

Rev.10/2020 in O.A.769/2018 (D.B.)

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

Dated :04/06/ 2020.

Heard Shri N.R.Saboo, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondent nos. 1 & 3.

2. On the request of Id. P.O., two weeks time to file reply of respondent nos. 1 & 3. The Id. counsel for the applicant submitted that respondent no. 4 was served.

3. Issue fresh notice to R-2 by mail, returnable on two 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.

9. **S.O. two weeks.**

Member(J)
Date:-04/06/2020.
aps.

Vice Chairman

O.A.No.279/2020 (S.B.)

Coram:Shri A.D.Karanjkar, Member (J)
Dated :04/06/ 2020.

Heard Shri A.P.Sadavarte, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State.

2. Perused impugned order dated 22.05.2020 (Annexure-A-4, P.B., Pg. No. 24) by which applicant was transferred as Purchase Officer, Gadchiroli. On perusal of order dated 28.05.2020 (Annexure-A-5, P.B., Pg. No. 26), it seems that the Collector, Bhandara has already relieved the applicant from the post of Tahsildar, Pauni, District Bhandara.

3. In view of this, issue notice to the respondents returnable after four weeks. In the meantime, the applicant is at liberty to make representation to the respondent no. 1 for his transfer to Nagpur.

4. Issue notice to R-2 & 3, returnable on four 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.

10. **S.O. four weeks.**

Member (J)

Date:-04/06/2020.

aps.

O.A.Nos.218&219/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :04/06/ 2020.**

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. 11.06.2020.**

Vice Chairman

Date:-04/06/2020.
aps.

O.A.No.87/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :04/06/ 2020.

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

2. The Id. P.O. today also desires one week time. However, it is made clear that on next date respondent no. 4 should personally appear before this Tribunal and explain for delay in payment for the salary of applicant since December, 2019.

3. Meanwhile, if salary is paid than respondent no. 4 will file the documentary evidence to the Id. P.O. and he can be dispensed with personal appearance.

4. **S.O. 11.06.2020.**

Vice Chairman

Date:-04/06/2020.

aps.

O.A.No.278/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :04/06/ 2020.

Heard Shri A.D.Deshmukh, 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 has pointed out impugned order dated 14.05.2020 (Annexure-A-12, P.B., Pg. No. 30) he has relied on Government G.R. dated 18.03.2020 (Annexure-A-2, P.B., Pg. No. 16) para 'A' :-

“kl dh; dk; ky; krty tsvf/kdkjh@depkjh; k vki Rdkyhu i fjfLFrhr j tk?kn
bP/krkr R; kuk rkrMhusjtk eatj djkoh- r l p o\$ dh; i ek.ki = l knj u djrk
i fjofr? j tk l nk l c\$krkuk eatj dj.; kl gjdr ukgh”

3. By above lines, it seems that Government had directed to sanction leave on priority. However, applicant was issued show cause notice dated 26.03.2020 (Annexure-A-4, P.B., Pg. No. 21) and applicant had replied to that show cause notice dated 27.03.2020 (Annexure-A-5, P.B., Pg. No. 22) and again by his letter dated 29.03.2020 (Annexure-A-6, P.B., Pg. No. 23) requested for leave. Again while his letter dated 01.04.2020 (Annexure-A-7, P.B., Pg. No. 24) requested for leave from 01.04.2020 to 17.04.2020. However, applicant has been issued show cause notice on dated 09.04.2020 (Annexure-A-11, P.B., Pg. No. 29) for his absence. It is fact that he has applied for leave as per Government G.R. dated 18.03.2020 and subsequently, impugned order dated 14.05.2020 has been issued. Aggrieved with this order, applicant has approached to this Tribunal. *Prima facie* it appears that the order is not as per the Government G.R. and applicant's application. The Id. counsel for the applicant requested for Interim Relief however, it can be considered after reply.

3. Issue notice to R-2 to 4, 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.
9. **S.O. four weeks.**

Vice Chairman

Date:-04/06/2020.

aps.

O.A.No.702/2016 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :04/06/ 2020.

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

2. The Id. P.O. submits that he has filed clarification, however, that document is not seen on record. The Id. P.O. is directed to file again on record and supply the copy of the same to the Id. counsel for the applicant.

3. **S.O. 11.06.2020.**

Vice Chairman

Date:-04/06/2020.
aps.

O.A.No.280/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :04/06/ 2020.

Heard Shri N.R.Saboo, 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 pointed out that in seniority list published by the Collector Chandrapur i.e. Respondent no. 3 dated 14.10.2016 in which applicant has been shown at Sr. No. 84 and the respondents have been shown at Sr. Nos. 90, 102, 106, 107 & 109. These respondents were shown below the applicant. The Rules of promotion is to pass Revenue Qualifying Examination, 1999, were notified on 07.07.1999. The applicant passed Revenue Qualifying Examination within his prescribed limit of four chances and three years. However, applicant has been denied and respondents have been given promotion to Naib Tahsildar seniority list has been revised on 01.01.2019; Annexure-A-6, P.B., Pg. No. 29 by which applicant has been placed below respondent nos. 4 to 8 and due to this applicant has been denied promotion before respondents to the post of N.T.; aggrieved with the order of promotion of respondents before applicant; applicant has approached to this Tribunal.

3. Meanwhile, respondents are at liberty to decide applicant representations dated 22.05.2020(Annexure-A-9, P.B., Pg. No.48),

16.12.2016 (Annexure-A-3, P.B., Pg. No. 20) and 17.09.2017 (Annexure-A-4, P.B., Pg. No. 22).

4. Issue notice to R-2 to 8, returnable on 25-06-2020. 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. 25-06-2020.

Vice Chairman

Date:-04/06/2020.
aps.

O.A.No.281/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :04/06/ 2020.

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

2. The applicant was initially suspended vide order dated 27.09.2017 (Annexure-A-1, P.B., Pg. No. 16) and subsequently applicant was dismissed vide order dated 16.12.2019 (Annexure-A-2, P.B., Pg. No. 18) under Article 311 (2) (b). This dismissal order was challenged in O.A. NO. 196/2020 and similar order was passed on 17.03.2020 and in para no. 6 following observations have been made:-

"In view of this, the O.A. stands allowed. The order of dismissal Annex-A-4 is hereby set aside. The respondent no. 2 is at liberty to follow the procedure as prescribed in the service rules applicable to the applicant. The 50 % back wages be paid to the applicant. The respondent no. 2 to comply the order within 30 days from the date of this order. No order as to costs."

3. The Id. counsel for the applicant submits that the order of O.A. No. 196/2020 was passed on 17.03.2020 the original suspension order was merged with the dismissal order and hence original suspension order also became null and void. However, in present application dated 16.04.2020 (Annexure-A-4, P.B., Pg. No. 25). The suspension

order dated 27/9/2019 is continued by which the applicant was put initially under suspension.

4. The Id. counsel for the applicant in his O.A. on P.B., Pg. No. 12, has mentioned that no Departmental Enquiry was initiated against applicant neither D.E. was initiated against the applicant nor chargesheet in court has been filed against the applicant. In view of such situation, the Id. counsel for the applicant relying in G.O.M., G.R. Dated 09/07/2019 in which Government decision in para no. 1 (ii) .

5. In view of such situation, the Id. counsel for the applicant is seeking following relief:-

1. *Quash and set aside order dated 27.09.2019 and also order dated 16.04.2020 as illegal, bad in law;*

2. *Further be pleased to direct the respondent no. 2 to reinstate the applicant in service forthwith by granting him all consequential and monetary benefits arising therefrom;*

6. Since, no D.E. has been initiated against the applicant after the original suspension order and no chargesheet has been filed in the court; various Judgment of Hon'ble Supreme Court and this Tribunal has settled many cases regarding suspension in such circumstances.

7. Issue notice to R-2, returnable on 25-06-2020. Learned P.O. waives notice for R-1. Hamdast allowed.

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

9. 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 on 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 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.

12. 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.

13. **S.O. 25-06-2020.**

Vice Chairman

Date:-04/06/2020.

aps.
