

O.A.No.239/2019 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 26/10/2020.

M.C.A.Nos.37&38/2020:-

Heard Shri P.S.Wathore, the Id. Counsel for the applicant, Shri S.A.Sainis, the Id. P.O. for the respondent nos. 1 & 2 and Shri B.J.Lonare, the Id. counsel for the respondent no. 5. None for the respondent no. 8.

2. The Id. counsel for the applicant has filed M.C.A. No. 37/2020; as per prayer in M.C.A. in order dated 21.01.2020 in para no. 2 after R-1, R-2 should also be added. **Therefore, M.C.A. No. 37/2020 for speaking to minutes is allowed and disposed of;** necessary corrections be made. **M.C.A. No. 38/2020 for condonation of delay is also allowed and disposed of.**

3. **Steno copy is granted.**

Vice Chairman

Date:-26/10/2020.
aps.

O.A.No.315/2016 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 26/10/2020.

C.A.No.266/2020:-

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

2. It appears that another round of litigation has taken place in this case and Id. counsel for the applicant has not filed Judgment of this Tribunal in previous O.A. on record and he is asking relief in the present O.A. In the interest of Justice, it is necessary to see previous order of Tribunal. The Id. counsel for the applicant is directed to file the previous Tribunal order copy on record and supply the copy to the Id. P.O..

3. **S.O. 29.10.2020.**

Vice Chairman

Date:-26/10/2020.
aps.

O.A.No.684/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 26/10/2020.

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

2. The issue involved is about G.R. dated 07.08.2012 of Government of Maharashtra. The applicant has made a representation to Deputy Director, Health Services, Akola. The Respondent no. 3 i.e. Deputy Director, Health Services, Akola is directed to decide the representation of the applicant **dated 18.09.2020 (Annexure-A-5, P.B., Pg. No. 20) within thirty days from the date of this order.**

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

Date:-26/10/2020.
aps.

Vice Chairman

O.A.No. 685/2020 (D.B.)

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 26/10/2020.

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

2. The issue involved is about G.R. dated 07.08.2012 of Government of Maharashtra. The applicant has made a representation to Deputy Director, Health Services, Akola. The Respondent no. 3 i.e. Deputy Director, Health Services, Akola is directed to decide the representation of the applicant **dated 22.09.2020 (Annexure-A-5, P.B., Pg. No. 34) within thirty days from the date of this order.**

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

Vice Chairman

Date:-26/10/2020.
aps.

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

Coram : Shri Shree Bhagwan, Vice Chairman
Dated : 26/10/ 2020.

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

2. As submitted by Id. counsel for the applicant, applicant's date of birth is 20.08.1957. The applicant stood retired on 31.08.2015. As per the submission New Sub Division Mauda was created on 15.08.2013 in Nagpur District and applicant was posted there and took charge on 15.08.2013. Subsequently, chargesheet has been served to the applicant on 14.08.2019 (Annexure-A-8, P.B., Pg. No. 49). As per P.B., Pg. No. 51 of the chargesheet irregularities about the funds is mentioned and these funds were made available, admittedly between 25.01.2012 to 30.03.2013 (as per P.B., Pg. No. 51). Respondents have submitted that applicant was in charge of Mauda from 15.08.2013 to 31.08.2015. Subsequently, Enquiry Officer and Presenting Officer were pointed vide G.O.M., G.R. dated 24.10.2019 (Annexure-A-11, P.B., Pg. No. 59) and Enquiry Officer has initiated enquiry vide his letter dated 08.09.2020 (Annexure-A-14, P.B., Pg. No. 13). By this letter dated 08.09.2020, first time enquiry has been initiated when chargesheet were served on 14.08.2019.

3. As per the **Hon'ble Apex Court Judgment in Prem Nath Bali Vs. Reg., High Court of Delhi & Another on 16.12.2015**, the enquiry should have been finished within six months and in any case within one year after serving chargesheet i.e. on 14.08.2019. The first letter dated is 08.09.2020; this itself violates the order of Hon'ble Apex Court.

4. In the said case, the Hon'ble Apex Court in its para no. 33 has observed as follows:-

*'Keeping these factors in mind, we are of the considered opinion that every employer (whether state or private) must make sincere endeavor to conclude the departmental inquiry proceedings once initiated against the delinquent employee within a reasonable time by giving priority to such proceedings and as far as possible it should be **concluded within six months** as an outer limit. Where it is not possible for the employer to conclude due to certain unavoidable causes arising in the proceedings within the time frame then efforts should be made to conclude within reasonably extended period depending upon the cause and the nature of inquiry **but not more than a year.**'*

5. Issue notice to Respondents, returnable on four weeks. Learned P.O. waives notice for R-1. 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. As agreed by both the counsels, **S.O. 18.11.2020.**

11. **Steno copy is granted.**

Vice Chairman

Date:-26/10/2020.

aps.

O.A.No.683/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/10/ 2020.

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

2. The Id. P.O. submits that the file is not treasable in his office. As per his request, matter is **admitted** and kept for final hearing.

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

4. Meanwhile, if he gets the file, the reply should be file before next hearing.

5. **S.O. last week of November.**

Vice Chairman

Date:-26/10/2020.

aps.

O.A.No.412/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/10/ 2020.

Heard Shri P.B.Patil and Shri D.M.Surjuse, the Id. Counsels for the applicant and Shri , 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. 19.11.2020.**

6. **I.R. prayed in para no. 10-A on P.B., Pg. No. 11 of the O.A. is granted till hearing on 19.11.2020.**

Vice Chairman

Date:-26/10/2020.
aps.

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

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/10/ 2020.

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

2. The matter pertains to Deem Date of Promotion and Pay Fixation. The Id. P.O. is directed to file reply before vacation and supply the copy of the same to the Id. counsel for the applicant.

3. **S.O. 19.11.2020.**

Vice Chairman

Date:-26/10/2020.
aps.

O.A.No.583/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/10/ 2020.**

None for the applicant. Shri V.A.Kulkarni, the
Id. P.O. for the State. Await service of R-2.

2. **S.O. six weeks.**

Vice Chairman

Date:-26/10/2020.
aps.

O.A.No.631/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/10/ 2020.

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

2. A detailed order was passed by this Tribunal on 10.02.2020 and in para nos. 3 and 4 following observations were made:-

*"3. As pointed out by Id. P.O., as per the G.R. dated 27/01/2020, departmental enquiry was started on applicant from 15.03.2012, which is yet not finished. In view of this, respondents are directed to complete the D.E. **within three months** from the date of this order. As submitted by Id. counsel for the applicant, the applicant has submitted his final reply to the D.E. on 05.12.2018 which is still pending with the respondents for decision.*

4. The Id. counsel for the applicant is directed to file the above same reply on record and supply the copy of the same to the Id. P.O.. In view of this, respondents are directed that since respondents have already taken more than one year in deciding the matter. They are directed to take decision on the D.E. started on 15.03.2012."

3. In the above para i.e. in para no. 3, it is specifically mentioned that complete the D.E. within three months that means respondents were bound

to complete the D.E.. by 10.05.2020 which was started on 15.03.2012 after the order of Tribunal on 10.02.2020. However, till today it seems that it is yet not completed.

4. The Id. counsel for the applicant submitted that final show cause notice has already been issued, reply has been submitted. Now, the applicant is only awaiting for final order.

5. The Id. P.O. is directed to take instruction on or before 29.10.2020. **If till next hearing, final order is not passed in the D.E., the D.E. will be quashed.**

6. **S.O. 29.10.2020.**

7. **Steno copy is granted.**

Vice Chairman

Date:-26/10/2020.
aps.

O.A.No.876/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/10/ 2020.**

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

2. As per the request of Id. P.O., matter is
admitted and kept for final hearing.

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

4. **S.O. in due course.**

Vice Chairman

Date:-26/10/2020.
aps.

O.A.No.98/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/10/ 2020.

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

2. As per order sheet dated 13.03.2020, the Id. counsel for the applicant submits that he has filed C.A. for condonation of delay. However, office has failed to place on record. Hence, office is directed to place on record and matter be kept on 29.10.2020.

3. **S.O. 29.10.2020.**

Vice Chairman

Date:-26/10/2020.
aps.

O.A.No.268/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/10/ 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. has filed reply on behalf of the respondent nos. 2, 3 & 4. It is taken on record. Copy is served to the other side. He further submits that it will suffice the purpose of other respondents.

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

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

5. **S.O. 23.11.2020.**

Vice Chairman

Date:-26/10/2020.
aps.

O.A.No.485/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/10/ 2020.

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. P.O. has filed reply on behalf of the respondent no. 2. It is taken on record. Copy is served to the other side. He further submits that it will suffice the purpose of other respondents.

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

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

5. As pointed out by Id. counsel for the applicant, since the order has been passed by R.D.C. on behalf of the Collector; the Id. counsel for the applicant desires to add Collector as a Respondents. He is permitted to do the same amendment. The Id. counsel for the applicant is further directed to supply the copy of amended portion to the Id. P.O..

6. **S.O. 19.11.2020.**

Vice Chairman

Date:-26/10/2020.
aps.

O.A.Nos.17,18,19&20/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/10/ 2020.

Heard Shri N.R.Saboo, the Id. Counsel for the applicant and Shri A.M.Ghogre, 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. After Diwali Vacation.**

Vice Chairman

Date:-26/10/2020.
aps.

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

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/10/ 2020.

Heard Shri S.N.Gaikwad 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. At the request of Id. counsel for the applicant, **S.O. 26.11.2020.**

Vice Chairman

Date:-26/10/2020.
aps.

O.A.No.369/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/10/ 2020.

Heard Shri B.J.Lonare, the Id. Counsel for the applicant and Shri A.M.Ghogre, 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. After Diwali Vacation.**

Vice Chairman

Date:-26/10/2020.

aps.

O.A.Nos.545,546,547,548,549,550,551,578

&579/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/10/ 2020.

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

2. It seems that on board at subject column in front of O.A. No. 545/2020 it is written "Recovery" but it is the matter of "Regularization". Office is directed to make the necessary correction and also directed not to make such mistake in future.

3. As submitted by Id. P.O. for filing reply, **S.O. 26.11.2020.**

Vice Chairman

Date:-26/10/2020.
aps.

O.A.No.536/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/10/ 2020.**

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

2. At the request of Id. P.O., **S.O. 26.11.2020.**

Vice Chairman

Date:-26/10/2020.

aps.

O.A.No.639/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/10/ 2020.

Heard Shri S.N.Gaikwad holding for Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri A.M.Ghogre, 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. 23.11.2020.**

Vice Chairman

Date:-26/10/2020.
aps.

O.A.No.681/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/10/ 2020.

Heard Shri Vishal Anand, 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. six weeks.**

Vice Chairman

Date:-26/10/2020.

aps.

O.A.No.682/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/10/ 2020.

None for the applicant. Shri S.A.Deo, the Id.
C.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.**

Vice Chairman

Date:-26/10/2020.

aps.

O.A.No.683/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/10/ 2020.

Heard Shri S.N.Gaikwad holding for Shri V.B.Gawali, 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 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.**

Vice Chairman

Date:-26/10/2020.

aps.

O.A.No.680/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/10/ 2020.

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

2. It is the case were Income Tax recovery has not been paid by concerned Clerk and Deputy Superintending Engineer who was controller of the Clerk. Now the straight recovery has been made from the applicant.

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.**

Vice Chairman

Date:-26/10/2020.

aps.

O.A.No.702/2016 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/10/ 2020.**

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

2. **S.O. 29.10.2020.**

Vice Chairman

Date:-26/10/2020.

aps.

O.A.No.924/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/10/ 2020.

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

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

Vice Chairman

Date:-26/10/2020.
aps.

O.A.No.964/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/10/ 2020.

Heard Shri S.P.Palshikar, 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 pointed out observations of enquiry on P.B., Pg. No. 36, point no. 10 which are below:-

nk'sk'k'ki dz1 & v'yhy dR; I k'k'u brj Hk'x fl) gk's'ks

nk'sk'k'ki dz2 & v'yhy 'k'cn m'p'k'j.; k'p'h'c'k'c I k'k'u fl) gk's'ks

The above two statements are made by Enquiry Officer.

3. The Id. P.O. submits that the applicant found in a drunken condition in the school but whether related documents to proof such charges were found in report?

4. In view of this, the Id. P.O. is directed to call whole Enquiry Report through Additional Tribal Commissioner, Nagpur and submit it to the Deputy Registrar Chamber. In presence of Id. counsel, Id. P.O. the Enquiry Report should be opened and they together should examine the documents that whether is there any charges is found?

5. **S.O. 19.11.2020.**

6. **Steno copy is granted.**

7. Matter is treated as P.H.

Date:-26/10/2020.
aps.

Vice Chairman

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

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/10/ 2020.**

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

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

Vice Chairman

Date:-26/10/2020.
aps.

O.A.No.411/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/10/ 2020.**

Shri N.R.Saboo, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. 19.11.2020.**

Vice Chairman

Date:-26/10/2020.

aps.

O.A.No.642/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/10/ 2020.**

Shri S.S.Chavhan, 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. 02.11.2020.**

Vice Chairman

Date:-26/10/2020.

aps.

O.A.No.14/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/10/ 2020.

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

2. The father of the applicant was working on Supernumerary post as a Van-Mazoor and after the death of the applicant his son applied vide his application dated 05.11.2009 (Annexure-A-3, P.B., Pg. No. 20) to Respondent no. 4 which was rejected by Respondent no. 3 vide letter dated 06.11.2009. Applicant is aggrieved with this letter dated 06.11.2009, applicant has approached to this Tribunal. The Id. counsel for the applicant has pointed out G.R. dated 10.07.2009 (Annexure-A-7, P.B., Pg. No. 26) by which it seems that employees working on supernumerary posts were given benefits of appointment on compassionate ground. The Id. counsel for the applicant submits that applicant's representation was rejected on 06.11.2009 and at that time the G.O.M., G.R. dated 10.07.2009 was in existence.

3. In view of these circumstances, Respondent nos. 3 and 4 were **directed to decide the applicant's representation dated 05.11.2009 (Annexure-A-3, P.B., Pg. No. 20) within four weeks from the date of this order as per the existing rules and regulations.** Since, applicant had

first applied vide his application dated 05.11.2009. Hence, delay till today be condoned. The delay is not due to applicant's fault of not approaching to concerned authorities but delay is due to procedure in the Department. Even if applicant has submitted any further application after his first application i.e. 05.11.2009 his claim started since 05.11.2009. Hence, while taking any decision on subsequent application also his claim mentioned in his application dated 05.11.2009 should be taken into account rather than citing delay as a cause. It is crystal clear that when applicant submitted his first application i.e. 05.11.2009 the G.R. dated 10.07.2009 was already in existence.

4. In view of discussions in above paras, it is required to pass following order:-

ORDER

- A. The Respondents are directed to consider applicant's case as per his application dated 05.11.2009 according to G.R. dated 10.07.2009 without citing any delay.
- B. The order be complied within thirty days from the date of this order.
- C. With the above directions, **O.A. is disposed of with no order as to costs.**

Vice Chairman

Date:-26/10/2020.
aps.

O.A.No.345/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/10/ 2020.**

Shri S.P.Palshikar, 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. 05.11.2020.**

Vice Chairman

Date:-26/10/2020.

aps.

O.A.No.277/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/10/ 2020.

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

2. The applicant was placed under suspension vide order dated 18.05.2020 (Annexure-A-1, P.B., Pg. No. 18) and it is with effect from 07.02.2020. Since, applicant was trapped under A.C.B., Act, 1988 (Amendment Act, 2018) Section 7. Though chargsheet was served on 10.07.2020 (Annexure-R-V, P.B., Pg. No. 85). The Id. counsel for the applicant submits that the effect of suspension was given from 07.02.2020.

3. In view of these circumstances, applicant is squarely covered under the Hon'ble Apex Court Judgment and the Id. counsel for the applicant has mainly relied on the observations made by the Hon'ble Apex Court in its Judgment which is below:-

"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."

4. The last line of above para no. 3 squarely covers the present O.A..

5. **Closed for orders.**

Vice Chairman

Date:-26/10/2020.

aps.

O.A.134/19withC.A.162/20withO.A.135/19

withO.A.136/19withO.A.137/19 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/10/ 2020.

Shri N.R.Saboo, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. At the request of Id. counsel for the applicant to file certain Judgment on record, **S.O. 29.10.2020.**

Vice Chairman

Date:-26/10/2020.
aps.

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/10/ 2020.**

Shri R.L.Kadu, 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 has mainly relied on Special I.G. Amravati letter dated 02.04.2018 in the last para following observations has been made, which is below:-

vtzhkj ; kpsdVpkrhy dkskhgh 0; Drh 'kkl dh; I or ul Y; kusrsvuaplak rRokojhy ykHk ?s; kl ik= Bjrkr- r0gk i ksyhl v/kh{kd ; kauk fourrh dj.; kr ; rs dh] vtzhkj Jh- 'hruq fockl [kksn] jk- ukmjik ; kps uk0 vuaplak i fr{kk l phoj ?s; kr ; ou tsBri ek.k.s.R; kauk 'kkl dh; I or l keloq ?; kos ; k i dj .kh dj.; kr vkyY; k dk; bkghekr vtzhkjkl o ; k dk; ky; kl l Roj dGfo.; kr ; kos

3. The Id. P.O. submits that written documents are required by the Department which applicant is required to fulfil. The Id. counsel for the applicant has also pointed out G.R. dated 21.09.2017 (Annexure-A-21, P.B., Pg. No. 92). In this G.R. at Pg. No. 101 para no. (b) which reads as follow:-

b- tki ; r vuaplak fu; fDrhdjhrk vko'; d vl ysyh l oZ dlxni =smenokj kadMu i klr ghr ukghr rki ; r R; kpsuko i rh{kkl phe/; s l ekfo"V djrjk ; skkj ukgh- T; kfno'kh l a wZ dlxni =s i klr gkrhy R; kfno'khp R; kpsuko i fr{kk l phe/; sl ekfo"V djkos ¼' kkl u i fji =d fn- 05-02-2010½-

4. In view of these circumstances, **Respondent no. 3 is directed to consider the applicant's case**

on compassionate appointment as per directions of G.A.D., G.R. dated 21.09.2017 (Annexure-A-21, P.B., Pg. No. 92).

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

Vice Chairman

Date:-26/10/2020.

aps.

O.A.No.835/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/10/ 2020.

Shri R.M.Fating, the Id. counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. It seems that paging in the O.A. is not properly done. Hence, the Id. P.O., Id. counsel for the applicant as well as office are directed to do the proper paging.

3. **S.O. 29.10.2020.**

Vice Chairman

Date:-26/10/2020.
aps.

O.A.No.444/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/10/ 2020.

Shri P.J.Mehta, the Id. counsel for the applicant and Shri A.M.Khadtkar, the Id. P.O. for the respondents.

2. The respondents have filed their reply and in its reply at P.B., Pg. No. 66, para no. 23 following observations were made:-

"It is submitted that, the applicant has been working at Akola location for more than 6 years in the State Tax Officer cadre and State Tax Inspector cadre. Hence, the applicant was due for change in location as per the State GST Department's internal criterion. It is also submitted that the applicant is working at the current post since 29.12.2016 and has completed 03 years 05 month on the said post. Hence the applicant's transfer can't be said to be mid-term transfer. Thus, Applicant's prayer to interim stay/ stay is vehemently opposed."

3. The Id. counsel for the applicant submits that applicant should not have been transferred out of Division. Respondents were also submitted in para no. 17, P.B., Pg. No. 63 and 64 which are as below:-

"It is submitted that, the applicant and her husband have been working at Akola location for almost more than 8 years. Since the applicant was considered due

for transfer and the fact that she has completed more than 6 years at Akola location, she was transferred as per convenience of administration to other location (Jalgaon). It is further submitted that, the applicant has been working at Akola location for more than 6 years in the State Tax Officer cadre and State Tax Inspector cadre. Hence, the applicant was due for change in location as per the State GST Department's internal criterion. Hence, the criteria of " Husband wife" together as mentioned by the applicant could not be considered. When the applicant will be due for transfer next time, she can be posted at the location of her spouse depending on availability of vacancy at such location."

4. It is submitted by Id. P.O. that as per reply in para no. 17, P.B., Pg. No. 63, both husband and wife have been working at the same place for more than 8 years. As per G.R. posting husband and wife together is not mandatory. Department will try to post them together if possible, and if vacancy exists and as per requirement of work. It is not mandatory or obligatory on the part of department that husband and wife who are working should be always posted at same place of work.

5. In view of discussions in above paras; the O.A. requires to be dismissed at this stage only. Hence the order:-

ORDER

O.A. is dismissed with no order as to costs.

Vice Chairman

Date:-26/10/2020.
aps.