

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

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

Dated :24/12/ 2020.

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

2. The Id. counsel for the applicant submits that he has got certain valid documents day before yesterday and he has already put it in box.

3. **S.O. 04.01.2021 for rehearing.**

Member(J)
Date:-24/12/2020.
aps.

Vice Chairman

O.A.No.1003/2018 (D.B.)

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

Dated :24/12/ 2020.

C.A.No.292/2020:-

Heard Shri S.Pande holding for Shri N.D.Thombre, the Id. Counsel for the applicant, Shri M.I.Khan, the Id. P.O. for the respondent nos. 1 to 5 and Shri P.D.Meghe, the Id. counsel for the respondent no. 6. Await service of R-2 to 6 on C.A. No. 292/2020.

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

Member(J)
Date:-24/12/2020.
aps.

Vice Chairman

O.A.No.686/2020 (D.B.)

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

Dated :24/12/ 2020.

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

2. The Id. P.O. has filed reply on behalf of the respondents. It is taken on record. Copy is supplied 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. 05.01.2021.**

Member(J)
Date:-24/12/2020.
aps.

Vice Chairman

O.A.No.823/2020 (D.B.)

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

Dated :24/12/ 2020.

C.A.No.333/2020:-

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

2. It is contention of the applicant that chargesheet was served on him on 12.07.2017 and till today the disciplinary proceedings is not completed and it is uncertain within how much time it will be completed. It is apprehension of the applicant that the Respondent no. 1 and the D.P.C. would not consider the case of the applicant as provided in G.R. dated 15.12.2017 and keep the case of the applicant in sealed cover.

3. It is submitted that G.R. dated 15.12.2017 is not superseded by the subsequent G.R. dated 01.08.2019 and on the basis of this, it is contented that the D.P.C. shall follow the procedure which is laid down in paragraph 1.9 of the G.R. dated 15.12.2017. It is submission of the Id. P.O. that he be given opportunity to file reply. The Id. counsel for the applicant submitted that there is a strong likelihood of issuing promotions in the 01st week of January, 2021 and in that event great prejudice will cause to the applicant. Our attention is invited to Annexure-A-17, P.B., Pg. No. 82, dated 04.11.2020, it seems that the applicant is in the zone of consideration. In our opinion, if interim direction is

given to the respondents to take decision in case of the applicant, after considering the provisions under paragraph 1.9 of the G.R. dated 15.12.2017, no prejudice will cause either to applicant or respondents, therefore, **C.A. No. 333/2020 for direction is allowed** as per prayer clause no. 2. Unless that decision is taken, the promotion orders should not be issued.

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

5. **Steno copy is granted.**

Member(J)
Date:-24/12/2020.
aps.

Vice Chairman

O.A.No.204/2019 (D.B.)

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

Dated :24/12/ 2020.

C.A.No.101/2019:-

Heard Shri A.C.Dharmadhikari, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State. None for the respondent nos. 1 & 2. None for the respondent no. 2. Shri V.Pandey holding for Shri N.S.Khubalkar, the Id. counsel for the respondent nos. 3 to 127.

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

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

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

5. *Interim relief be continued till next date of hearing.*

Member(J)
Date:-24/12/2020.
aps.

Vice Chairman

O.A.No.436/2020 (D.B.)

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

Dated :24/12/ 2020.

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

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

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

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

5. **S.O. 01st Week of January, 2021.**

Member(J)
Date:-24/12/2020.
aps.

Vice Chairman

O.A.No.631/2020 (D.B.)

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

Dated :24/12/ 2020.

Heard Shri A.V.Muley, the Id. Counsel for the applicant and Shri H.K.Pandey, the Id. P.O. for the respondents.

2. **S.O. four weeks to file reply.**

Member(J)
Date:-24/12/2020.
aps.

Vice Chairman

O.A.No.906/2020 (D.B.)

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

Dated :24/12/ 2020.

C.A.No.348/2020:-

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

2. **C.A.No.348/2020 for Jt. O.A. is allowed.**
3. Issue notice to Respondents, returnable on six weeks. Learned C.P.O. waives notice for R-1. Hamdast allowed.
4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
5. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.
6. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.
7. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week.

Applicant is directed to file Affidavit of compliance and notice.

8. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

9. **S.O. six weeks.**

Member(J)
Date:-24/12/2020.
aps.

Vice Chairman

O.A.No.738/2020 (D.B.)

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

Dated :24/12/ 2020.

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

2. **S.O. four weeks to file reply.**

Member(J)
Date:-24/12/2020.
aps.

Vice Chairman

C.P.36/20inRev.No.23/18inO.A.No.951/17

(D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated :24/12/ 2020.**

Heard Shri N.R.Saboo, the Id. Counsel for the applicant and Shri P.N.Warjukur, the Id. P.O. for the respondents.

2. The Id. P.O. has filed letter received from Under Secretary, Government of Maharashtra dated 23.12.2020. It is submitted that decision is taken to pay the arrears to the applicant and to promote the applicant on the post of Professor with deemed date 04.01.2017. The Id. P.O. further submitted that four weeks time is required to comply the complete order, **S.O. four weeks.**

Member(J)
Date:-24/12/2020.
aps.

Vice Chairman

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

(D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated :24/12/ 2020.**

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

2. At the request of Id. P.O., **S.O. 07.01.2021.**

Member(J)
Date:-24/12/2020.
aps.

Vice Chairman

O.A.No.264/2020 (D.B.)

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

Dated :24/12/ 2020.

Heard Shri P.K.Mishra, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents. None for the respondent no. 4.

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

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

4. The Id. P.O. waives notices for the respondent nos. 1 to 3.

5. **S.O. 05.01.2021.**

Member(J)
Date:-24/12/2020.
aps.

Vice Chairman

O.A.Nos.850&851/2020 (D.B.)

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

Dated :24/12/ 2020.

Heard Shri S.N.Gaikwad holding for Shri R.D.Karode, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. **S.O. 04.01.2021.**

Member(J)
Date:-24/12/2020.
aps.

Vice Chairman

O.A.Nos.909&910/2020 (D.B.)

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

Dated :24/12/ 2020.

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

2. Issue notice to Respondents, returnable on four weeks. Learned C.P.O. waives notice for R-1. 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. four weeks.**

Member(J)
Date:-24/12/2020.
aps.

Vice Chairman

O.A.No.366/2020 (D.B.)

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

Dated :24/12/ 2020.

Heard Shri V.B.Gawali, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents. None for the respondent no. 5.

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

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

4. **S.O. 08.01.2021.**

Member(J)
Date:-24/12/2020.
aps.

Vice Chairman

O.A.No.905/2020 (D.B.)

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

Dated :24/12/ 2020.

Heard Shri A.V.Wankhede, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. The impugned order is at Annexure-A-11, P.B., Pg. No. 28, dated 05.10.2020. By this order the applicant's services is brought on supernumerary post for the period of 11 months and it is without giving hearing to the applicant, therefore, **this order dated 05.10.2020 be stayed till filing of the reply.**

3. Issue notice to Respondents, returnable on six weeks. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

5. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

6. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

7. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

8. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

9. **S.O. six weeks.**

Member(J)
Date:-24/12/2020.
aps.

Vice Chairman

O.A.No.928/2020 (D.B.)

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

Dated :24/12/ 2020.

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

2. Issue notice to Respondents, returnable on six weeks. Learned C.P.O. waives notice for R-1. 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. six weeks.**

Member(J)
Date:-24/12/2020.
aps.

Vice Chairman

C.P.No.20/2020inO.A.No.696/2013 (D.B.)

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

Dated :24/12/ 2020.

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

2. The Id. P.O. submitted that one week time is required to comply the order. **S.O. 05.01.2021.**

Member(J)
Date:-24/12/2020.
aps.

Vice Chairman

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

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

Dated :24/12/ 2020.

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

2. The office is directed to again submit the concerned documents to the Deputy Registrar and Deputy Registrar is directed to allow both the counsels to see the documents.

3. **S.O. 07.01.2021.**

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

Member(J)
Date:-24/12/2020.
aps.

Vice Chairman

O.A.Nos.397&398/2019 (D.B.)

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

Dated :24/12/ 2020.

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents. None for the Intervenor in O.A. No. 398/2019.

2. The Id. counsel for the applicant requested for time. **S.O. in due course.**

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

Member(J)
Date:-24/12/2020.
aps.

Vice Chairman

O.A.No.448/2019 (D.B.)

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

Dated :24/12/ 2020.

None for the applicant. Shri A.M.Khadatkar,
the Id. P.O. for the respondents.

2. **S.O. four weeks.**

Member(J)
Date:-24/12/2020.
aps.

Vice Chairman

O.A.No.785/2019 (D.B.)

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

Dated :24/12/ 2020.

None for the applicant. Shri A.M.Khadatkar,
the Id. P.O. for the respondents.

2. **S.O. four weeks.**

Member(J)
Date:-24/12/2020.
aps.

Vice Chairman

O.A.No.1011/2018 (D.B.)

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

Dated :24/12/ 2020.

C.A.No.349/2020:-

None for the applicant. Shri S.A.Sainis, the Id.
P.O. for the respondents and Shri B.Kulkarni, the Id.
counsel appearing on behalf of the Intervenor.

2. S.O. 05.01.2021.

Member(J)
Date:-24/12/2020.
aps.

Vice Chairman

O.A. No. 592/2019 **(SB)**

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

Dated : 24.12.2020

Shri I.A. Fidvi, Id. counsel holding for Shri M.M. Sudame, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 11/1/2021** along with O.A. 630/2019.

Member (J)

dnk.

O.A. No. 630/2019 **(SB)**

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

Dated : 24.12.2020

Shri I.A. Fidvi, Id. counsel holding for
Shri M.M. Sudame, 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. counsel for the
applicant, **S.O. 11/1/2021** along with O.A.
592/2019.

Member (J)

dnk.

O.A. No. 381/2020 **(SB)**

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

Dated : 24.12.2020

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

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

Member (J)

dnk.

O.A. No. 739/2018 **(SB)**

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

Dated : 24.12.2020

Heard Shri P.D. Meghe, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. four weeks.**

Member (J)

dnk.

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

Dated : 24.12.2020

Heard Shri P.J. Mehta, Id. counsel for the applicants and Shri P.N. Warjurkar, Id. P.O. for the respondents.

At the request of Id. counsel for the applicants, **S.O. three weeks.**

Put up along with O.A.509/2020.

Member (J)

dnk.

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

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

Dated : 24.12.2020

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

The Id. P.O. submitted that he will file reply during the course of day.

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

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

S.O. three weeks.

Put up along with O.A. Nos.402 to 404 of 2020.

Member (J)

dnk.

O.A. No. 867/2020 **(SB)**

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

Dated : 24.12.2020

Heard Shri S.M. Khaire, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

2. It is submitted that the applicant is intending to approach the Competent Authority for the relief, therefore, the applicant is intending to withdraw the O.A. Leave is granted.

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

Steno copy be supplied.

Member (J)

dnk.

O.A. Nos. 440,441,442 & 443 of 2020 **(SB)**

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

Dated : 24.12.2020

Heard Shri S.N. Gaikwad, Id. counsel for the applicants, Shri A.M. Khadatkar, Id. P.O. for R-1 to 4 and Shri G.G. Bade, Id. counsel for R-5 (Intervener).

At the request of Id. counsel for R-5
(Intervener), **S.O. 12/1/2021.**

Member (J)

dnk.

O.A. No. 977/2018 **(SB)**

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

Dated : 24.12.2020

Heard Shri G.G. Bade, Id. counsel for
the applicant and A.M. Khadatkar, Id. P.O. for
the respondents.

The Id. P.O. requested three weeks time
to file reply. Time is granted as prayed for. It is
made clear that on failure to file reply by the

respondents on the next date, the matter would be finally heard.

S.O. three weeks.

Member (J)

dnk.

O.A. No. 09/2020 **(SB)**

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

Dated : 24.12.2020

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

The Id. P.O. requested further time to file reply. Time is granted as prayed for. It is made clear that on failure to file reply by the

respondents on the next date, the matter would be finally heard along with O.A.10/2020.

S.O. 14/1/2021.

Put up along with O.A. 10/2020.

Member (J)

dnk.

O.A. No. 10/2020 **(SB)**

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

Dated : 24.12.2020

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

S.O. 14/1/2021.

Put up along with O.A. 09/2020.

Member (J)

dnk.

O.A. No. 271/2020 **(SB)**

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

Dated : 24.12.2020

C.A. No. 353/2020 -

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

The C.A.No. 353/2020 for amendment is allowed. The applicant to amend the O.A. within two weeks and supply amended copies to the respondents.

O.A. 271/2020 –

S.O. three weeks.

Member (J)

dnk.

O.A. No. 144/2020 (SB)

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

Dated : 24.12.2020

None for the applicant. Shri S.A. Sainis,
Id. P.O. for the respondents.

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

Member (J)

dnk.

O.A. No. 145/2020 (SB)

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

Dated : 24.12.2020

None for the applicant. Shri S.A. Sainis,
Id. P.O. for the respondents.

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

Member (J)

dnk.

O.A. No. 590/2020 **(SB)**

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

Dated : 24.12.2020

Shri Gawali, Id. counsel holding for Shri Gaikwad, Id. counsel for the applicant and shri S.A. Deo, Id. CPO for the respondents.

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

Member (J)

dnk.

O.A. No. 630/2020 **(SB)**

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

Dated : 24.12.2020

Heard Shri Marathe, Id. counsel holding for Shri Y.B. Sharma, Id. counsel for the applicant and Shri A.M. Ghogre, Id. P.O. for the State.

2. The applicant to clarify how the O.A. is within limitation.

3. In the meantime, issue notices 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.

Member (J)

dnk.

O.A. No. 914/2020 (SB)

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

Dated : 24.12.2020

Heard Shri A. Deshmukh, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. Perused the impugned order which is at Annex-A-2. After reading the order, it seems that fresh appointment is given to the applicant on contract for 11 months, therefore, this order cannot be termed as transfer order. Secondly, the applicant is not Government servant as defined in the Service Rules. The applicant is contractual worker and therefore this Tribunal has no jurisdiction to entertain the matter. Accordingly, the O.A. stands disposed of. No order as to costs.

Member (J)

dnk.

O.A. No. 927/2020 (SB)

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

Dated : 24.12.2020

Heard Shri V.B. Gawali, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the State.

2. Issue notices to the respondents returnable **on 13/1/2021**. Learned P.O. waives notice for the 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. 13/1/2021.

Member (J)

dnk.

O.A. No. 571/2020 **(SB)**

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

Dated : 24.12.2020

Ms. Taniya Mutka, Id. counsel holding for Shri J.M. Shamkuwar, Id .counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. three weeks.**

Member (J)

dnk.

O.A. No. 455/2020 (SB)

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

Dated : 24.12.2020

Heard Shri N.R. Saboo, Id .counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1 and Shri Jagtap, Id. counsel along with Shri Marathe, Id. counsel for R-2 to 4.

Closed for orders.

Member (J)

dnk.

O.A. No. 776/2019 **(SB)**

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

Dated : 24.12.2020

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

The applicant has filed pursis that he be permitted to withdraw the O.A.

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

Member (J)

dnk.

**

O.A.No.611/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :24/12/ 2020.

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

2. The Id. P.O. has filed reply on behalf of the respondent no. 1. It is taken on record. Copy is served to the other side.

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

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

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

Vice Chairman

Date:-24/12/2020.
aps.

O.A.No.67/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :24/12/ 2020.

Heard Shri A.B.Bambal, the Id. Counsel for the applicant, Shri V.A.Kulkarni, the Id. P.O. for the respondents and Ms. Dubey holding for Shri M.S.Wakil, the Id. counsel for the respondent no. 4.

2. The Id. counsel for the applicant pointed out that his case is related to compassionate ground appointment. In view of this, **S.O. 18.01.2021 as a last chance.**

Vice Chairman

Date:-24/12/2020.
aps.

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

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :24/12/ 2020.**

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

2. **S.O. four weeks.**

Vice Chairman

Date:-24/12/2020.
aps.

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

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :24/12/ 2020.

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant, Shri A.P.Potnis, the Id. P.O. for the respondents and Shri S.N.Gaikwad, the Id. counsel for the respondent no. 3.

2. The applicant entered into Government service in September, 2013 as a Deputy Engineer and posted at Nagar Parishad, Wani. The applicant's name was recommended through District Selection Committee and applicant possesses qualification B.E. Mechanical. Thereafter, he was transferred at Yavatmal and thereafter in July, 2018 he has joined at Morshi and from that time he is working at Morshi. While working as Deputy Engineer in Municipal Council Morshi a crime was registered vide crime no. 134/2020 under section 7 of the prevention of corruption act, 1988. It is further submitted that though the crime has been registered on 19.03.2020, the applicant continued to work upto 06th May, 2020. Respondent no. 2 has issued an order of suspension, the applicant was not put behind the bar and the reasons assigned is that since the crime has been registered against the applicant and an order of suspension has been issued there is no need to put the applicant behind the bar. The applicant was put under suspension vide order dated 06.05.2020 (Annexure-A-2, Pg. No. 17) by respondent no. 2 aggrieved with this order applicant has approached to this Tribunal. The matter was

heard on 02.11.2020 and specific directions were given to file reply and in para no. 2 following observations were made:-

"The Id. counsel for the applicant pointed out order dated 06.05.2020 (Annexure-A-2, P.B., Pg. No. 17) by which applicant was suspended, chargesheet was served on 01.07.2020; charges are on P.B., Pg. No. 22; chargesheet has been served within 90 days of the suspension order. The Id. counsel for the applicant has pointed out letter dated 28.08.2020 (P.B., Pg. No. 27-A) in the last line of this letter i.e. on P.B., Pg. No. 27-C, it is mentioned that enquiry should be completed within 30 days. Applicant is aggrieved with the order of continuation of suspension order dated 06.05.2020. The Id. counsel for the applicant submits that without continuing the suspension; enquiry can be completed as per the Hon'ble Apex Court Judgment in Civil Appeal No. 8427-8248 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 I.P.S. and Anr. delivered on 21.08.2018."

3. Again matter was heard on 07.12.2020 and in para no. 4 following observations were made:-

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

4. Again matter was heard on 21.12.2020 and no reply was filed by respondent no. 2. Again matter is today on board and reply has not been filed by respondent no. 2. Hence, it is clear that, the respondent no. 2 has not cared to file reply or justify

order dated 06.05.2020. Regarding protracted suspension period various Judgments of Hon'ble Apex Court and Hon'ble High Court have settled principle to regarding this situation, these Judgments are 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.

5. In view of discussions in above paras, the order dated 06.05.2020 is required to be quashed and set aside with immediate effect. Hence, following order:-

ORDER

1. The O.A. is allowed. In terms of clause 8 (1) and (2).
2. The order dated 06.05.2020 (Annexure-A-2, Pg. No. 17) is quashed and set aside with immediate effect.
3. The applicant should be paid full salary for the period for which he has been kept under suspension.
4. The above order be complied within four weeks from the date of this order.
5. No order as to costs.

Date:-24/12/2020.
aps.

Vice Chairman

O.A.No.797/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :24/12/ 2020.

Heard Shri B.B.Pantawane, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the State. Await service of respondent no. 2 to 4.

2. The Id. Counsel for the applicant submits that he will serve the notices i.e. R-2 & 4 within fifteen days. **S.O. after three weeks.**

Vice Chairman

Date:-24/12/2020.
aps.

O.A.No.1000/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :24/12/ 2020.

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

2. The Id. counsel for the applicant submits that his applicant is a retired person. At the request of Id. P.O., S.O. three weeks to file reply as a last chance. If reply is not filed till next date, the matter be heard on merit.

3. **S.O. 19.01.2021.**

Vice Chairman

Date:-24/12/2020.
aps.

O.A.No.164/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :24/12/ 2020.**

None for the applicant. Shri V.A.Kulkarni,
the Id. P.O. for the respondents.

2. **S.O. four weeks.**

Vice Chairman

Date:-24/12/2020.
aps.

O.A.No.540/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :24/12/ 2020.

Heard Shri P.S.Wathore, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents. Await service of respondent nos. 3 & 6.

2. The Id. P.O. has filed reply. It is taken on record. Copy is served to the other side.

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

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

5. The Id. counsel for the applicant pointed out that applicant has not been paid subsistence allowance from the date of suspension i.e. 13.07.2020. Respondents are directed to pay subsistence allowance of suspension period with immediate effect, if not paid as per condition laid down in suspension order.

6. **S.O. 08.01.2021.**

7. **Steno copy is granted.**

Vice Chairman

Date:-24/12/2020.

aps.

O.A.No.552/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :24/12/ 2020.**

Heard Shri G.Sengar, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

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

Vice Chairman

Date:-24/12/2020.
aps.

O.A.No.640/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :24/12/ 2020.

Heard Shri R.M.Fating, 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 submits that the proposal of applicant has been recommended by respondent no. 2 to respondent no. 1 on 14.12.2015 (Annexure-A-20, P.B., Pg. No. 59). Since, respondent no. 2 has recommended the name of the applicant, Respondent no. 1 is directed to decide the proposal by respondent no. 2 dated 14.12.2015 **within four weeks** and file reply before the Tribunal.

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

Date:-24/12/2020.
aps.

Vice Chairman

O.A.No.660/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :24/12/ 2020.

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

2. The Id. C.P.O. pointed out that applicant is challenging communication dated 11.02.2019. In view of this, the Id. counsel for the applicant is directed to file C.A. for condonation of delay. The Id. counsel for the applicant further submits that he want to file certain documents.

3. **S.O. 19.01.2021.**

Vice Chairman

Date:-24/12/2020.
aps.

O.A.Nos.588,662&679/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :24/12/ 2020.

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

2. The Id. counsel for the applicant submits that the matter is related to Assistant Sub Inspector Wireless and their grievances are regarding payments of Assured Progressive Scheme. The Id. P.O. desires time. The Id. Counsel for the applicant is directed that in all the matters he should file details of the applicants regarding their Joining, D.O.B., and day at which they completed 45 years.

3. **S.O. 02nd week of January, 2021.**

Vice Chairman

Date:-24/12/2020.
aps.

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

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :24/12/ 2020.

Heard Shri G.G.Bade, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State. Await service of respondent nos. 2 to 6.

2. The Id. counsel for the applicant is directed to serve notices. **S.O. 12.01.2021.**

Vice Chairman

Date:-24/12/2020.
aps.

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

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :24/12/ 2020.

None for the applicant. Shri A.M.Khadatkar,
the Id. P.O. for the respondents.

2. The Id. P.O. has filed reply on behalf of the
respondent nos. 2. It is taken on record. He further
submits that he will serve the copy to the other side.

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

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

5. **S.O. two weeks.**

Vice Chairman

Date:-24/12/2020.
aps.

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

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :24/12/ 2020.

Heard Shri S.M.Khan holding for Shri N.R.Saboo, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State.

2. Issue notice to Respondents, returnable on three weeks. Learned P.O. waives notice for R-1. 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. three weeks.**

Vice Chairman

Date:-24/12/2020.
aps.

O.A.No.731/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :24/12/ 2020.**

None for the applicant. Shri P.N.Warjekar,
the Id. P.O. for the respondents.

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

Vice Chairman

Date:-24/12/2020.
aps.

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

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :24/12/ 2020.**

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

2. At the request of Id. P.O., **S.O. 18.01.2021.**

Vice Chairman

Date:-24/12/2020.
aps.

O.A.No.101/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :24/12/ 2020.

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

2. The Id. counsel for the applicant desires to take some instructions from the applicant, **S.O. 15.01.2021.**

Vice Chairman

Date:-24/12/2020.
aps.

O.A.Nos.836&837/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :24/12/ 2020.

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

2. The Id. P.O. has filed chart related to Tribal Development and Social Welfare department as directed in order dated 14.01.2020. It is taken on record. Copy is served to the other side.

3. **S.O. two weeks.**

Vice Chairman

Date:-24/12/2020.
aps.

O.A.No.837/2017 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :24/12/ 2020.**

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

2.

Vice Chairman

Date:-24/12/2020.
aps.

O.A.No.309/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :24/12/ 2020.

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

2. The Id. P.O. has pointed out original order on P.B., Pg. No. 59 in this original application. The proposal is on P.B., Pg. No. 90 dated 16.06.2015, where it is mentioned that from 01.04.1991 to 31.10.1991 i.e. 161 days only applicant has worked during 01.04.1991 to 31.04.1991. Hence, he does not fulfil criteria of 240 days in this year as stipulated in G.R.. Based on this fact, decision has been communicated by Annexure-A-14 by Government of Maharashtra. However, the Id. counsel for the applicant desires to point out certain points at the next date.

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

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

Vice Chairman

Date:-24/12/2020.

aps.