

O.A.No.710/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 24/09/2021.

C.A.No.192/2021:-

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

2. The Id. P.O. has filed today document along with G.R. dated 6/2/2019. It is taken on record and marked Exh.X.

2. The issue involved about appointment of Kotwal, Group-B post. As per G.R. dated 6/2/2019 in point no.2 provides that while appointing in Group-D post as first appointment, 40% post should be reserved for Kotwal. It has been also mentioned that necessary correction should be made in the Recruitment Rules. The Id. P.O. submits that he has received instructions from the Department and for that two weeks time is required for necessary clarification from the respondent no.1. Time is granted as prayed for.

S.O. 18/10/2021.

Vice Chairman

Date:-24/09/2021.
dnk.

O.A.No.07/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 24/09/2021.

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

2. The O.A. was filed on 8/8/2021. Thereafter, on many occasions the time was granted for filing reply. Today the Id. P.O. desires more three weeks time to file reply. However, the Id. counsel opposing for further time. It appears that one of the respondents' office is at Nagpur only. In view of this, the Id. P.O. is granted only two weeks time to file reply, otherwise, the matter will be decided on merits.

S.O. 18/10/2021.

Vice Chairman

Date:-24/09/2021.
dnk..

O.A.No.38/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 24/09/2021.

Heard Shri R.V. Shiralkar, Id. counsel holding for Shri A.C.Dharmadhikari, the Id. Counsel for the applicant and Shri H.K. Pande , the Id. P.O. for the respondents.

2. The matter was heard before the regular D.B. on 20/08/2021. In para-4 of the order dated 20/08/2021 10 days time was granted to the respondents to decide representation and communicate to the applicant. However, today the Id. P.O. seeks further time.

3. In view thereof, it is better that the matter should be placed before the regular D.B. on 1/10/2021.

S.O. 1/10/2021.

Vice Chairman

Date:-24/09/2021.
dnk.

O.A.No.54/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 24/09/ 2021.

Heard Shri M.R.Khan, the Id. Counsel for the applicant and Shri S.A. Sainis, the Id. P.O. for R-1 to 4. None for R-5.

2. The Id .counsel submits that he desires to add Superintendent of Police, Washim as respondent no.6 in the array of respondents. He is permitted to do so.

3. After amendment, issue notice to the newly added respondent returnable **in six weeks.** 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. six weeks.

Vice Chairman

Date:-24/09/2021.

dnk.

O.A.No.359/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 24/09/2021.

Heard Shri Tejal N. Thombre, Id .counsel holding for shri N.D.Thombre, the Id. Counsel for the applicant and Shri A.M. Ghogre, the Id. P.O. for the respondents.

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

Vice Chairman

Date:-24/09/2021.
dnk.

O.A.No.600/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 24/09/2021.

Heard Shri S.S. Sarda, 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. four weeks to file reply.**

Vice Chairman

Date:-24/09/2021.
dnk.

O.A.No.713/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 24/09/2021.

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

2. The Id. P.O. was directed to take instructions from the department about stage of D.E. in the order dated 30/08/2021. Today, the Id. P.O. further submits that he requires two weeks time. Two weeks time is granted as a last chance to take instructions.

S.O. two weeks.

Vice Chairman

Date:-24/09/2021.
dnk.

C.P.No.33/2021inO.A.No.253/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 24/09/2021.

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

2. Today, the Id. P.O. has file affidavit on behalf of R-3. It is taken on record and copy is served to the Id. counsel for the applicant. It is marked Exh.-X for the purposes of identification. In the affidavit in para-11 on page no.21 it is mentioned that the Hon'ble Minister (Agriculture) has taken a decision and decided the appeal. Now since the Hon'ble Minister (Agriculture) has already decided the appeal, there is no hurdle to communicate the applicant within one week.

3. In view of this, the respondents are directed to communicate the decision taken by the Hon'ble Minister (Agriculture) to the applicant within one week from the date of receipt of this order.

S.O. 4/10/2021.

Vice Chairman

Date:-24/09/2021.
dnk.

C.P.No.35/2021inO.A.No.354/2019 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 24/09/ 2021.**

Heard Shri B.Kulkarni, 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. 4/10/2021**
for filing reply.

Vice Chairman

Date:-24/09/2021.
dnk.

O.A.Nos.188,189&456/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 24/09/ 2021.

Heard Shri C.A. Babrekar/ V.A. Kale, the Id. Counsels for the applicants and Shri , V.A. Kulkarni, the Id. P.O. and other Id. P.Os. for the respondents.

2. At the request of Id. P.Os., **S.O. four weeks to file reply.**

Vice Chairman

Date:-24/09/2021.
dnk.

O.A.Nos.507,508&509/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 24/09/ 2021.

Heard Shri P.K.Dhomne, the Id. Counsel for the applicants and Shri A.M. Khadatkar, Id. P.O. and other Id. P.Os. for the respondents.

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

Lateron -

The learned P.O. appeared and he has filed reply of R-3 in O.A.507/2021 and reply of R-2 in O.A. Nos. 508 & 509 of 2021. Same are taken on record. The Id. P.O. submits that he will supply copy of the reply to the counsel for the applicant.

The matters are admitted and kept for final hearing.

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

S.O. in due course.

Vice Chairman

Date:-24/09/2021.
dnk.

O.A.No.709/2018 (D.B.)

(H.P. Borkar Vs. State of Mah. & Ors.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 24/09/ 2021.

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri P.N.Warjekar , the Id. P.O. for the respondents.

2. Today the Id. P.O. has filed document which is marked Exh-X. This document is written by the Education Officer (Primary), Z.P., Sindhudurg to Deputy Education Officer, Nagpur Division, Nagpur and in this letter he has mentioned about some retiral benefits of the applicant which are given and along with that he has also attached pension papers sanctioned by the A.G. , Mumbai on 6/8/2021. On perusal of the papers, it seems that A.G., Mumbai has marked the letter to the Z.P., Sindhudurg and A.G., Nagpur only. The letter is addressed to the A.G., Nagpur. However, the letter is not marked to the Treasury Office, Bhandara from where the applicant has to withdraw the pension and other benefits.

3. Now it seems that after receiving this letter from the Education Officer, Z.P., Sindhudurg which is dated 20/9/2021 it is the duty of respondent no.3 i.e. Dy. Director of Education, Nagpur Division, Nagpur to contact the A.G., Nagpur and the applicant and ensure that all the retiral benefits are paid to the applicant as mentioned in the letter of Education Officer (Primary), Z.P., Sindhudurg by Treasury Office, Bhandara.

4. It seems that there is a communication gap about GIS of the applicant between the Education Officer (Primary), Z.P., Sindhudurg and Education Officer, Amravati. The respondent no.2 who is the head of the State so, and he is directed to sort out the issue of GIS of the applicant between the Education Officer (Primary), Z.P., Sindhudurg and Education Officer (Primary), Amravati and ensure that the GIS payment is also done to the applicant. The Id. P.O. desires two weeks time. Two weeks time is granted on the condition that if there is compliance then document should be filed through the Id. P.O., otherwise, the respondent no.2 and respondent no.3 should present their responsible officer before the Tribunal for explaining the details during next date of hearing.

S.O. 11/10/2021 (PH).

Steno copy is granted...

Vice Chairman

Date:-24/09/2021.

dnk.

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

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 24/09/2021.

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

2. The learned P.O. submits that some development has taken place regarding issuing G.R. by the Government. The Id. P.O. desires to file on record the same and for that he seeks one week time.

3. At the request of Id. P.O., **S.O. 08/10/2021.**

Vice Chairman

Date:-24/09/2021.

dnk.

O.A.No.838/2021 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 24/09/ 2021.

C.A. No. 296/2021 -

Heard Shri S.W.Deshpande, the Id. Counsel for the applicant and Shri H.K. Pande , the Id. P.O. for the State.

2. The Id. counsel has filed C.A. for grant of amendment and addition of party. She submits that she desires to make party the Enquiry Officer and place on record inquiry report on which the applicant has been suspended and the increment has been stopped. In the interest of justice, the Id. counsel is permitted to add the Enquiry Officer as party and place inquiry report on record.

3. However, in the relief clause of main O.A., the learned counsel has sought relief of seniority along with other issued related of the inquiry like stoppage of increment and suspension and both the issue cannot be entertained by this Tribunal in the same O.A. The learned counsel has agreed to delete relief clause no.7 (i) regarding seniority. She is directed to delete relief clause 7 (i) regarding seniority and other relief regarding suspension be continued.

3. In view of above, the C.A. is allowed and disposed off.

O.A.No.838/2021 -

Heard Shri S.W.Deshpande, the Id. Counsel for the applicant and Shri H.K. Pande , the Id. P.O. for the State.

2. Issue notice to Respondents, returnable **after four 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.

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

Vice Chairman

Date:-24/09/2021.

dnk.

O.A.No.858/2021 (D.B.)

(Ashish Dattatraya Kadam Vs. State of Mah.)

Coram :Shri Shree Bhagwan, Vice Chairman

Dated : 24/09/2021.

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

2. As per pleading and record the applicant was appointed on compassionate ground as Civil Engineering Assistant in the pay scale of Rs.4000-100-6000 vide letter dated 10/4/2006 (A-1,P-21). As submitted by the learned counsel, the applicant joined on 15/04/2006. The learned counsel has filed Departmental Examination Rule,2001 dated 8/1/2001 at Annex-A-2,P-23 to 28 in Marathi and page nos.28 to 32 in English. The Rule-13 of the said rules reproduced as below –

“(13) Period and number of chances for passing the examination- Subject to the provisions of rule 3 above, an employee or Civil Engineering Assistant shall be required to pass the examination within 3 chances and within a period of 4 years from the date of the first examination. However, the second chance shall be availed within a period of one year from the first examination. ”

3. As per Annex-A-3,P-33 the applicant passed the qualifying examination which was held between 23/11/2010 to 28/11/2010 and the applicant's name appears at 4th from the bottom of the result chart. Again the applicant passed the professional examination which is required for promotion to Junior Engineer, held between 26/12/2012 to 29/12/2012 and his name appears at 5th from the bottom of result chart (A-4,P-34). The respondent no.1 issued seniority list vide Govt. Circular dated 2/1/2016 (A-5,P-34) and in the annexure of the said Circular the applicant's name appears at Sr.No.1252 and in the said seniority list his date of seniority shown as 15/4/2006 at page no.42.

4. There is a correspondence issued by the Assistant Superintending Engineer, Public Works Department, Amravati on 2/4/2021 (A-7,P-46) and in the last para following comment about applicant which is reproduced below –

*^ i j r q J i - d n e ; k u h l u 2010 e / ; s L F k - v - l g k - ; k u h i f g y h i f j { k f n y h v l q r s i F k e l a l k h e / ; s m R r h . k z > k y s v k g s R ; k e G s ' k k l u k p s f n u k a d 8 @ 8 @ 2021 P ; k v f / k l p u k e / k h y f u ; e 13 u d k j 3 l a l k h e / ; s v k f . k i f g Y ; k i f j { k B ; k f n u k a d k i k l q u 4 o " k k e ; k d k y k o / k h r i f j { k k m R r h . k z d y h v l Y ; k p s f u n ' k z k l ; r v l Y ; k e G s J i - d n e ; k u k t s B r p k f n u k a d 15 @ 4 @ 2006 i L r k o h r d j . ; k r ; r v k g s ***

5. The Govt. has published subsequent seniority list vide Govt. Circular dated 11/12/2020 and along with that seniority list is annexed (A-8,P-47 to 52A) and applicant's name appears at Sr.No.2283 and in the seniority column date is given 29/11/2010, changing the position of seniority.

6. As pointed out by the Id. P.O., the correspondence dated 17/09/2021 (A-1,P-16) shows that the department is processing to promote total 192 persons all over the State and break up of vacant posts is given on page no.62. The learned counsel submits that the applicant has not been included in this list and if the applicant's juniors are promoted, it will cause great loss to the career of the applicant. Prima facie, as per Departmental Examination Rules,2001 and letter issued by Assistant Superintendent Engineer dated 2/4/2021 (A-7,P-46) and also subsequent remarks regarding applicant, it appears that the applicant is fully eligible for promotion. In the background of these facts, it is necessary to consider interim relief prayed by the learned counsel for the applicant.

7. In view of above discussions, **the prayer clause no.13(i) of interim prayer on page no.15 of the O.A. is allowed. The respondents are directed to promote the applicant on the post of Junior Engineer along with other candidates of 192 subject to outcome of this O.A.**

8. Issue notice to Respondents returnable **after six weeks.** Learned P.O. waives notice for State. Hamdast allowed.

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

10. 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.

11. 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.

12. 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.

13. 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.

14. The learned P.O. and learned counsel Shri S.N. Gaikwad pointed out that though there are various O.As. on similar issue are pending with other Benches of MAT, but two O.As. i.e. O.A.Nos. 935/2020 & 329/2020 are pending with this Bench. In the interest of justice, the said O.A.Nos. 935/2020 & 329/2020 should be placed before this Bench on Monday. The office is directed to take on daily board on Monday.

S.O. after six weeks.

Steno copy is granted...

Vice Chairman.

Date:-24/09/2021.
dnk.

C.P.No.22/2020inO.A.No.541/2016 (D.B.)

(Dr. S. M. Pawade Vs. State of Mah. & Ors.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 24/09/ 2021.

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

2. On the last occasion the matter was heard on 11/8/2021. The Id. P.O. had placed on record letter dated 10/8/2021 (P-56) issued by the Deputy Director of Health Services, Akola and as per that letter on page no.57 there were two names at Sr.Nos. 8 &9 and on page no.58 from Sr.Nos. 1 to 8. It was submitted that Dr.Vitthal R. Zare and Dr.Abhay S. Gajbhiye who were applicant nos.9&10 in Contempt petition have been given pension benefits only. However, it was submitted that for rest of the applicants the process are going on. Today, the Id. P.O. submitted that process is going on and within one week they will be paid. However very unfortunate incidence has been informed by the Id. counsel that when One of the applicants approached to the office of Dy. Director of Health Services, Akola, somebody in the office made statement that contempt is being faced by the Secretary of the Department and therefore this office is least bothered. It is very unfortunate part and such kind of statement should never be made by responsible person in public Governance.

3. In view of this submission made by the Id. counsel, the respondent no.2 is directed to ask Deputy Director of Health Services, Akola to make an enquiry about the incidence and if found correct, then take appropriate action against the concerned person and ensure that such person should be immediately taken out of public service, otherwise, there will be anarchy in the administrative atmosphere rather than rules of law.

S.O. 11/10/2021

Steno copy is granted...

Vice Chairman

Date:-24/09/2021.

*dnk.

O.A. 868/2019 (S.B.)

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

Dated : 24/09/2021.

C.A. No. 289/2021 & 213/2021 -

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

2. The Id. counsel for the applicant has filed C.A. No. 213/2021 along with the C.A. he has also filed death certificate of applicant. He expired on 21.04.2021 as per the death certificate. Hence, **C.A. No. 213/2021 for bringing L.Rs. on record is allowed and disposed of.**

3. The Id. counsel for the applicant has filed another C.A. i.e. C.A. No. 289/2021 and it has been filed by widow of the applicant. The Id. counsel for the applicant submits that the applicant pay fixation was done in the year 2006. Applicant retired on 30.09.2006 and he was paid regular pension from 25.07.2007. Vide impugned order dated 16.01.2019 (A-7, Pg. No. 22) Respondent no. 2 has issued recovery order through the widow of the applicant i.e. from the pension. As per communication dated 08.09.2021 excess payment of Rs. 8,31,850/- was done from that they have recovered Rs. 3,34,075/- and Rs. 4,97,775/- is

balance to be recovered from the family pension of the deceased.

4. The Id. counsel for the applicant further submits that the widow of deceased gets family pension of Rs. 880/- only after deducting the recovery amount. *Prima facie* it appears that it will be very much injustice to the deceased. The Id. P.O. desires to file reply; he is permitted to file reply. **However, recovery order dated 16.01.2019 is stayed forthwith; no further recovery should be done till final outcome of the O.A.. Hence, C.A. No. 289/2021 for direction is allowed and disposed of.**

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

Vice-Chairman

aps.

O.A. 421/2021 (S.B.)

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

Dated : 24/09/2021.

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

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

Vice-Chairman

aps.

O.A. 422/2021 (S.B.)

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

Dated : 24/09/2021.

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

2. The Id. counsel for the applicant has filed letter dated 16.06.2021 by Joint Director, Technical Education and Training. According to which order has been issued to pay provisional pension to the applicant from 01.05.2021 to 31.10.2021. This provisional pension should be continued till outcome of this O.A. or finalization of regular pension whichever is earlier.

3. The Id. counsel for the applicant also filed G.R. dated 25.06.2021 by which payment of provisional pension period has been mentioned from six months to one year and this power has been given to H.O.D.; considering the Covid period. It is also mentioned that further six months extension is required if pension is not finalized within one year. This proposal should be sent to Finance Department it has also been clarified in para no. 4 of the G.R. that it is temporary arrangement and should be continued till 31.03.2021.

4. The Id. counsel for the applicant submits that the other retiral benefits has been paid to the applicant if the regular pension paper has been submitted to A.G.. The respondent no. 3 i.e. A.G. has filed reply and in para no. 6 of the reply of A.G. i.e. respondent no. 3 it is mentioned:-

"In this connection it is submitted that, though the applicant took voluntary retirement w.e.f. 30.04.2021, however, till date his pension proposal has not been forwarded by the parent department to this Respondent office for release of pensionary benefits, which is a mandatory requirement as per rule 120 to 125 of M.C.S. Pension Rules, 1982."

5. The Id. P.O. is directed to file when all the other pensionary benefits will be paid like G.I.S, G.P.F., Gratuity, Commutation of pension etc., if any and what is the stage of pension paper.

6. **S.O. four weeks.**

Vice-Chairman

aps.

O.A. 559/2021 (S.B.)

Coram: Shri Shree Bhagwan,
Vice-Chairman.

Dated : 24/09/2021.

Shri Y.Y.Humne, the 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. two weeks** for filing reply.

Vice-Chairman

aps.

O.A. 773/2021 (S.B.)

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

Dated : 24/09/2021.

Heard Shri K.P. Mahalle, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondent nos. 1 to 3.

2. The applicant was transferred vide order dated 09.08.2021 (A-3, Pg. No. 18) and his name appears at Sr. No. 291. He has been transferred from Public Health Centre, Badonabazar, District Yavatmal to Primary Health Centre, Burkodi, District Wardha.

3. Respondent Nos. 4 & 5 are supposed to relieve the applicant as per the Government order. Since, applicant has not been relieved till now, aggrieved with this he has approached to this Tribunal. **The Respondent Nos. 4 & 5 are directed to relieve the applicant as per Government order dated 09.08.2021 (A-3, Pg. No. 18) within 10 days from the receipt of this order.**

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

Vice-Chairman

aps.

O.A. 787/2021 (S.B.)

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

Dated : 24/09/2021.

C.A. 287/2021 -

Heard Shri M.R. Khan, Id. counsel for the applicant, Shri A.P.Potnis, Id. P.O. for R-1 to 4 and Shri P.J. Mehta, Id. counsel for R-5.

2. Vide Government order dated 01.09.2021 (A-1, Pg. No. 20) Shri Pankaj Arun Ugale was promoted from Khamgaon to Amravati. On perusal of the order dated 01.09.2021 by the Government; it is clear in the last line that person at Sr. No. 2 i.e. Shri Pankaj Arun Ugale has been given temporary promotion and then posted against the applicant. Since it is temporary promotion of the respondent no. 5 he should not be denied his promotion.

3. In view of this situation, para no. 3 of order dated 06/09/2021 is vacated and respondents are directed to relieve the applicant so that respondent no. 5 should be joined on his promotion posting. On further perusal of order dated 01.09.2021 in para no. 3 it is mentioned about the applicant which is reproduced below:-

"i j r q J h- l kukuso J he- fgj M g mi foHkxh; t y l k k j . k v f / k d k j h g s ; k foHkxkdMhy brj fBdk.kkjhy fjDr i nkoj d k ; j r j k g . ; k l b P N d

vi Y; kl R; kuh en o tyl dkk.k ; k izkl dh; foHkxkdMsrkRdkG
l i dZdjok"

4. Applicant Shri L.R.Sonone is at liberty to join the parent department and submit representation for his choice posting and this liberty has been already given in G.O.M. order dated 01.09.2021. Hence, **C.A. No. 287/2021 is allowed and disposed of.**

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

6. **Steno copy is granted.**

Vice-Chairman

aps.

O.A. 805/2021 (S.B.)

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

Dated : 24/09/2021.

Heard Shri P.S. Patil, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the State. Await service of R-2 to 5.

S.O. 29.09.2021.

Vice-Chairman

aps.

O.A. 851/2021 (S.B.)

(Dr. R. Shendre & Ano. vs. State of Mah.)

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

Dated : 24/09/2021.

C.A. 295/2021 -

Heard Shri A.M. Sudame, Id. counsel for the applicants and Shri S.A.Sainis, Id. P.O. for the respondents.

2. For the reasons stated in the application, the C.A. for filing joint O.A. is allowed and disposed off.

O.A. No. 851/2021 –

Heard Shri A.M. Sudame, Id. counsel for the applicants and Shri S.A.Sainis, Id. P.O. for the respondents.

2. The husband and wife have been transferred by the order dated 09.08.2021 (Annexure-A/I, Pg. No. 27). The husband name is kept at Sr. No. 29 and wife name is kept at Sr. No. 53. Husband is posted in Korpana, Dist. Chandrapur and wife is posted at Madeli, Tal. Warora, Dist. Chandrapur. The applicant is far away from the posting of his wife and aggrieved with this order applicant approached to this Tribunal.

3. The Id. counsel for the applicant has relied on G.R. dated 27.11.1997, in the said G.R. in Column No. 10 the policy of the Government has been explained about transfer of husband and wife; if both are working in the service. Subsequently, after coming of Government Transfer Act, 2005. Government has issued G.R. Dated 09.04.2018, in G.R. dated 09.04.2018 also it has been mentioned that husband and wife should be placed at one place as far as possible.

4. Applicant No. 1 has filed representation dated 10.08.2021 (Annexure-A/XIV, Pg. No. 75). He has also mentioned some places where they can be accommodated. Hence,

Respondents are directed to decide the representation within fifteen days from the receipt of this order as per Government policy explained in G.R. dated 09.04.2018 in the provision of 5 (Internal page 15 of G.R.). The Id. counsel for the applicant submits that both the applicants are not yet relieved. Respondents are directed not to relieve applicants till decision of representation.

5. Issue notice to the respondents, returnable **after four weeks**. Learned P.O. waives notice for State. Hamdast allowed.
6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
7. 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.
8. 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.
9. 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.
10. 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.
11. **S.O. after four weeks.**

Vice-Chairman

aps.

O.A. 790/2020 (S.B.)

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

Dated : 24/09/2021.

Heard Shri D.M. Kakani, Id. counsel for the applicant, Shri H.K.Pande, Id. P.O. for R-1 to 3 and Shri V.B. Gawali, Id. counsel for R-4.

2. The Id. counsel for the applicant has filed affidavit in pursuant to hearing dated 09.09.2021 in O.A. No. 790/2020 which is taken on record. Copy is served to the other side.

3. On Pg. No. 138 of his affidavit in the last third line he has admitted that the period between 01.10.2020 to 06.08.2021/09.08.2021 has been treated as waiting period for posting, automatically the applicant is entitled to receive the salary and allowance for that period.

4. In view of this, nothing remains in this matter. Hence, **O.A. is disposed of with no order as to costs.**

Vice-Chairman

aps.

O.A. 662/2021 (S.B.)

Coram: Shri Shree Bhagwan,
Vice-Chairman.

Dated : 24/09/2021.

Heard Shri D.M. Kakani, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. 27.09.2021** for filing reply.

Vice-Chairman

aps.

Coram: Shri Shree Bhagwan,
Vice-Chairman.

Dated : 24/09/2021.

Heard Shri S.N. Gaikwad, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. 27.09.2021** for filing reply.

Vice-Chairman

aps.

O.A. 797/2021 (S.B.)

(I.H. Inamdar Vs. State of Mah. & Ors.)

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

Dated : 24/09/2021.

Heard Shri R.L. Kadu, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. 27.09.2021** for filing reply.

Vice-Chairman

aps.

O.A. 799/2021 (S.B.)

(S.B. Asode Vs. State of Mah. & Ors.)

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

Dated : 24/09/2021.

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

2. **S.O. 27.09.2021.**

Vice-Chairman

aps.

O.A. 836/2021 (S.B.)

(K.C. Chavan Vs. State of Mah. & Ors.)

Coram: Shri Shree Bhagwan,
Vice-Chairman.

Dated : 24/09/2021.

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

2. **S.O. 27.09.2021.**

Vice-Chairman

aps.

O.A. 849/2021 (S.B.)

(K.S. Gade Vs. State of Mah. & Ors.)

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

Dated : 24/09/2021.

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

2. **S.O. 27.09.2021.**

Vice-Chairman

aps.

O.A. 855/2021 (S.B.)

(Dr. P.B. Ganvir Vs. State of Mah. & Ors.)

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

Dated : 24/09/2021.

Heard Shri N.D. Thombre, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. **S.O. 27.09.2021.**

Vice-Chairman

aps.

O.A. 856/2021 (S.B.)

(P.N. Wange Vs. State of Mah. & Ors.)

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

Dated : 24/09/2021.

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

2. **S.O. 27.09.2021.**

Vice-Chairman

aps.

O.A. 857/2021 (S.B.)

(M.D. Wankhede Vs. State of Mah. & Ors.)

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

Dated : 24/09/2021.

Heard Shri C.A. Babrekar, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. **S.O. 27.09.2021.**

Vice-Chairman

aps.

O.A. No.821/2021 (S.B.)

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

Dated : 24/09/2021.

Heard Shri V.R. Borkar, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. **S.O. 27.09.2021.**

Vice-Chairman

aps.

O.A. 839/2021 (S.B.)

(M.B. Atram Vs. State of Mah. & Ors.)

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

Dated : 24/09/2021.

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

2. **S.O. 27.09.2021.**

Vice-Chairman

aps.

O.A. 830/2021 (S.B.)

(N.M. Mankar Vs. State of Mah. & Ors.)

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

Dated : 24/09/2021.

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

2. **S.O. 29.09.2021.**

Vice-Chairman

aps.

O.A. 853/2021 (S.B.)

(R.H. Gupta Vs. State of Mah. & Ors.)

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

Dated : 24/09/2021.

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

2. At the oral request of Id. counsel for the applicant, the respondent no. 2, The Chief Executive Officer, Zilla Parishad, Nagpur is added as a respondent no. 2. Amendment to be carried out forthwith.

3. Issue notice to the respondents, returnable **20.10.2021**. 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.

9. **S.O. 20.10.2021.**

Vice-Chairman

aps.

(S.G. Parkhedkar Vs. State of Mah. & Ors.)

Coram: Shri Shree Bhagwan,
Vice-Chairman.

Dated : 24/09/2021.

Heard Shri V.A. Alone, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. **S.O. 27.09.2021.**

Vice-Chairman

aps.

O.A. 982/2018 (S.B.)

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

Dated : 24/09/2021.

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

S.O. 27.09.2021.

Vice-Chairman

aps.

O.A. 145/2019 (S.B.)

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

Dated : 24/09/2021.

Heard Shri M.R. Khan, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

S.O. 27.09.2021.

Vice-Chairman

aps.

O.A. 691/2020(S.B.)

Coram: Shri Shree Bhagwan,

Vice-Chairman.

Dated : 24/09/2021.

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. The Id. counsel for the applicant has filed Rejoinder. It is taken on record. Copy is served to the other side.

3. **S.O. 08.10.2021.**

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

Vice-Chairman

aps.

O.A. Nos. 545,546,547,548,549,550,551,578 & 579 of 2020 - (S.B.)

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

Dated : 24/09/2021.

Heard Shri S.N. Gaikwad, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. for the respondents.

S.O. 27.09.2021.

Vice-Chairman

aps.