

O.A.Nos.822,823,824,825,826,827&828/2019

(D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 18/01/ 2021.

Heard Shri Vishal Anand, 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. 25.01.2021** for reply.

Vice Chairman

Date:-18/01/2021.
aps.

O.A.No.854/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 18/01/ 2021.

None for the applicant. Shri V.A.Kulkarni, 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. He further submits that he will serve the copy 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:-18/01/2021.
aps.

Vice Chairman

O.A.No.793/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 18/01/ 2021.

None for the applicant. Shri V.A.Kulkarni, the
Id. P.O. for the State. Await service of respondent
nos. 2 & 3.

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

Date:-18/01/2021.
aps.

Vice Chairman

O.A.No.616/2015 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 18/01/2021.

C.A.Nos.253/2018 & 09/2021:-

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

2. C.A.No.253/2018 for amendment was already allowed by order dated 05.10.2018. However, the Id. counsel for the applicant requires some more time to carryout the amendment and for that he has filed **C.A. No. 09/2021 for extention of time to carry out the amendment is allowed and disposed of.** The Id. counsel for the applicant is directed to carryout the amendment within three weeks. He is further directed to supply the amended copy to the Id. P.O..

3. At his request, **S.O. four weeks.**

Vice Chairman

Date:-18/01/2021.
aps.

O.A.No.86/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 18/01/2021.

Heard Shri B.Kulkarni, 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 reply.**

Vice Chairman

Date:-18/01/2021.
aps.

O.A.No.177/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 18/01/ 2021.

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

2. At the request of Id. counsel for the applicant, **S.O. three weeks to file service affidavit.**

Vice Chairman

Date:-18/01/2021.
aps.

C.P.No.32/2020 in O.A.No.222/2018(D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 18/01/2021.

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

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

3. **S.O. four weeks.**

Date:-18/01/2021.
aps.

Vice Chairman

O.A.No.46/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 18/01/ 2021.

Heard Shri P.S.Wathore, 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 submits that the small issue involved in this O.A. is that M.P.S.C. makes contention that one year is expired and so selection list is expired. However, O.A. was filed and direction was given by the Tribunal. After that two times State Government has given opinion in favour of the applicant but M.P.S.C. is not recommending. In the interest of justice, it is better to get the reply.

3. Issue notice to Respondents, 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:-18/01/2021.

aps.

C.P.No.05/2021 in O.A.No.871/2019(D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 18/01/ 2021.

Heard Shri B.Kulkarni, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the State.

2. Issue Notice to the respondents returnable in **four weeks** under Rule 8 of the MAT (Contempt of Courts) Rules, 1996 as to why they should not be proceeded for committing contempt of this Tribunal's order and as to why they shall not be punished under the Contempt of Court Act.

3. Shri S.A.Sainis, the learned P.O. waives notice for respondent No. 1. Hamdast granted.

4. **S.O. four weeks.**

Vice Chairman

Date:-18/01/2021.

aps.

O.A. No. 44/2020 (SB)

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

Dated : 18.01.2021

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

2. The learned P.O. submitted that the Principal, Government Polytechnic College, Bramhapuri is responsible to pay the deducted salary to the applicant and he is seeking time to file reply.

S.O. two weeks.

Member (J)

dnk.

O.A. No. 100/2020 **(SB)**

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

Dated : 03.12.2020

Heard Shri G.K. Bhusari, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

The Id. P.O. files reply on behalf of R-3. It is taken on record. Copy is served on the applicant.

The matter is admitted and it be kept for final hearing.

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

S.O. 10/12/2020.

Member (J)

dnk.

O.A. Nos. 359,360 & 361 of 2020 **(SB)**

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

Dated : 03.12.2020

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

The Id. P.O. files reply on behalf of transferring authority i.e. R-4.

The matters are admitted and it be kept for final hearing. The Id. P.O. waives notice for the respondents.

In the meantime, liberty is given to the applicants to file rejoinder, if any.

S.O. 21/12/2020.

Member (J)

dnk.

O.A. Nos. 420,421,422,423,424 & 425 of 2020
(SB)

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

Dated : 03.12.2020

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

The Id. P.O. files reply on behalf of transferring authority i.e. R-4.

The matters are admitted and it be kept for final hearing. The Id. P.O. waives notice for the respondents.

In the meantime, liberty is given to the applicants to file rejoinder, if any.

S.O. 21/12/2020.

Member (J)

dnk.

O.A. No. 419 of 2020 **(SB)**

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

Dated : 03.12.2020

C.A. No. 325/2020 -

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

For the reasons stated in the application, the C.A.No. 325/2020 is allowed. The necessary amendment be carried out and amended copies be supplied to the other side before the next date.

O.A. 419/2020 –

S.O. 21/12/2020.

Member (J)

dnk.

O.A. No. 426 of 2020 **(SB)**

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

Dated : 03.12.2020

C.A. No. 326/2020 -

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

For the reasons stated in the application, the C.A.No. 326/2020 is allowed. The necessary amendment be carried out and amended copies be supplied to the other side before the next date.

O.A. 419/2020 –

S.O. 21/12/2020.

Member (J)

dnk.

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

Dated : 03.12.2020

C.A. No. 327/2020 -

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

For the reasons stated in the application, the C.A.No. 327/2020 is allowed. The necessary amendment be carried out and amended copies be supplied to the other side before the next date.

O.A. 419/2020 –

S.O. 21/12/2020.

Member (J)

dnk.

O.A. No. 539 of 2020 **(SB)**

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

Dated : 03.12.2020

Mrs. S. Kulkarni, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for R-1 to 3. None for R-4&5.

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

Member (J)

dnk.

O.A. No. 720 of 2020 (SB)

Coram : Hon. Shri A.D. Karanjkar,

Member (J).

Dated : 03.12.2020

C.A. No. 321/2020 -

Shri I. A. Fidvi, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1&2 and Shri S.P. Palshikar, Id. counsel for R-4.

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

Member (J)

dnk.

O.A. No. 821 of 2020 **(SB)**

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

Dated : 03.12.2020

Heard Shri G.K. Bhusari, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the State.

2. The respondent no.1 is directed to decide the representations made by the applicant dated 19/10/2020 & 23/10/2020 within four weeks from the receipt of the order.

3. In the meantime, issue notice to the respondents returnable **after four weeks.** Learned P.O. waives notice for the 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 four weeks.

Steno copy be supplied...

Member (J)

dnk.

O.A. No. 1017/2019 **(SB)**

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

Dated : 03.12.2020

Heard Shri D.T. Shinde, Id .counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

2. The applicant has made representation dated 21/11/2019 to the respondent no.3. The

respondent no.3 is directed to decide said representation within four weeks from the date of receipt of this order.

S.O. four weeks.

Steno copy be supplied...

Member (J)

dnk.

O.A. No. 412/2020 (SB)

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

Dated : 03.12.2020

Heard Shri P.B. Patil, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

Closed for orders.

Member (J)

dnk.

**

O.A. No. 57/2020 **(SB)**

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

Dated : 18.01.2021

None for the applicant. Shri A.P.
Potnis, Id. P.O. for R-1. Await service of R-2.

Notice of respondent no.2 is not
collected.

S.O. two weeks.

Member (J)

dnk.

O.A. No. 116/2020 **(SB)**

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

Dated : 18.01.2021

None for the applicant. Shri P.N. Warjurkar, Id. P.O. for R-1. Await service of R-2 to 4.

S.O. three weeks.

Member (J)

dnk.

O.A. No. 290/2020 (SB)

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

Dated : 18.01.2021

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

The Id. P.O. files reply on behalf of R-3. It is taken on record. The Id. P.O. submitted that the reply of R-3 is sufficient to decide the matter.

The matter is admitted and it be kept for final hearing.

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

S.O. four weeks.

Member (J)

dnk.

O.A. No. 456/2020 **(SB)**

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

Dated : 18.01.2021

Shri N.R. Saboo, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1 to 3. None for R-4.

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

Member (J)

dnk.

O.A. No. 492/2020 (SB)

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

Dated : 18.01.2021

None for the applicant. Heard Shri P.N. Warjurkar, Id. P.O. for R-1. Await service for R-2&3.

2. The learned counsel for the applicant filed Pursis and informed that the applicant is intending to withdraw the O.A.

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

Member (J)

dnk.

O.A. No. 494/2020 **(SB)**

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

Dated : 18.01.2021

Shri N.R. Saboo, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1&2 and none for R-3.

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

Member (J)

dnk.

O.A. No. 582/2020 **(SB)**

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

Dated : 18.01.2021

Shri N.R. Saboo, Id. counsel for the applicant, Shri V.A. Kulkarni, Id. P.O. for R-1 to 3 and none for R-4.

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

Member (J)

dnk.

O.A. No. 896/2020 **(SB)**

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

Dated : 18.01.2021

Shri S.P. Palshikar, 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. 8/2/2021** for filing reply.

Member (J)

dnk.

O.A. No. 12/2020 (SB)

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

Dated : 18.01.2021

None for the applicant. Shri P.N. Warjurkar, Id. P.O. for R-1&2. None for R-3.

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

S.O. two weeks.

Member (J)

dnk.

O.A. No. 574/2020 (SB)

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

Dated : 18.01.2021

C.A. No. 08/2021 -

Heard Shri V.B. Bhise, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the State.

2. After filing the O.A., the applicant received the charge sheet. The applicant is intending to challenge the charge sheet and therefore he has applied for the amendment of the O.A. The applicant is permitted to amend the O.A. and serve the notices on the respondents of the amended O.A. As the applicant is now challenging the charge sheet, therefore, the matter would go to the Division Bench.

3. In view thereof, the C.A. stands allowed.

O.A. No. 574/2020 –

Heard Shri V.B. Bhise, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the State.

2. Issue notices to the respondents returnable **after three weeks** on the amended O.A. Learned P.O. waives notice for the State. Hamdast allowed. In the meantime, the applicant shall carry out the necessary amendment.

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. **Put up before the Division Bench.**

S.O. after three weeks.

Member (J)

dnk...

(D.B.)

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

**Shri A.D. Karanjkar,
Member(J)**

Dated : 18/01/2021.

**O.A. 257/2018, O.A. 949/2017 with C.A.
38/2018, O.A. 950/2017 with C.A. 39/2018,
O.A. 913/2018 & O.A. 914/2018**

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

2. With the consent of learned counsel for both the parties, the matter be kept on board **on 19/01/2021.**

Member (J)

Vice-Chairman

dnk.

O.A.No.34/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :18/01/ 2021.

Heard Shri G.G.Bade, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State. Await service of respondent nos. 2 to 4.

2. The Id. counsel for the applicant desires two weeks to file service affidavit, **S.O. two weeks.**

Vice Chairman

Date:-18/01/2021.
aps.

O.A.No.892/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :18/01/ 2021.

Heard Shri A.T.Purohit, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the Respondents.

2. The Id. P.O. desires one week to file reply,
S.O. 25.01.2021.

Vice Chairman

Date:-18/01/2021.
aps.

O.A.No.973/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :18/01/ 2021.

Heard Shri P.S.Patil, 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 nos. 1 & 2. It is taken on record. Copy is served to the other side.

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

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

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

Vice Chairman

Date:-18/01/2021.
aps.

Rev.No.13/2020inO.A.No.698/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :18/01/ 2021.

Heard Shri N.R.Saboo, 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 has filed Judgment of this Tribunal in O.A. No. 698/2019 delivered on 09.07.2020. The Judgment is not in proper sequence. Hence, Id. counsel for the applicant is directed to file in proper sequence (paging should be proper).

3. The Id. P.O. submits that he has received parawise reply. He further seeks time to file it on record, **S.O. 21.01.2021.**

Vice Chairman

Date:-18/01/2021.

aps.

Rev.No.15/2020inO.A.No.544/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :18/01/ 2021.

Heard Shri S.C.Deshmukh, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the Respondents.

2. The Id. P.O. desires one week to file reply,
S.O. 25.01.2021.

Vice Chairman

Date:-18/01/2021.
aps.

O.A.No.102/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :18/01/ 2021.

Heard Shri N.R.Saboo, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the Respondents.

2. The Id. P.O. desires three weeks to file reply,
S.O. three weeks.

Vice Chairman

Date:-18/01/2021.
aps.

O.A.No.589/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :18/01/ 2021.

Heard Shri S.N.Gaikwad, 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 has pointed out at Annexure-A-6, P.B., Pg. No. 21 were it appears that applicant salary from 01.07.2010 to 30.04.2014 are yet to be paid. District Health Officer, agitated to Deputy Director by his letter dated 28.05.2020 but still payment has not been done and reply is also not filed. The Id. P.O. is directed to file reply within two weeks, if reply is not filed the matter be heard on merit.

3. **S.O. 28.01.2021.**

4. **Steno copy is granted.**

Vice Chairman

Date:-18/01/2021.

aps.

O.A.No.822/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :18/01/ 2021.

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

2. As per the records in O.A. Nos. 406 and 407/2016 common order was passed on 28.02.2017 and operative part of order is on P.B., Pg. No. 32 which is reproduced below:-

“(i)The O.As. are allowed.

(ii)The impugned order dated 04.06.2016 passed by respondent no. 3 is quashed and set aside.

(iii)The respondent no. 3 is directed to reinstate the applicants in service with immediate effect.

(iv)The order dated 03.03.2016 passed by respondent no. 2 so far as it relates to direction to initiate fresh preliminary enquiry is quashed and set aside.

(v)No order as to costs.”

3. The Id. P.O. desires three weeks time to file reply, **S.O. 08.02.2021.**

4. Put up this matter along with the O.A. No. 975/2020.

Vice Chairman

Date:-18/01/2021.
aps.

O.A.No.904/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :18/01/ 2021.

Heard Shri N.R.Saboo, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the Respondents.

2. The impugned order dated 22.09.2020 (Annexure-A-1, P.B., Pg. No. 9) by which applicant was placed under suspension. Specific question was asked from Id. P.O. by Bench about serving of chargesheet. The Id. P.O. submitted that chargesheet has not been served. The Id. counsel for the applicant has also relied on Judgment in O.A. NO. 277/2020 delivered on 05.11.2020. Now, more than 90 days period has expired and charge sheet has not been served.

3. In view of above situation, legal position is settled by various judgments of Hon'ble Supreme Court and Government of Maharashtra G.R. dated 09.07.2019 which is reproduced below:-

(i) The Apex Court in Civil Appeal No. 1912 of 2015 (arising out of SLP No.31761 of 2013) in the case of Ajay Kumar Chaudhary Vs. Union of India through its Secretary and another in its Judgment dated 16/02/2015 in para no. 14, it has observed that :-

14 We, therefore, direct that the currency of a Suspension Order should not extend beyond three months if within this period the Memorandum of

Charges/Chargesheet is not served on the delinquent officer/employee; if the Memorandum of Charges/Chargesheet is served a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the concerned person to any Department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognize that previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time limits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a criminal investigation departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us.

(ii) 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. 24 had observed as follows:-

*24. 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.*

(iii) The Principal Bench of Maharashtra Administrative Tribunal Mumbai Bench in O.A. No. 35/2018 Judgment delivered on 11/09/2018 has also rejected continuation of suspension beyond 90 days.

(iv) The Government of Maharashtra has issued G.R. dated 09/07/2019 (Annexure-A-4, Pg. No. 34). The Id. Counsel for the applicant has relied on para no. (ii) of the said G.R. on Pg. No. 35.

(v) The Hon'ble High Court of Bombay, Bench at Nagpur in W.P. No. 7506/2018, Judgment delivered on 17.07.2019 (Annexure-A-6, Pg. No. 47), was also on same principle. It has observed in para no. 2 that **facts of this case are squarely covered by Government Resolution G.A.D. dated 09/07/2019.**

(ii) fuyfcr 'kkI dh; I dclR; k T; k idj.kh 3 efgU; kpk dkyko/khr foHkxh; pkd'kh I q d: u nskjki i = ct.ko.; kr vkysulgh] v'kk idj.kh ek- I olp U; k; ky; kps vmsk i kgrk] fuy:u I ekR dj.; k'kok; vU; i; k; jkgr ulgh- R; keqs fuyfcr 'kkI dh; I dclR; foHkxh; pkd'kph dk; bkgh I q d: u nskjki i = ct.ko.; kph dk; bk; h fuy:uki kl w 90 fnoI R; k vkr dklVdij i .ksdsh t kby; ; kph n{krk@ [kcjnkjh ?ls; kr ; koh-

(vi) The Government of Maharashtra vide its G.R. G.A.D. 'kkI u fu.kz dz 118@izdz11@11v] fnukd 09-07-2019 in para nos. 1 (i, ii & iii) following decisions have been taken :-

i) fuyfcr 'kkl fd; l oclka; k T; k idj.kh 3 efgU; ka; k dkyko/khr foHkxh; pkl' kh l q d: u nskjki i=

ctko.; kr vkys vlg] v'kk idj.kh fuyæu dY; ki kl u 3 efgU; kr fuyæukpk vk<kok ?knu fuyæu i&spkymBoko; kpsv l Y; kl R; kckcrpk fu.kz l i "V vkns kkl g %dkj.k feekl d g½ u {ke i kf/kcl&; kP; k Lrjkj ?s; kr ; kok-

ii) fuyfcr 'kkl dh; l oclka; k T; k idj.kh 3 efgU; kpk dkyko/khr foHkxh; pkl' kh l q d: u nskjki i= ctko.; kr vkys ukgh] v'kk idj.kh ek- l okp U; k; ky; kpsvlnsk i kgrk] fuyæu l ekir dj.; kf'kok; vl; i; kz jkgr ukgh- R; keGs fuyfcr 'kkl dh; l oclka; foHkxh; pkl' kh l q d: u nskjki i= ctko.; kph dk; bk; h fuyæuki kl u 90 fnol ka; k vkr dkVclji .ks dYh tkbzy ; kph n{krk@ [kcjnkjh?; kr ; koh-

iii) QkSt nkjh idj .kr fo'kskr%ykpypir idj .kh fuyfcr 'kkl dh; l oclka; foHkxh; pkl' kh l q d: u nskjki i= ctko.kckcr vko'; d rks vfHkyd k ykpypir ifrcakd foHkxkus l æti/kr izkkl dh; foHkxkl mi yC/k d: u nskvko'; d jkfgy-

4. In view of this, legal position, the order dated 22.09.2020 is bad in law and does not have any force of legal points. In view of this situation, following order:-

ORDER

1. Order dated 22.09.2020 (Annexure-A-1, P.B., Pg. No. 9) is revoked with immediate effect.
2. Respondents are directed to issue necessary orders along with the suitable posting order to the applicant.

3. The order be implemented **within two weeks from the date of this order.**
4. **S.O. 08.02.2021.**

Vice Chairman

Date:-18/01/2021.
aps.

O.A.Nos.37,38&39/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :18/01/ 2021.

Heard Shri B.Kulkarni, 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 has filed Judgment in O.A. No. 750/2015 delivered on 15.04.2019 in para no. 4 of the said Judgment it is very clear that since applicant were appointed on contract basis, no relief could have been granted to the applicant. The Id. counsel for the applicant submits that applicant have further appear for the examination as per the advertisement (Annexure-A-2, P.B., Pg. No. 13) by Public Health Department. Applicant in O.A. No. 37/2017 i.e. Smt. Vaishali N. Borkar has appeared, O.A. No. 38/2017 i.e. Shri Sudhakar B. Chaudhari has not appeared and O.A. No. 39/2017 Smt. Urmila H. Chanap has appeared in the examination.

3. Limited prayer of the applicant i.e. result of O.A.No. 37/2017 and O.A. No. 39/2017 be declared and communicated to the applicant. Respondent no. 2 i.e. Civil Surgeon, Gondia is directed to declare the result of applicant in O.A. Nos. 37&39/2017 and communicate the same **within fifteen days** from the date of this order.

4. With the above directions, **O.As are dismissed with no order as to costs.**

Vice Chairman

Date:-18/01/2021.

aps.

O.A.Nos.178&302/2018withC.A.No.304/20

**withO.A.No.253&744/19&331/20 (S.B.)
Coram:Shri Shree Bhagwan, Vice Chairman
Dated :18/01/ 2021.**

Heard Shri R.V.Shiralkar, 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 want to file order of payment of all the allowances of similar based employees, **S.O. 29.01.2021.**

Vice Chairman

Date:-18/01/2021.
aps.

O.A.No.678/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :18/01/ 2021.

Heard Shri B.Kulkarni, 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 was appointed vide order dated 22.09.1980 (Annexure-A-1, P.B., Pg. No. 10) under Physically Handicapped category as "Record Clerk". In appointment letter applicant name is mentioned as Ku.Babi M. Mendhekar. The Id. counsel for the applicant submits that in promotion order dated 02.12.1995 (P.B., Pg No. 24) at Sr. No. 43 applicant's name shown which is Smt.B.M.Mendekar. However, O.A. is filed with the name of Smt. M.M.Kale. The Id. counsel for the applicant has shown Gazette notification were it is mentioned that Ku. Babi M. Mendhekar and Smt. N.M.Kale both the applicant are same. However, the Id. counsel for the applicant is directed to supply the copy of the same to the Id. P.O. and file it on record too.

3. After promotion order dated 02.12.1995, applicant wrote a letter to Director Medical Education and Research mentioning the reasons for not joining the promotional post at Dhule due to personal problem. Being a P.H. candidate she was unable to join at that post. Respondents have denied first A.C.P. to the applicant dated 01.10.1994 i.e. after

completion of 10 years of continue service giving the reason that applicant refuse the promotion as per the order issue by 02.12.1995.

4. The Id. counsel for the applicant is requested to keep the matter after two weeks, **S.O. 25.01.2021.**

5. **Matter be treated as P.H.**

Vice Chairman

Date:-18/01/2021.

aps.

O.A.No.70/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :18/01/ 2021.

Heard Shri P.S.Patil, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the Respondents and Ms. Aditi holding for Shri V.S.Giramkar, the Id. counsel for the respondent no. 3.

2. The Id. counsel for the respondent no. 3 has filed reply. It is take on record. She further submits that she will serve the copy to the other side.

3. **S.O. 02.02.2021.**

Vice Chairman

Date:-18/01/2021.
aps.

O.A.No.266/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :18/01/ 2021.

Heard Shri M.K.Mishra, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the Respondents.

2. The applicant is a S.T. Category bearing name Shri Prabhakar Sadashiv Atram, he was recruited as Forestor on 04.03.1985. However, appointment letter has not been filed on record. The Id. counsel for the applicant is directed to file appointment letter of the applicant. It appears that applicant was appointed in S.T. category, again applicant was promoted as R.F.O. in the year 2007. Now, the Id. counsel for the applicant as well as Id. P.O. is directed to file on record that during promotion he superseded how many seniors? The similar issue of category promotion is pending before Hon'ble Apex Court. If applicant has superseded his seniors at the time of promotion then this issue cannot be decided at this stage. It appears that applicant has taken benefits of category promotion vide G.R. dated 25.05.2004, while getting promotion from Forestor to R.F.O. and the said G.R. is as on today under challenge in S.L.P. before Hon'ble Apex Court, till decision of S.L.P., no direction can be given.

3. The Id. P.O. is also directed to file all the G.Rs. i.e. 1976, 1996, 2017 and 2019 regarding promotion

of such employees against whom D.E./Court case is pending.

4. **Steno copy is granted.**
5. **Matter be treated as P.H.**
6. **S.O. three weeks.**

Date:-18/01/2021.
aps.

Vice Chairman

O.A.No.543/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :18/01/ 2021.

Heard Shri B.Kulkarni, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the Respondents.

2. The Id. counsel for the applicant is relying on Judgment in O.A. No. 853/2018 delivered on 16.01.2019 of this Tribunal. The Id. counsel for the applicant submits that issue in this O.A. is squarely covers by Judgment in O.A. No. 853/2018 of this Tribunal, copy of Judgment is placed on record. The Id. P.O. also submits that issue in this O.A. is covered by Judgment in O.A. No. 853/2018 delivered on 16.01.2019.

3. In view of these facts, the respondents are directed to take appropriate decision in view of G.R. dated 09.12.2016 on the representation dated 04.02.2017 by the applicant Shri N.Z.Chole and representation dated 12.02.2018 by the applicant Shri S.G.Badge and intimate the applicant accordingly; the decision shall be taken **within four weeks from the date of this order.**

4. With the above directions, **the O.A. is disposed of with no order as to costs.**

Vice Chairman

Date:-18/01/2021.
aps.

