to grant interim stay to the execution and operation of the impugned order dated 10.8.2020.

6. Hence, the execution and operation of the impugned order dtd. 10.8.2020 issued by the respondent no. 5 is stayed till filing of detailed affidavit in reply by the respondents. However, the respondent no. 5 is empowered to recover the rent of the Government accommodation provided to the applicant as per the normal rate.

7. Issue notices to the respondents, returnable on 19.11.2020.

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

9. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper

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

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

11. The service may be done by hand delivery, speed post, courier and acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

12. S.O. to 19.11.2020.

13. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ORIGINAL APPLICATION NO. 408/2020
(Bharat G. Jaybhaye Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 8.10.2020

ORAL ORDER :

Heard Shri Dnyaneshwar B. Pokale, learned Advocate for the applicant and Smt. Priya R. Bharaswadkar, learned Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 20.11.2020.
3. Tribunal may take the case for final disposal at once and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on respondent/s intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of the case. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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O.A. NO. 408/2020

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 acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 20.11.2020.

8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ARJ ORAL ORDERS 8.10.2020

ORIGINAL APPLICATION NO. 409/2020
(Kamini S. Suryawanshi Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 8.10.2020

ORAL ORDER :

Heard Shri Vinod P. Patil, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Issue notices to the respondents, returnable on 20.11.2020.

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

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

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O.A. NO. 409/2020

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 acknowledgment be obtained and produced along with affidavit of compliance in the Registry before due date. Applicant is directed to file affidavit of compliance and notice.

7. S.O. to 20.11.2020.

8. Steno copy and Hamdast is allowed to both parties.

VICE CHAIRMAN

ARJ ORAL ORDERS 8.10.2020

ORIGINAL APPLICATION NO. 412/2020
(Omprakash H. Kothari Vs. State of Maharashtra & Ors.)

CORAM : B. P. PATIL, VICE CHAIRMAN

[This matter is placed before the Single Bench due to non-availability of Division Bench.]

DATE : 8.10.2020

ORAL ORDER :

Heard Shri Avinash S. Deshmukh, learned Advocate for the applicant and Shri M.S. Mahajan, learned Chief Presenting Officer for the respondents.

2. Learned C.P.O. seeks time for taking instructions from the concerned respondents. Time granted.
3. In the circumstances, S.O. to 26.10.2020.

VICE CHAIRMAN