

O.A.No.874/2019 (D.B.)

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

Dated :17/09/ 2020.

C.P.No.19/2020:-

Heard Shri Dr. A.Y.Humne, the applicant in person and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. As submitted by Id. P.O., **S.O. 01.10.2020.**

Member(J)
Date:-17/09/2020.
aps.

Vice Chairman

O.A.No.512/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :17/09/ 2020.

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

2. The applicant has been put under suspension vide order dated 24.01.2020 (Annexure-A-2, P.B., Pg. No. 12) by respondent no. 4 i.e. C.E.O., Z.P., Gadchiroli.

3. Issue notice to R-2 to 4, 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.**

Vice Chairman

Date:-17/09/2020.
aps.

O.A. No. 505/2020 (SB)

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

Dated : 17.09.2020

Heard Shri P.S. Khubalkar, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. It is submitted that when proposal was forwarded to the Competent Authority, the applicant was not shown due for transfer and all of a sudden vide order dated 17/8/2020 the respondents have transferred the applicant to the Establishment Board of Z.P. Minor Irrigation, Sub Division, Yavatmal. It is submitted that no specific reason is shown what was the administrative exigency for the transfer. The Id. counsel for the applicant submitted that the applicant is not yet relieved and no one is posted in his place. In view of this, the parties are directed to maintain status-quo as on today.

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

S.O. after three weeks.

Steno copy be provided...

Member (J)

dnk.

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

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

Dated : 17.09.2020

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

2. It is submitted that vide order dated 5/8/2020 the applicant is transferred from Ballarshah to Sironcha though the applicant had already worked in Sironcha. It is submitted that the applicant is lady and without considering this aspect and without considering the representation made by the applicant, she is transferred to naxalite area. The learned counsel for the applicant submitted that the applicant is not yet relieved. In view of this, status quo as on today be maintained.

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

S.O. after three weeks.

Steno copy be provided...

Member (J)

dnk.

O.A. No. 506/2020 **(SB)**

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

Dated : 17.09.2020

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

2. The applicant has handed over the charge on 11/08/2020 and she is disputing the legality of the transfer order. It is submission of the applicant that the respondents have issued her notice to resume duty and on failure, to initiate departmental proceeding against her. The applicant has also made representation vide Annex-A-11 on 14/8/2020. In view of this, the respondents are directed to decide the representation made by the applicant within two weeks. in the meantime, as per the ratio laid down by the Hon'ble Apex Court, the applicant may resume her duty under protest with liberty to proceed with this application.

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

S.O. after two weeks.

Steno copy be provided...

Member (J)

dnk.

O.A. No. 511/2020 (SB)

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

Dated : 17.09.2020

Heard Shri G.N. Khanzode, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. It is submitted that till today the applicant is not relieved and the applicant has good ground to succeed in this proceeding, therefore, status-quo as on today be maintained.

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

S.O. after three weeks.

Member (J)

dnk.

O.A. Nos. 514,518,519,520,515,516,517, 521 & 522 of 2020 **(SB)**

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

Dated : **17.09.2020**

Heard Shri V.R. Borkar, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for the State.

2. It is submitted that the applicant retired long back and recently the order is passed by the Treasury Officer to recover the arrears from the pension of the applicants on the ground that wrong pension was determined and incorrect amount of gratuity was paid. It is submitted that without giving opportunity of hearing, the impugned is passed. In view of this situation, issue notices to the respondents returnable **after four weeks** and impugned recovery be stayed till filing of the reply. Learned P.O. waives notice for State. 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.

S.O. after four weeks.

Member (J)

dnk.

O.A. No. 525/2020 **(SB)**

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

Dated : **17.09.2020**

Heard Shri A.S. Shukla, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. Issue notices to the respondents returnable **after three weeks**. Learned P.O. waives notice for State. 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.

S.O. after three weeks.

Member (J)

dnk.

O.A. No. 513/2020 **(SB)**

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

Dated : 17.09.2020

Shri N.R. Saboo, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the State.

At the request of Id. counsel for the applicant, **S.O. 24/09/2020**.

Member (J)

dnk.

O.A. No. 410/2020 **(SB)**

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

Dated : 17.09.2020

Shri A.P. Tathod, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1. Await service of R-2&3.

S.O. 24/09/2020.

Member (J)

dnk.

O.A. No. 411/2020 **(SB)**

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

Dated : 17.09.2020

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri A.P. Potnis, Id. P.O. for R-1 to 3. None for R-4.

2. The Id. P.O. has filed reply on behalf of R-2. It is taken on record. Copy is served on the applicant. The Id. P.O. submitted that the O.A.

be decided on the basis of this reply. In view thereof, the O.A. is admitted and it be kept for final hearing.

3. The Id. P.O. waives notice for R-1 to 3.

S.O. 05/10/2020.

Member (J)

dnk.

O.A. No. 883/2019 **(SB)**

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

Dated : 17.09.2020

C.A. 209/2020 -

Heard Shri V.R. Thote, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1 to 5. None for R-6.

2. The respondents are directed to release the provisional pension of the applicant immediately along with all the arrears.

3. In view of this, the C.A. is allowed.

O.A. 883/2019 -

Heard Shri V.R. Thote, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1 to 5. None for R-6.

2. The respondents are further directed to file reply within three weeks.

S.O. three weeks.

Member (J)

dnk.

O.A. Nos. 445,446,447,448,449,450 & 451 of 2020 **(SB)**

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

Dated : 17.09.2020

Heard Shri N.R. Saboo, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for R-1 to 3 and none for R-4&5.

2. The Id. P.O. has filed reply on behalf of R-2&3. Same are taken on record and copies

are supplied to the other side. It is submitted that on the basis of their reply, the O.A. can be decided.

3. The matters are admitted and it be kept for final hearing. The Id. P.O. waives notice for R-1 to 3.

S.O. 28/09/2020.

Member (J)

dnk.

O.A. No. 504/2020 **(SB)**

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

Dated : 17.09.2020

Heard Shri P.S. Khubalkar, Id. counsel holding for Shri A. Sambre, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the State.

2. I have perused the impugned order dated 25/08/2020. It seems that considering the conduct of the applicant, the matter was kept before the Committee, i.e., Police Establishment Board and decision was taken to transfer the applicant. Prima facie, it cannot be said that the impugned transfer is malafide or illegal, therefore, keeping open the point, the applicant may resume duty at the transferred post.

3. In the meantime, issue notices to the respondents returnable **after three weeks**. Learned P.O. waives notice for State. Hamdast allowed. The respondents to file their reply.

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.

S.O. after three weeks.

Member (J)

dnk.

O.A. No. 508/2020 (SB)

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

Dated : 17.09.2020

Heard Ms. D.V. Sapkal, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the State.

2. Issue notices to the respondents returnable **after two weeks**. Learned P.O. waives notice for State. 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.

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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.

S.O. after two weeks.

Member (J)

dnk.

O.A. No. 509/2020 (SB)

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

Dated : 17.09.2020

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

2. Issue notices to the respondents returnable **after three weeks**. Learned P.O. waives notice for State. 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.

S.O. after three weeks.

Member (J)

dnk.

O.A. No. 510/2020 (SB)

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

Dated : 17.09.2020

Heard Shri P.J. Mehta, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the State.

2. Issue notices to the respondents returnable **after three weeks**. Learned P.O. waives notice for State. 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.

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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.

S.O. after three weeks.

Member (J)

dnk.

**

O.A. 330/2020 (D.B.)

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

Dated : 17/09/2020.

Heard Shri S.I. Ghatte, Id. counsel for the applicants and Shri P.N. Warjurkar, Id. P.O. for R-1 to 3 & 5. Await service of R-4&6.

2. All the applicants are bonded Nurses. It is contention of the applicants that as per their appointment orders, they were appointed for a fixed period and during that period they were entitled to draw the salary as mentioned in the appointment orders. It is submitted that now the Government of Maharashtra has issued G.R. dated 29/04/2020 and decision is taken that the salary of the temporary staff Nurses shall be Rs.25,000/- only. In our opinion, this G.R. is issued on 29/4/2020 and by issuing such G.R. the Government cannot take away rights of the applicants to receive the salary as per appointment orders, therefore, we direct that till completion of their tenure the applicants be paid salary as mentioned in their respective orders. Two weeks time is given to comply the order and to file reply.

S.O. two weeks.

Steno copy be provided.

Member (J)

Vice-Chairman

dnk.**