

O.A. No. 526/2018 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.08.2019

None for the applicant. Shri A.M. Khadatkar, Id. P.O. for R-1&3. Shri B. J. Lonare, Id. counsel for R-2.

At the request of Id. counsel for R-2,

S.O. two weeks.

Member (J)

Vice Chairman

dnk.

O.A. No. 277/2018 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.08.2019

Shri P. Mehta, Id. counsel holding for
Shri A.S. Tiwari, Id. counsel for the applicant,
Shri A.M. Khadatkar, Id. P.O. for R-1 to 3 and
none for R-4.

At the request of Id. counsel for the
applicant, **S.O. two weeks** along with
O.A.281/2018

Member (J)

Vice Chairman

dnk.

O.A. No. 281/2018 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.08.2019

Shri P. Mehta, Id. counsel holding for
Shri A.S. Tiwari, Id. counsel for the applicant,
Shri A.M. Khadatkar, Id. P.O. for R-1 to 3.
None for R-4&5.

At the request of Id. counsel for the
applicant, **S.O. two weeks** along with
O.A.277/2018

Member (J)

Vice Chairman

dnk.

O.A. No. 86/2019 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.08.2019

Shri S.C. Deshmukh, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1&2. None for remaining respondents.

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

Member (J)

Vice Chairman

dnk.

O.A. No. 217/2018 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.08.2019

Shri K. Nalamwar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 28/8/2019.**

Member (J)

Vice Chairman

dnk.

O.A. No. 508/2018 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.08.2019

C.A. 213/2019 -

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

2. In order to decide the controversy, it is necessary to direct the respondents to produce Muster Roll from July,1998 to July,2005.

S.O. three weeks (PH).

Member (J)

Vice Chairman

dnk.

O.A. No. 33/2019 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.08.2019

Shri S.C. Deshmukh, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1&2. None for remaining respondents.

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

Member (J)

Vice Chairman

dnk.

O.A. No. 33/2019 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.08.2019

Shri A.P. Sadavarte, Id. counsel for
the applicants and Shri P.N. Warjurkar, Id.
P.O. for the respondents.

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

Member (J)

Vice Chairman

dnk.

O.A. No. 820/2018 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.08.2019

C.A.301/2018

Heard Shri N.R. Saboo, Id. counsel for the applicants and Shri P.N. Warjurkar, Id. P.O. for the respondents.

By this C.A., the applicants are seeking leave to sue jointly. For the reasons stated in the C.A., leave to sue jointly as prayed for is granted, subject to the applicants paying requisite court fees, if not already paid. C.A. stands disposed of accordingly.

O.A. 820/2018 –

Heard Shri N.R. Saboo, Id. counsel for the applicants and Shri P.N. Warjurkar, Id. P.O. for the respondents.

The Id. P.O. files reply on behalf of R-1&2. It is taken on record. Copy is served on the applicant.

Heard. Admit.

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

S.O. after four weeks.

Member (J)

Vice Chairman

dnk.

O.A. No. 540/2019 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.08.2019

Shri S.A. Nerkar, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

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

Member (J)

Vice Chairman

dnk.

O.A. No. 113/15 with C.A. 154/19 **(DB)**

**Coram : Hon'ble Shri Shri Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.08.2019

Shri P.S. Sahare, Id. counsel for the applicants and Shri H.K. Pande, Id. P.. for the respondents.

The learned counsel for the applicants submitted that two weeks time is required to collect the addresses of the respondents who are to be added. At his request, **S.O. two weeks.**

Member (J)

Vice Chairman

dnk.

O.A. No. 147/19 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.08.2019

Shri S.M. Khan, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

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

Member (J)

Vice Chairman

dnk.

O.A. No. 701/2018 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.08.2019

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1&2. None for R-3&4.

Heard. Admit.

The Id. CPO waives notice for R-1&2.

In the meantime the applicant is at liberty to file rejoinder, if any.

S.O. in due course.

Member (J)

Vice Chairman

dnk.

O.A. No. 502/19 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.08.2019

Heard Shri P.V. Thakre, Id. counsel
for the applicant and Shri V.A. Kulkarni, Id.
PO for the respondents.

Heard. Admit.

The Id. PO waives notice for the
respondents.

In the meantime the applicant is at
liberty to file rejoinder, if any.

S.O. in due course.

Member (J)

Vice Chairman

dnk.

C.P. 17/19 in O.A. No. 516/17 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.08.2019

Heard Shri D.S. Sawarkar, Id. counsel
for the applicant and Shri V.A. Kulkarni, Id.
P.O. for the respondents.

S.O. three weeks.

Member (J)

Vice Chairman

dnk.

O.A. No. 600/2019 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.08.2019

Heard Shri G.G. Bade, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. Issue notice to R-2 to 4, returnable **after three weeks**. Learned C.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 three weeks.**

Member (J)

Vice Chairman

dnk.

O.A. No. 932/2017 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.08.2019

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

Today copies of the inquiry papers are filed by the learned P.O. and its copies are given to the learned counsel for the applicant.

S.O. 21/8/2019.

Member (J)

Vice Chairman

dnk.

O.A. Nos. 537,538,539 & 540 of 2015 **(DB)**

**Coram : Hon'ble Shri Shri Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.08.2019

Shri S.A. Kalbande, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the respondents.

The learned counsel for the applicants filed written notes of argument. It is taken on record. Copy is given to the other side.

The learned P.O. requested one week time to produce record of the inquiry. At his request, **S.O. one week.**

Member (J)

Vice Chairman

dnk.

O.A. No. 270/2018 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.08.2019

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

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

Member (J)

Vice Chairman

dnk.

O.A. No. 390/2018 (DB)

**Coram : Hon'ble Shri Shri Bhagwan,
Vice-Chairman &
Hon. Shri A.D. Karanjkar,
Member (J).**

Dated : 07.08.2019

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

The Id. P.O. requested further time to produce rules framed by the Government At his request, **S.O. two weeks.**

Member (J)

Vice Chairman

dnk.

O.A. No. 08/2018 **(SB)**

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

Dated : 07.08.2019

Ms. R. Palaspagar, Id. counsel holding for Shri A. Ramteke, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1&2 and none for R-3.

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

Member (J).

dnk.

O.A. Nos. 713 & 714 of 2018 **(SB)**

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

Dated : 07.08.2019

Shri P.V. Thakre, Id. counsel for the applicants and Shri P.N. Warjurkar, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O.**
13/8/2019 for filing reply.

Member (J).

dnk.

O.A. No. 83/2019 **(SB)**

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

Dated : 07.08.2019

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

The learned P.O. submitted that reply is ready, but the concerned Officer is not available to sign on it and therefore the learned P.O. seeks one week time. At his request, **S.O. one week**.

Member (J).

dnk.

O.A. No. 551/2019 (SB)

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

Dated : 07.08.2019

Smt. K.N. Saboo, Id. counsel for the applicant and Shri M.I. Khan, Id .P.O. for R-1&3. None for R-4. Await service of R-2.

Service report of R-2 is awaited.

S.O. three weeks.

Member (J).

dnk.

O.A. No. 837/2018 (SB)

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

Dated : 07.08.2019

Ms. D. Joshi, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1 to 4. None for R-5.

The Id. P.O. files reply on behalf of R-1 to 4. It is taken on record. Copy is served on the applicant.

Heard. Admit.

The learned P.O. waives notice for R-1 to 4.

The applicant is at liberty to file rejoinder, if any.

S.O. in due course.

Member (J).

dnk.

O.A. No. 836/2016 **(SB)**

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

Dated : 07.08.2019

Shri B. Lahiri, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1 to 3. None for R-4.

At the request of Id. counsel for the applicant, **S.O. 13/8/2019.**

Member (J).

dnk.

O.A. No. 139/2018 **(SB)**

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

Dated : 07.08.2019

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

Closed for orders.

Member (J).

dnk.

O.A. No. 558/2018 **(SB)**

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

Dated : 07.08.2019

Shri M.M. Sudame, 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. 984/2018 **(SB)**

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

Dated : 07.08.2019

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

Closed for orders.

Member (J).

dnk.

O.A. No. 587/2019 (SB)

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

Dated : 07.08.2019

Heard Shri M.M. Sudame, Id .counsel
for the applicant and Shri M.I. Khan, Id. P.O.
for R-1. None for R-2.

Closed for orders.

Member (J).

dnk.

O.A. No. 442/2019 **(SB)**

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

Dated : 07.08.2019

Heard Shri S.P. Palshikar, Id .counsel
for the applicant and Shri A.M. Ghogre, Id.
P.O. for R-1 to 3. None for R-4.

The learned P.O. submitted that he
will produce the record of the Minutes of the
Meeting of the Police Establishment Board.

S.O. 20/8/2019 (PH)

Member (J).

dnk.

O.A. No. 501/19 with C.A. 309/19 **(SB)**

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

Dated : 07.08.2019

Shri Bharat Kulkarni, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 to 3 and Shri Bhise, Id .counsel holding for Shri R.V. Shiralkar, Id. coiunsel for R-4&5.

The learned P.O. submitted that he will file reply to the O.A. during the course of day.

The learned P.O. is also directed to file reply to the C.A.309/19 till the next date.

S.O. 20/8/2019.

Member (J).

dnk.

O.A. No. 614/2019 **(SB)**

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

Dated : 07.08.2019

Heard Shri M.M. Sudame, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the State.

2. Perused the impugned order dated 31/7/2019. It seems that the applicant is transferred in mid-term from Chandrapur to Gadchiroli. It appears that the applicant was not due for transfer and after reading the order dated 31/7/2019 it appears that no attempt is made to comply mandatory requirements under Section 4 (5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (In short "Transfer Act,2005").

3. The learned counsel for the applicant submitted that the applicant is not yet relieved, therefore, so far as the applicant is concerned, he shall not be relieved from Chandrapur till further orders.

4. In the meantime, issue notice to R-2 &3, returnable **after two weeks**. Learned P.O. waives notice for R-1. Hamdast allowed.

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

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

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

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

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

S.O. after two weeks.

Steno copy is granted.

Member (J).

dnk.

O.A. No. 471/19 **(SB)**

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

Dated : 07.08.2019

Shri S.A. Marathe, Id .counsel for the applicant and Shri A.M. Khadatkar, Id .P.O. for the respondents.

The Id. counsel for the applicant files today rejoinder. It is taken on record. Copy is given to the other side.

The matter be kept for hearing **on 9/8/2019.**

Member (J).

dnk.

O.A. No. 826/2015 **(SB)**

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

Dated : 07.08.2019

Heard Shri Rohit Joshi, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

2. It is submission of the applicant that O.A. was filed by him challenging his termination. It was numbered as O.A. 667/2011. The O.A. was decided on 20th September, 2012 by the Division Bench of MAT and specific direction was given to the respondents to reinstate the applicant in service on the post of Associate Professor and his termination was quashed. It further appears that in pursuance of the order passed by the Division Bench of MAT, the applicant approached before the respondents on 12/10/2012 and requested to permit him to resume duty in pursuance of the order, but he was not permitted. It seems that the Writ Petition No. 3737/2013 was filed by the respondents and the Hon'ble Division Bench of Bombay High Court dismissed the Writ Petition vice order dated 11th October, 2013.

3. It is pertinent to note that even thereafter repeated requests were made by the applicant, he was not permitted to resume the duty as per the order passed by the Division Bench of MAT. Ultimately Contempt

Petition No. 1451/2013 was filed and later on the applicant was permitted to join duty on 01/03/2014.

4. In this background the learned counsel for the applicant submitted that the respondents illegally prevented the applicant from joining the duty, though he was willing, therefore, this case is exception to the normal rule "no work no pay". The learned counsel for the applicant has placed reliance on the Judgment in case of **Ramesh Kumar Vs. Union of India, AIR,2015 SCC,2904**. The relevant Paragraph No.13 of the Judgment is as under –

"(13) We are conscious that even in the absence of statutory provision, normal rule is "no work no pay". In appropriate cases, a court of law may take into account all the facts in their entirety and pass an appropriate order in consonance with law. The principle of "no work no pay" would not be attracted where the respondents were in fault in not considering the case of the appellant for promotion and not allowing the appellant to work on a post of Naib Subedar carrying higher pay scale. In the facts of the present case when the appellant was granted promotion w.e.f. 01.01.2000 with the ante-dated seniority from 01.08.1997 and maintaining his seniority along with his batchmates, it would be unjust to deny him higher pay and allowances in the promotional position of Naib Subedar".

5. The learned counsel for the applicant has also placed reliance on the Judgment in case of **Union of India Vs. K.V. Jankiraman,**

AIR,1991, SCC, 2010. In this case also the Hon'ble Apex Court has explained that in deserving cases, the Court may **deviate** for the principle "no work no pay" whenever the employee is prevented from joining the duty without any reasonable cause. The Hon'ble Division Bench of Bombay High Court in case of **Yuvraj Natuji Rodye Vs. Chairman, Maharashtra State Electricity Board, Bombay & Ors. 2008 (6) Mh.L.J.,384** also **formed** same view.

6. It is submission of the learned P.O. that earlier the applicant was reverted, he did not resume the duty and therefore he is not entitled for the wages as claim. The second submission is that the principle "no work no pay" is applicable in this case and consequently the applicant is not entitled for any relief.

7. After hearing both the sides and considering the facts and circumstances, it is crystal clear that the applicant was illegally prevented from joining the duty though he was ready and willing to resume the duty in pursuance of the order passed by the Division Bench of MAT. It is also pertinent to note that though the Writ Petition was preferred by the respondents to challenge the

order passed by the Division Bench of MAT, there was no stay and consequently there was no reasonable justification to the respondents for not permitting the applicant to join the duty. In view of this, I am compelled to say as there was no reasonable cause to keep away the applicant from the employment, the respondents have committed grave error in law in not permitting him to join the duty. I, therefore, hold that the applicant is entitled for the wages for the period during which he was kept out of employment by the respondents. I, therefore, direct the respondents to pay the wages for the period from 12th October, 2012 till his joining of the duty i.e. 1st March, 2014 together with interest @ 7% p.a. The respondent shall comply this order within a period of three months from the date of this order.

8. In view of above, the O.A. stands disposed of. No order as to costs.

Member (J).

dnk.

**

O.A.No.189/2010
(D.B.)

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

Shri A.D.Karanjkar, Member(J)

Dated :07th Aug. 2019.

M.C.A.No.33/2018:-

Heard Shri D.R.Bhoyar, the Id. Counsel for the applicant, Shri A.M.Khadatkar, the Id. P.O. for the respondent nos. 1 & 2 and Shri B.Kulkarni, the Id. counsel for the respondent no. 3.

2. This application is filed by the original applicant for restoration of the O.A. No. 189/2010, which is dismissed in default on 31.10.2018. It is submission of the applicant that this matter was dismissed in default on 10.08.2018. Thereafter on request of the applicant, the matter was restored to file on 12.10.2018. The matter was thereafter kept for hearing on 31.10.2018, but as no one was present for the applicant, the Original Application was again dismissed in default.

3. It is submitted that the counsel for the applicant is from Wardha and he used to depend on the cause list displayed on the site of MAT, Mumbai and High Court Bar Association, Nagpur Website. It is further submitted that due to malfunctioning of the server, the counsel was unable to see cause-list for 31.10.2018, therefore, the counsel for the applicant was ignorant about

the list of the matter and could not appear. In this situation, it is submitted that in the interest of justice, the O.A. be restored to file.

4. The respondent no. 3 has filed reply and submitted that since the beginning the applicant is negligent in prosecuting the original application. On earlier occasions also the O.A. was dismissed in default and thereafter it was restored to file. The applicant thereafter again committed default and secondly, it was dismissed on 31.10.2018. It is submitted that there is no substance in the contention that the server was malfunctioning and the cause list was not visible on the site of MAT, Mumbai and site of High Court, Bar Association, Nagpur. It is submitted that this ground is made by the applicant only to succeed in this matter.

5. We have perused the note-sheet dated 12.10.2018, vide the order dated 12.10.2018, the Original Application which was dismissed in default on 10.08.2018 came to be restored to file and direction was given to keep the matter after two weeks before the Division Bench. On 31.10.2018, the applicant and his counsel were absent, considering previous conduct of the applicant in not following on the date of hearing, the matter was again dismissed in default on 31.10.2018.

6. After hearing the submissions and the contentions of the applicant, we do not see any substance in it, it is contention of the applicant

that the server was malfunctioning and the daily board on 31.10.2018 was not visible on the website of the MAT, Mumbai and High Court, Bar association, Nagpur. We would like to point out that had it been a fact then several Advocates must have expressed grievances that there was fault in the server, it

was malfunctioning and the daily boards were not visible on the website.

7. We do not see any merits in the contention, considering the previous history, we are compelled to say that the applicant is just interested only keeping this matter pending for years together. Therefore, we do not see any just reason to restore the O.A. No. 189/2010 to file. Hence, **MC.A. No. 33/2018 stands dismissed with no order as costs.**

Member(J)
Chairman
Date:-07/08/2019.
aps.

Vice

O.A.No.936/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :07th Aug. 2019.

Heard Shri U.K.Bisen, the Id. Counsel for the applicant, Shri P.N.Warjurkar, the Id. P.O. for the respondent nos. 1 & 2 and Shri M.Shaikh, the Id. counsel for the respondent no. 3.

2. The Id. counsel for the respondent no. 3 submits that he has filed reply, which also covers reply of respondent nos. 4, 5 & 6.

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

Vice

Chairman

Date:-07/08/2019.

aps.

O.A.No.184/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :07th Aug. 2019.

None for the applicant. Shri P.N.Warjurkar, the Id. P.O. for the respondent nos. 1 & 2 and Shri M.Shaikh, the Id. counsel for the respondent no. 3.

2. At the request of Id. P.O., **S.O. three weeks** for filing reply of respondent nos. 1 & 2.

Vice

Chairman
Date:-07/08/2019.
aps.

O.A.No.329/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :07th Aug. 2019.

Heard Shri N.D.Thombre, the Id. Counsel for the applicant, Shri V.A.Kulkarni, the Id. P.O. for the respondent nos. 1 to 4 and Shri S.C.Deshmukh, the Id. counsel for the respondent no. 5.

2. The Id. counsel for the respondent no. 5 submits that applicant joined Zilla Parishad on 08/07/2018 and respondent no. 5 is yet to receive last pay certificate from previous office. However, they are directed to file the same on record. The respondent no. 4 is directed to supply the last pay certificate of respondent no. 5 and also detached him from sevarth **within two weeks** from the date of this order.

3. The Id. P.O. seeks time to file reply, **S.O. four weeks.**

4. *Steno copy is granted.*

Vice

Chairman

Date:-07/08/2019.

aps.

O.A.No.354/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :07th Aug. 2019.

Heard Shri S.M.Khan, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant submitted that there is a question of time bound promotion, though it is given but proper pay-scale has not given.

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

Vice

Chairman
Date:-07/08/2019.
aps.

O.A.Nos. 445 & 446/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :07th Aug. 2019.

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

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

Chairman
Date:-07/08/2019.
aps.

Vice

O.A.No.572/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :07th Aug. 2019.

Heard Shri S.P.Palshikar, 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 has pointed out order dated 24/07/2019 of this Tribunal in which respondents have asked to consider revocation of the applicant in background of normal policy and G.R. No. 09.07.2019 bearing no. ~~del~~ f u i v k 1118@i z d z 11@11v- However, The Id. counsel for the applicant points out that till now no decision has been taken. The Id. P.O. also submits that he has not received any instructions. The Id. P.O. pointed out that applicant was suspended under Anti Corruption Bureau case. However, no reply has been filed were it has been mentioned that these documents are at which stage. Secondly, in G.R. dated 09.07.2019 in para 1 (iii) it is not mentioned that if para (iii) is not complied then para (ii) will not be applicable.

3. However, it is observed that in pursuant to Hon'ble Apex Court Judgment in Civil Appeal No. 1912/2015, order delivered on 16.02.2015, Government of Maharashtra has issued G.R. dated 09.07.2019 bearing no. ~~del~~ f u i v k 1118@i z d z 11@11v. In the said G.R. in para 1 (ii) is below:-

“(ii) fuyicr ‘kkI dh; I dcll; k T; k i d j .kh 3 efgll; kpk dkyko/khr foHkcxh; pkl’ kh I q d: u nkskjk i = ctk.; kr vkysukgh] v’kk i d j .kh ek- I olp U; k; ky; kps vnsk i kgrk] fuyeu I ektr dj.; kf’kok; vU; i ; k; jkgr ukgh- R; keGs fuyicr ‘kkI dh; I dcll; kcr foHkcxh; pkl’ khph dk; zkgh I q d: u nkskjk i = ctko.; kph dk; zkgh fuyicr ki kl u 90 fnol l; k vkr dklvdj i .ks dsh tkby ; kph n{krk @ [kcnkjh?ks; kr ; koh-”

4. The above decision has been taken in view of observations given by DoPT on this issue as mentioned in reference 3 of the G.R. dated 09.07.2019:-

“Office Memorandum F.No. 11012/04/2016-Estt. (A) Government of India Ministry of Personnel, Public Grievances and Pensions, Department of Personnel & Training Establishment A-III Desk Dated August 23, 2016.”

5. The Hon’ble Apex Court in its Judgment in Civil Appeal No. 8427-8428 of 2018 (Arising out of S.L.P. (Civil) No. 12112-12113 of 2017) in the case of **State of Tamil Nadu Vs. Pramod Kumar IPS and Anr. delivered on 21/08/2018** in its para no. 23 had observed as follows:-

23. This Court in **Ajay Kumar Choudhary v. Union of India, (2015) 7 SCC 291** has frowned upon the practice of protracted suspension and held that suspension must necessarily be for a short duration. On the basis of the material on record, we are convinced that no useful purpose would be served by continuing the first Respondent under suspension any longer and that his reinstatement would not be a threat to a fair trial. We reiterate the observation of the High Court that the Appellant State has the liberty to appoint the first Respondent in a non sensitive post.

6. In view of this following order:-

ORDER

- A. The applicant suspension order dated 08.01.2019 (Annexure-A-1, P.B., Pg. No. 13) is quashed and set aside.

- B. Applicant suspension stands revoked from the date of this order.
- C. Respondents are directed to give posting to the applicant to any non-functional post **within two weeks** from the date of this order.
- D. With the above directions, O.A. is disposed of with no order as to costs.

Vice

Chairman

Date:-07/08/2019.

aps.

O.A.No.289/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :07th Aug. 2019.

Heard Shri S.M.Khan, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant has pointed out that reply has not been filed from the last one year.

3. In view of the above, the Id. P.O. is directed to file reply within one week.

4. **S.O. 14/08/2019**, if reply is not file, matter will be heard on merits.

Vice

Chairman

Date:-07/08/2019.

aps.

O.A.Nos.365 & 367/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :07th Aug. 2019.

M.C.A.Nos. 57 & 58/2019:-

Heard Shri G.G.Bade, 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 pointed out that in order dated 20.06.2019 in para no. 2, applicant's application dated 27/11/2008 is mentioned. As per the applicant that year should be 2018 in case of 2008. That correction should be made. The revised order should be issued and for implementation respondents required some time. The respondents are directed to decide the applicant's representation dated 27/11/2018 **within four weeks** from the date of this order.

3. With the above directions, **M.C.A. Nos. 57 & 58/2019 are disposed of** with no order as to costs.

Vice

Chairman

Date:-07/08/2019.

aps.

O.A.No.367/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :07th Aug. 2019.

M.C.A.No. 58/2019:-

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

2.

Chairman
Date:-07/08/2019.
aps.

Vice

O.A.No.605/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :07th Aug. 2019.

Heard Shri S.U.Bhuyar, 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 desires to file certain documents on record. **S.O. three weeks.**

Vice

Chairman
Date:-07/08/2019.
aps.

O.A.No.22/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :07th Aug. 2019.

Heard Shri S.N.Gaikwad, the Id. Counsel
for the applicant and Shri A.M.Khadatkar, the Id.
P.O. for the respondents.

2. Closed for orders.

Chairman
Date:-07/08/2019.
aps.

Vice

O.A.No.974/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :07th Aug. 2019.

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

2. The Id. P.O. submits that he personally contacted the respondents, but respondents are unable to produce the documents. Undertaking has been taken by the applicant that if any access payment is made he will refund the amount.

3. In view of such circumstances, where such undertaking is not getting by the department, it appears that respondents are not having the said documents.

4. Hence, **closed for orders.**

Chairman **Vice**
Date:-07/08/2019.
aps.

O.A.No.840/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :07th Aug. 2019.

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

2. At the request of Id. P.O., **S.O. day-after-tomorrow i.e. 09.08.2019.**

Chairman
Date:-07/08/2019.
aps.

Vice