

**O.A.No.777/2020 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 12/01/2021.**

Heard Shri G.G.Bade, 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 pointed out order dated 23.11.2020 in para no. 2 following observations were made:-

*"The respondent no. 1 is directed to decide the representation made by the applicant on 19.08.2020 within six weeks from the date of this order."*

3. The Id. P.O. desires two weeks time. However, he has been directed to take Telephonic instructions and file on record on Friday and supply the copy of the same to the Id. counsel for the applicant.

4. **S.O.15.01.2021.**

**Vice Chairman**

**Date:-12/01/2021.**  
aps.

**O.A.No.812/2019 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 12/01/ 2021.**

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

2. The Id. P.O. has received parawise reply and he further desires two weeks time to file reply. **S.O. two weeks.**

**Vice Chairman**

**Date:-12/01/2021.**  
aps.

O.A. No. 483/2020 (SB)

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

**Dated : 12.01.2021**

Heard Smt. K.N. Saboo, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for R-1&2 and none for R-3.

2. The learned counsel for the applicant submitted that the respondents have given desired relief to the applicant, therefore, now there is no substance in the O.A.

3. In view of the submission, the O.A. stands disposed of as withdrawn. No order as to costs.

**Member (J)**

dnk.

O.A. 569/2020 with C.A. 376/2020 (SB)

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

**Dated : 12.01.2021**

Heard Smt. K.N. Saboo, Id. counsel for the applicant, Shri M.I. Khan, Id. P.O. for the respondents.

2. The learned counsel for the applicant submitted that the respondents have given desired relief to the applicant, therefore, now there is no substance in the O.A.

3. In view of the submission, the O.A. alongwith C.A. stand disposed of as withdrawn. No order as to costs.

**Member (J)**

dnk.

O.A. No. 507/2020 (SB)

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

**Dated : 12.01.2021**

None for the applicant. Shri M.I. Khan,  
learned P.O. for the respondents.

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

**Member (J)**

dnk.

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

**Dated : 12.01.2021**

Heard Shri A.P. Chaware, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. The learned counsel for the applicant submitted that he is filing Affidavit to disclose his willingness to resume duty and necessary direction be given to the Government. The learned P.O. submitted that he will have to seek instructions from the Government.

**S.O. two weeks.**

**Member (J)**

dnk.

**(SB)**

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

**Dated : 12.01.2021**

**O.A. Nos. 21,22,23,24,25,26,27,28,29,30 & 31  
of 2021**

Heard Shri V.R. Borkar, learned counsel for the applicants and Shri M.I. Khan, Id. P.O. and other Id. P.Os. for the State.

2. Perused the impugned orders of recovery. It seems that in all the matters, the recovery orders are issued without giving opportunity of hearing to the applicants.

3. In view of this, the impugned orders be stayed till filing of the reply by the respondents.

4. Issue notice to the respondents returnable **after four weeks**. Learned P.Os. waives notice for the State. 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. Applicants are 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. Applicants are 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 Applications shall stand dismissed without reference to Tribunal and papers be consigned to record.

**S.O. after four weeks.**

**Member (J)**

dnk.

O.A. No. 32/2021 (SB)

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

**Dated : 12.01.2021**

Heard Shri V.R. Borkar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the State.

2. The applicant is drawing family pension. It is grievance of the applicant that the respondents have issued the order to recover excess amount paid to the deceased husband of the applicant who was Government servant and pensioner. It is submitted that the impugned order is passed without giving opportunity of hearing.

3. In view of this, the impugned order shall be stayed till filing of the reply by the respondents.

4. Issue notice to the respondents returnable **after four weeks**. Learned P.O. waives notice for State. 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 four weeks.**

**Member (J)**

dnk.

O.A. No. 594/2020 **(SB)**

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

**Dated** : **12.01.2021**

None for the applicant. Heard Shri M.I. Khan, Id. P.O. for the respondents.

2. The learned P.O. has filed the letter received from the Deputy Secretary, Home Department, Government of Maharashtra dated 21/10/2020. In this letter, it is submitted that the Government is intending to cancel the impugned order, but as interim stay is operating in this matter, therefore, the Government is unable to pass any order.

3. In view of this request, the Government, i.e., the respondent no.1 is permitted to cancel the impugned transfer order and in view of this development, the O.A. stands disposed of. No order as to costs.

**Member (J)**

dnk.

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**O.A.No.896/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :12/01/ 2021.**

Heard Shri G.K.Bhusari holding for Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. At the request of Id. counsel for the applicant, **S.O. 09.02.2021.**

**Vice Chairman**

**Date:-12/01/2021.**  
aps.

**O.A.No.545/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :12/01/ 2021.**

Heard Shri D.S.Sawarkar, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. The reply of Respondent nos. 1, 2 & 4 have been filed on 17.12.2019. As per the records, facts of the case is Sau. Triveni W/o Milind Ramteke who is mother of applicant was doing job as a Staff Nurse in Government Medical College, Nagpur. She expired during the surgical operation of Heart in Seems Hospital, Nagpur on 26/09/2002. She was having behind her one elder daughter name Ku. Sonali M. Ramteke and one younger son name Master Mangesh M. Ramteke.

3. Respondents have appointed Ku. Sonali M. Ramteke as Clerk-Cum-Typist, Class-III post as per order dated 05.12.2013 (Annexure-A-10, P.B., Pg. No. 31). After appointment of Ms. Sonali M. Ramteke the question of appointing any other person from family on compassionate ground does not arise. Now, applicant came with the case that in place of Ms. Sonali M. Ramteke applicant may be given chance to be appointed on compassionate ground.

4. As per Government policy of compassionate ground appointment; once the appointment is given than there is no chance to substitute him/her either

he/she may be from the blood relation. Hence, it is total illegal.

5. In view of this, nothing survives in this O.A.. Hence, **O.A. is dismissed with no order as to costs.**

**Vice Chairman**

**Date:-12/01/2021.**  
aps.

**O.A.No.529/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :12/01/ 2021.**

Heard Shri M.R.Rajgure, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents. None of respondent no. 3.

2. At the request of Id. P.O., **S.O. 19.01.2021.**

**Vice Chairman**

**Date:-12/01/2021.**

aps.

**O.A.Nos.638, 780, 808, 809 & 812/2020 (S.B.)**

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

**Dated :12/01/ 2021.**

Heard Shri M.R.Khan, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the respondents.

2. The Id. C.P.O. desires some time to file reply, **S.O. three weeks as a last chance.** If reply is not filed within three weeks time, matter will be decided on merit. **S.O. 02.02.2021.**

**Vice Chairman**

**Date:-12/01/2021.**

aps.

**O.A.No.697/2020 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :12/01/ 2021.**

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

2. The Id. counsel for the applicant submits that he desires to delete the respondent no. 6, since that office is not existing now. He is permitted to do so. The Id. counsel for the applicant has relied on Judgment in O.A. No. 705/2017 delivered on 03.12.2019 on the lines of parity and justice same relief is granted to these applicants on the condition that they should file representation to the concerned authorities and as order passed in O.A. No. 705/2017 on 03.12.2019 following para nos. 2 & 3 reproduced below:-

*"2. The Id. counsel for the applicants submitted that Van Majoors in the Forest Department who were regularized from 01.06.2012 in pursuant to the G.R. dated 16.10.2012 should count past service, since they were employed to the department on temporary basis for granting pensionary benefits.*

3. *The Id. P.O. pointed out that in G.R. itself the cut-off date has been given as 01.06.2012 on the supernumerary posts were created specifically from that date only. However, the Id. counsel for the applicant is advised to ask the applicant to file representation about his grievance before the*

*appropriate authority who may consider regularization as per G.Rs. 01.11.1994 and 16.10.2012 together and consider the applicant's grievances sympathetically and disposed of their representations within 8 weeks from the date of receipt of their representations. The Id. counsel for the applicants is also requested to ask the applicant to move the application within one week."*

3. The respondents are directed to decide their representations **within six weeks** from the date of receipt of their representations. With this directions, **O.A. stands disposed of with no order as to costs.**

**Vice Chairman**

**Date:-12/01/2021.**

aps.

**O.A.Nos.414, 415, 416 & 417/2018(S.B.)**

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

**Dated :12/01/ 2021.**

Heard Shri S.D.Malke, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the respondents.

2. **S.O. three weeks.**

3. *Put up this matter along with O.A. Nos. 629/2018.*

**Vice Chairman**

**Date:-12/01/2021.**

aps.

**C.A.No.06/2021 in O.A.No.629/2018 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :12/01/ 2021.**

Heard Shri S.D.Malke, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the respondents.

2. **C.A. No. 06/2021 for Amendment is allowed.** The Id. counsel for the applicant is directed to carryout the amendment within a week and supply the copy of the amended portion to the Id. P.O.. The office is further directed to issue notice to the newly added respondent i.e. S.D.O., Wardha.

3. The Id. counsel for the applicant is further pointed out that O.A. No. 766/2018 is also is of same issue. Office is directed that at the time of next hearing that matter should also be placed with this matter.

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

5. *Put up this matter along with O.A. Nos. 414, 415, 416 & 417/2018.*

**Vice Chairman**

**Date:-12/01/2021.**

aps.

**O.A.No.620/2020 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :12/01/ 2021.**

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

2. The Id. P.O. has filed reply on behalf of the respondent nos. 1 to 4. It is taken on record. Copy is served to the other side.

3. The Id. P.O. desires some time to file reply of respondent nos. 1 & 2, **S.O. three weeks.**

**Vice Chairman**

**Date:-12/01/2021.**  
aps.

**O.A.No.860/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :12/01/ 2021.**

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

2. The Id. P.O. has filed reply on behalf of the respondent nos. 1 to 4. It is taken on record. Copy is served to the other side.

3. Hence, the matter is **admitted** and kept for final hearing.

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

5. **S.O. four weeks.**

**Date:-12/01/2021.**  
aps.

**Vice Chairman**

**O.A.No.113/2020 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :12/01/ 2021.**

Heard Smt. Saboo, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. At the request of Id. counsel for the applicant, **S.O. 20.01.2021.**

**Vice Chairman**

**Date:-12/01/2021.**  
aps.

**O.A.No.437/2020 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :12/01/ 2021.**

Heard Smt. Saboo, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. **S.O. three weeks for reply.**

**Date:-12/01/2021.**  
aps.

**Vice Chairman**

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

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :12/01/ 2021.**

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

2. As clarified by the Id. counsel for the applicant Shri N.N.Nandanwar was a secondary teacher in some Tribal Ashram School i.e. Kurandimal Ashram School. After retirement of one Shri Gedam on 31.01.2013, he was given additional charge of Head Master from 01.02.2013 which continued till 15.06.2016 as per his suspension order dated 15/07/2013 (Annexure-A-1, P.B., Pg. No. 10) in the first paragraph it is mentioned by the respondents. The Id. P.O. submits that the charge against the applicant was that after delivery of the child by girl Ms. Rupali Vishwanath Kirange he didn't inform to the higher authorities i.e. the only mistake lavelled against the applicant and respondents came to know this facts through press, N.G.O. etc.. But at the same time it was the duty of the Lady Superintendent of the hostel to communicate to the Headmaster and so also administration too. Secondly, what role was played by the Lady Superintendent of the girls hostel who is supposed to maintain menstrual cycle register of all girls of hostel. Whether Lady Superintendent took any action at appropriate time or not? Why action has not been taken against the said Lady Superintendent

and the then Headmaster i.e. Shri K.G.Gedam who was incharge during July/August 2012. It is also not enquired that whether the said girl i.e. Ku. Rupali Vishwanath Kirange had been on leave to her home village during July/August 2012 and whether this incident took place during that period and outside the school premises or not? These aspects need to be enquired upon. In whole issue it appears that the main culprit is the then Headmaster and Lady Superintendent of the hostel. It seems that under pressure from Social Media/ N.G.O./ News paper the respondents have passed the order against the applicant and there is no any adverse order against the then Headmaster/ Lady Superintendent. The respondents are directed to do the proper enquiry in this matter, go in the depth of the whole issue and give the punishment to the culprit one who is responsible for this pregnancy.

3. The Id. counsel for the applicant has invited my attention on P.B., Pg. No. 5 para no. "A" of the O.A. where it is mentioned that applicant has given information about the pregnancy of Ku. Rupali Kirange to the project Officer, Gadchiroli as the fact came to his knowledge by report dated 06.04.2013. And it was also placed before the disciplinary authority and appellate authority. It seems that it was not the case that applicant didn't informed the higher authorities after taking charge of Headmaster on 01.02.2013, when that fact was brought to his knowledge by Lady Superintendent or by any other source, he reported to the Project Officer, about the pregnancy of the girl Ms. Rupali Kirange but he could not have stopped the delivery of the girl who gave

birth to a child on 24.04.2013 for which he has been suspended.

4. All these circumstances clearly compel me to say that show cause notice dated 15.07.2013(Annexure-A-1, P.B., Pg. No. 10) and chargesheet dated 14.03.2014 (Annexure-A-2, P.B., Pg. No. 11) and punishment order dated 24.02.2016 (Annexure-A-7, P.B., Pg., No. 25) by respondent no. 3 and order passed by respondent no. 2 dated 06.03.2018 (Annexure-A-9, P.B., Pg. No. 33) are total baseless and bad in law and require to be quashed and set aside. In view of these circumstances, following order:-

#### O R D E R

1. The order dated 15.07.2013 (Annexure-A-1, P.B., Pg. No. 10), order dated 14.03.2014 (Annexure-A-2, P.B., Pg. No. 11), order dated 24.02.2016 (Annexure-A-7, P.B., Pg. No. 25) and order dated 06.03.2018 (Annexure-A-9, P.B., Pg. No. 33) are quashed and set aside.
2. Respondents are directed to conduct fair enquiry of whole issue and punish the culprit.
3. Since the suspension order has been quashed, so period of suspension i.e. from 15.07.2013 to 14.03.2014 should be treated as duty period for all the purposes and applicant should be paid salary for that period.
4. With the above directions, **O.A. is disposed of with no order as to costs.**

**Date:-12/01/2021.**  
aps.

**Vice Chairman**