

O.A.Nos.530,531,532&533/2019 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated :07/12/ 2020.**

C.A.Nos.224,225,226&227/2020:-

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant, Shri S.A.Deo, the Id. C.P.O. for the State and Shri H.D.Marathte holding for Shri A.M.Kukday, the Id. counsel for the respondent no. 2. None for the respondent nos. 3 to 10.

2. **C.A. Nos. 224, 225, 226 & 227/2020 for amendment are allowed.** Original Application be amended. The Id. counsel for the applicant is directed to carry out the amended within two weeks. He is further directed to supply the copy of the same to the other sides.

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

Member(J)
Date:-07/12/2020.
aps.

Vice Chairman

O.A.No.263/2020 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated :07/12/ 2020.**

C.A.No.223/2020:-

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. submitted that he will file reply within one week. **S.O. 21.12.2020.**

Member(J)
Date:-07/12/2020.
aps.

Vice Chairman

O.A.No.948/2017 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated :07/12/ 2020.**

Heard Shri M.M.Sudame, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the Respondents.

2. The respondent no. 1 is directed to communicate result of the applicant in sealed cover to this Bench. Hence, the O.A. is **admitted** and kept for final hearing.

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

4. **S.O. 07.01.2021.**

5. **Steno copy is granted.**

Member(J)
Date:-07/12/2020.
aps.

Vice Chairman

O.A.No.93/2020 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated :07/12/ 2020.**

Heard Shri C.V.Jagdale, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the Respondents.

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

Member(J)
Date:-07/12/2020.
aps.

Vice Chairman

O.A.No.192/2019 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated :07/12/ 2020.**

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant, Shri H.K.Pande, the Id. P.O. for the Respondents and Shri S.N.Gaikwad, the Id. counsel for the respondent no. 3.

2. The respondent nos. 2 to 4 have submitted their reply, therefore, matter is **admitted** and kept for final hearing.

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

4. **S.O. 18.01.2021.**

Member(J)
Date:-07/12/2020.
aps.

Vice Chairman

O.A.No.748/2020 (D.B.)

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

Dated :07/12/ 2020.

C.A.No. 329/2020:-

Heard Shri A.C.Dharmadhikari, the Id. Counsel for the applicant, Shri S.A.Deo, the Id. C.P.O. for the Respondent nos. 1 & 2 and Shri N.R.Saboo, the Id. counsel for the respondent no. 3.

2. **C.A.No.329/2020 for amendment is allowed.** The Id. counsel for the applicant is directed to carry out the amendment immediately.

3. The Id. counsel for the applicant has filed counter affidavit. Matter is **admitted** and kept for final hearing and it shall be taken up on board tomorrow.

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

5. **S.O. 08.12.2020.**

6. *Till tomorrow interim order is continued.*

Member(J)
Date:-07/12/2020.
aps.

Vice Chairman

O.A.No.157/2019 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated :07/12/ 2020.**

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the Respondents.

2. The record of the enquiry be called from Registry at the time of hearing. The Id. P.O. requested time, **S.O. 24.12.2020.**

Member(J)
Date:-07/12/2020.
aps.

Vice Chairman

O.A.No.327/2019 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated :07/12/ 2020.**

Shri A.P.Sadavarte, the Id. counsel for the applicant, Shri P.N.Warjekar, the Id. P.O. for the Respondent nos. 1 to 5 and Shri S.N.Gaikwad, the Id. counsel for the respondent no. 6.

2. At the request of Id. counsel for the respondent no. 6, **S.O. four weeks.**

Member(J)
Date:-07/12/2020.
aps.

Vice Chairman

O.A.No.13/2017 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated :07/12/ 2020.**

Heard Shri S.P.Palshikar, 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. 07.01.2021.**

Member(J)
Date:-07/12/2020.
aps.

Vice Chairman

O.A.No.220/2019 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated :07/12/ 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. **Closed for orders.**

Member(J)
Date:-07/12/2020.
aps.

Vice Chairman

O.A.No.282/2020withC.A.No.188/2020 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated :07/12/ 2020.**

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the Respondents and Shri P.J.Mehta, the Id. counsel for the respondent no. 4.

2. **Closed for orders.**

Member(J)
Date:-07/12/2020.
aps.

Vice Chairman

O.A.No.607/2019 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated :07/12/ 2020.**

Heard Shri D.S.Sawarkar, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the Respondents.

2. **Closed for orders.**

Member(J)
Date:-07/12/2020.
aps.

Vice Chairman

O.A.Nos.16,452&453/2020 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated :07/12/ 2020.**

Heard S.P.Palshikar, the Id. Counsel for the applicants and Shri A.M.Ghogre, the Id. P.O. for the Respondents.

2. **Closed for orders.**

Member(J)
Date:-07/12/2020.
aps.

Vice Chairman

O.A.No.09/2020 (S.B.)

Coram:Shri A.D.Karanjkar, Member (J)
Dated :07/12/ 2020.

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

2. **S.O. 24.12.2020.**

3. *Put up this matter along with O.A. No. 10/2020.*

Date:-07/12/2020.
aps.

Member (J)

O.A.No.10/2020 (S.B.)

Coram:Shri A.D.Karanjkar, Member (J)
Dated :07/12/ 2020.

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

2. The Id. P.O. has filed reply on behalf of the respondent no. 2. It is taken on record. Copy is supplied to the other side.

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

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

5. **S.O. 24.12.2020 for final hearing.**

6. *Put up this matter along with O.A. No. 09/2020.*

Member (J)

Date:-07/12/2020.
aps.

O.A.No.571/2020 (S.B.)

Coram:Shri A.D.Karanjkar, Member (J)
Dated :07/12/ 2020.

Heard Shri J.M.Shamkuwar, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

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

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

4. **S.O. 24.12.2020 for final hearing. In the meantime, the respondents may file reply.**

Member (J)

Date:-07/12/2020.
aps.

O.A.No.977/2018 (S.B.)

**Coram:Shri A.D.Karanjkar, Member (J)
Dated :07/12/ 2020.**

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

2. The Id. P.O. has filed reply on behalf of the respondent no. 7. It is taken on record. Copy is supplied to the other side.

3. **S.O. 24.12.2020 for filing reply of other respondents as a last chance.**

Member (J)

Date:-07/12/2020.
aps.

O.A.Nos.402,403&404/2020 (S.B.)

Coram:Shri A.D.Karanjkar, Member (J)
Dated :07/12/ 2020.

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

2. The Id. P.O. has filed reply for the respondent nos. 1 to 5. It is taken on record. Copies are supplied to the other side.

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

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

5. **S.O. 24.12.2020 for final hearing.**

Member (J)

Date:-07/12/2020.
aps.

O.A.No.509/2020 (S.B.)

Coram:Shri A.D.Karanjkar, Member (J)
Dated :07/12/ 2020.

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

2. **S.O. 24.12.2020 for filing reply.**

Member (J)

Date:-07/12/2020.
aps.

O.A.No.63/2019 (S.B.)

**Coram:Shri A.D.Karanjkar, Member (J)
Dated :07/12/ 2020.**

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

2. **S.O. 05.01.2021.**

Date:-07/12/2020.
aps.

Member (J)

O.A.No.225/2020 (S.B.)

Coram:Shri A.D.Karanjkar, Member (J)
Dated :07/12/ 2020.

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

2. **At the request of Id. P.O., S.O. 05.01.2021 for reply.**

Date:-07/12/2020.
aps.

Member (J)

O.A.Nos.440,441,442&443/2020 (S.B.)

**Coram:Shri A.D.Karanjkar, Member (J)
Dated :07/12/ 2020.**

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant, Shri A.M.Ghogre, the Id. P.O. for the respondents and Shri P.P.Khparde holding for Shri G.G.Bade, the Id. counsel for the Intervenor.

2. At the request of Id. counsel for the Intervenor, **S.O. 24.12.2020.**

Date:-07/12/2020.
aps.

Member (J)

O.A.No.711/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :07/12/ 2020.

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

2. The matter was heard before this Tribunal on 02.11.2020. Notices were issued and date was fixed for 07.12.2020. Today the matter is heard again and respondents have not filed any reply. In order dated 02.11.2020, in para no. 2, specific observations were made about Hon'ble Supreme Court Judgement.

3. The Id. counsel for the applicant has pointed out Annexure-A-5, typed copy at P.B., Pg. No. 27-A communication dated 28.08.2020, by which Assistant Director, Municipal Administration, Mumbai has asked for enquiry report within 30 days. The Id. counsel for the applicant has also pointed out that this report is also not been submitted even after lapse of so many months. All these facts show that respondents are not following the procedures.

4. As a last chance, respondents are given two more weeks time to file reply and if they fail to file reply, the matter will be decided on merit in the interest on justice and equity.

5. S.O. 21.12.2020.

Date:-07/12/2020.
aps.

Vice Chairman

O.A.No.96/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :07/12/ 2020.**

Heard Shri N.S.Warulkar, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

2. S.O. 24.12.2020.

Date:-07/12/2020.
aps.

Vice Chairman

O.A.No.97/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :07/12/ 2020.**

Heard Shri N.S.Warulkar, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

2. The Id. P.O. has filed reply on behalf of the respondent no. 2. It is taken on record. Copy is served to the other side.

3. **S.O. 24.12.2020.**

Vice Chairman

Date:-07/12/2020.
aps.

O.A.No.631/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :07/12/ 2020.

Heard Shri R.M.Fating, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

2. The Id. P.O. has filed Government decision vide his letter dated 04.12.2020. It is taken on record. Copy is served to the other side. It is marked Exh.-X for the purpose of identification.

3. Respondents are directed to take immediate action considering that applicant is a retired employee and finalize the decision taken by Government **within 60 days** from the date of this order.

Vice Chairman

Date:-07/12/2020.

aps.

O.A.No.855/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :07/12/ 2020.

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State.

2. The Id. counsel for the applicant has pointed out order dated 27.11.2020 (Annexure-A-1, P.B., Pg. No. 10) and he has also taken objection that order signed by Joint Secretary not by Secretary of the Government and by signing as a Joint Secretary, it is not mentioned that it has been signed for Secretary; that should be clarify while filing reply of the original application.

3. Issue notice to Respondents, returnable on six 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. six weeks.**

Vice Chairman

Date:-07/12/2020.

aps.

O.A.No.832/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :07/12/ 2020.

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

2. The Id. counsel for the applicant has pointed out all the facts of the enquiry report. The Id. P.O. has also pointed out disagreement shown by disciplinary authority and applicant's appeal to respondent no. 2 vide order dated 16.04.2016 (Annexure-A-8, Pg. No. 27 to 30), the appeal has been rejected by the respondent no. 2 vide order dated 16.03.2018 (Annexure-A-9, Pg. No. 33). The Id. counsel for the applicant has also pointed out that applicant was in additional charge of Headmaster, Kurandimal, Government Secondary Ashram School and that too for two months (01.02.2013 to 15.06.2013) and in Ashram School for girls hostel, there is a lady warden Ku.V.K.Devtale; who was supposed to take care of girls and any mishappening in the girls hostel. No enquiry or penalty has been imposed to lady warden. Enquiry officer in its report Annexure-A-4, Pg. Nos. 16 to 22 has exonerated applicant from the charges levelled against him.

3. However, disciplinary authority has shown disagreement and vide order dated 24.12.2016 (Annexure-A-7, P.B., Pg. No. 25) has awarded punishment and stopped one increment with

permanent effect and treat suspension period as suspension.

4. Applicant appealed to respondent no. 2 vide his letter dated 16.04.2016 (Annexure-A-8, Pg. Nos. 27 to 30) to Commissioner, Tribal Development, Nashik against this order. His appeal was rejected by respondent no. 2; vide letter dated 06.03.2018. Aggrieved with both the orders, applicant has approached to this Tribunal. The Id. counsel for the applicant has filed charges levelled against the applicant and its Annexures too. After hearing both the sides, it appears that it needs to be clarified when the matter is pertaining to Government Ashram School, Kurandimal, Tahsil Armori, District Gadchiroli than what is the relevance of Government Ashram School, Kasansul and Jaravandi in the application.

5. Both the counsels are directed to clarify this facts, S.O. **10.12.2020**.

6. Matter be treated as P.H.

Vice Chairman

Date:-07/12/2020.

aps.