

**R.A 20/2019 in O.A Nos 2 & 3/2013 (D.B.)**

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

**Dated : 27.8.2019**

Heard Shri, S.D. Gawai, Ld. Counsel for the applicant and Shri S.A Sainis Ld. P.O. for the respondents.

Review application is admitted. Kept for final hearing on 9.9.2019.

**Member(J)**  
(akn)

**Vice Chairman**

**C.A 129/2019 in O.A.No. 16/2019 (D.B.)**

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

**Dated : 27.8.2019**

None for the applicant and heard Shri A.P  
Potnis, Ld. P.O. for the respondents no. 2.

2. Respondent no. 3 is yet not served. Learned  
P.O requested two weeks time to file reply on behalf  
of Respondents no 1 & 2.

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

**Member(J)**  
(akn)

**Vice Chairman**

**O.A 64/2019 with O.A 65/2019 (D.B.)**

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

**Dated : 27.8.2019**

**C.A 158/2019 and C.A 159/2019**

Heard Shri, D.M Kakani, Ld. Counsel for the applicant and Shri A.M Khadatkar, Ld. P.O. for the respondents.

It is submitted that the O.A is filed within limitation and in that there is no delay caused in filing the application.

In view of the above both the Civil Applications seeking condonation of delay is disposed of.

**Member(J)**  
(akn)

**Vice Chairman**

**O.A 64/2019 with O.A 65/2019 (D.B.)**

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

**Dated : 27.8.2019**

Heard Shri, D.M Kakani, Ld. Counsel for the applicant and Shri A.M Khadatkar, Ld. P.O. for the respondents.

2. Ld. P.O states that he has filed reply in O.A 64/2019 and the same is taken on record.

3. Ld P.O further states that he will file reply of all the Respondents in O.A 65/2019 during the course of the day.

4. Matters are admitted. Place for final hearing in due course.

**Member(J)**  
(akn)

**Vice Chairman**

**O.A.No. 356/2019(D.B.)**

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

**Dated : 27.8.2019**

Heard Ms R.V Kukday, holding for Shri S.P Palshikar, Ld. Counsel for the applicant and Shri A.M Ghogre, Ld. P.O. for the respondents.

2. Learned P.O states that it is not necessary to file separate reply on behalf of Respondent no. 1.

3. Matter is admitted. To come up for final hearing in due course.

**Member(J)**  
(akn)

**Vice Chairman**

**O.A.No. 453/2019(D.B.)**

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

**Dated : 27.8.2019**

Heard Shri, D.R Bhojar, Ld. Counsel for the applicant and Shri Shrikant Deo, Ld. C.P.O. for the respondents.

2. Learned C.P.O appearing for all the Respondents submitted that three weeks time may be granted for filing reply.

3. **S.O three weeks.**

**Member(J)**  
(akn)

**Vice Chairman**

**O.A.No. 579/2019 (D.B.)**

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

**Dated : 27.8.2019**

Heard Shri S.M Bhagde, Ld. Counsel for the applicant and Shri A.P Potnis, Ld. P.O. for the respondents.

2. Learned advocate for the applicant submitted that in prayer clause date 8.8.20217 is written. It should have been 20.7.2016.

3. In the interest of justice, permission is granted to rectify the mistake which is repeated throughout the application.

4. Learned C.P.O requests for two weeks time for filing reply.

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

**Member(J)**  
(akn)

**Vice Chairman**

**O.A.No. 586/2019(D.B.)**

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

**Dated : 27.8.2019**

Heard Ms R.V Kukday, learned counsel for the applicant and Shri Shrikant Deo, Ld. C.P.O. for the respondents.

2. Learned C.P.O submits that three weeks time is required to file reply on behalf of the Respondents.

3. **S.O three weeks.**

**Member(J)**  
(akn)

**Vice Chairman**



**O.A.No. 590/19 with 591/2019 (D.B.)**

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

**Dated : 27.8.2019**

Heard Shri, S.N Gaikwad, learned counsel for the applicants and Shri A.M Ghogre with Shri A.P Potnis, Ld. P.O. for the respondents.

2. Learned Counsel for the applicants submits that one weeks' time may be granted to file service affidavit.

3. **S.O one week.**

**Member(J)**  
(akn)

**Vice Chairman**

O.A.No. 667/2019[C] (D.B.)

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

**Dated : 27.8.2019**

Heard Shri, S.S Ghate, learned counsel for the applicant and Shri Shrikant Deo, Ld. C.P.O. for the respondents.

2. Issue notice to the Respondents returnable after three weeks.

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.**

**Member(J)**  
(akn)

**Vice Chairman**

**O.A.No. 668/2019[C] (D.B.)**

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

**Dated : 27.8.2019**

Heard Shri, S.S Ghate, learned counsel for the applicant and Shri Shrikant Deo, Ld. C.P.O. for the respondents.

2. Issue notice to the Respondents returnable after three weeks.

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.**

**Member(J)**  
(akn)

**Vice Chairman**

**O.A.No. 436/2017(D.B.)**

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

**Dated : 27.8.2019**

Heard Ms M. Chandurkar, learned counsel for the applicant and Shri A.M Ghogre, Ld. P.O. for the respondents.

2. Place the matter for final hearing on 29.8.2019.

**Member(J)**  
(akn)

**Vice Chairman**

**O.A.No. 720/2018(D.B.)**

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

**Dated : 27.8.2019**

Heard Shri, S.K Verma, learned counsel  
for the applicant and Shri P.N Warjurkar, Ld. P.O. for  
the respondents.

2. Learned P.O request for three weeks time.
3. **S.O three weeks.**

**Member(J)**  
(akn)

**Vice Chairman**

**O.A.No. 455/2013 (D.B.)**

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

**Dated : 27.8.2019**

Heard Shri, S. Khandekar, learned counsel  
for the applicant and Shri A.M Ghogre, Ld. P.O. for  
the respondents.

2. **S.O two weeks.**

**Member(J)**  
(akn)

**Vice Chairman**

**O.A.No. 581/2017 (C) (D.B.)**

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

**Dated : 27.8.2019**

Heard Shri, N.R Saboo, learned counsel for the applicant and Shri V.A Kulkarni, Ld. P.O. for the respondents.

2. At the request of learned P.O, matter is kept on 28.8.2019.

**Member(J)**  
(akn)

**Vice Chairman**

**C.A 41/2018 in O.A. St. no. 307/2018 (D.B.)**

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

**Dated : 27.8.2019**

Heard Shri, N.R Saboo, learned counsel  
for the applicant and Shri V.A Kulkarni, Ld. P.O. for  
the respondents.

2. **S.O two weeks.**

**Member(J)**  
(akn)

**Vice Chairman**



**O.A.No. 749/2013(D.B.)**

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

**Dated : 27.8.2019**

Heard Shri, V.R Thote, learned counsel  
for the applicant and Shri V.A Kulkarni, Ld. P.O. for  
the respondents.

2. S.O two weeks.

**Member(J)**  
(akn)

**Vice Chairman**

**O.A.No. 400/2018(D.B.)**

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

**Dated : 27.8.2019**

None for the applicant and heard Shri S.A Sainis, Ld. P.O. for the respondents.

2. The matter is Part Heard. Today applicant and counsel for the applicant are absent. No one was present for the applicant on last two occasions.

3. It is submitted by the learned P.O that the charge sheet was issued on 24.4.2018 and as per Section 27(6) of the Maharashtra Civil Services (Pension) Rules, 1982, the Departmental Proceedings is deemed to have been instituted against the applicant on the date of issuance of the charge sheet. It is submitted that the applicant was on duty on 24.4.2018, but any how he was successful in managing to avoid of service of charge sheet and ultimately it was served on him after his retirement on 7.5.2018.

4. It is contended by the applicant that the charge sheet is prepared back dated. But there is no material on record to support this contention.

5. In view of the above, we do not seen any merit in the applicant. Hence it is dismissed.

**Member(J)**  
(akn)

**Vice Chairman**

**O.A.No. 704/2015 (D.B.)**

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

**Dated : 27.8.2019**

Heard Shri, S.C Deshmkh, learned counsel  
for the applicant and Shri P.N Warjurkar, Ld. P.O. for  
the respondents.

2. Closed for orders.

**Member(J)**  
(akn)

**Vice Chairman**

**O.A.Nos 193 & 194/2018 (D.B.)**

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

**Dated : 27.8.2019**

Heard Shri, A.P Sadavarte, learned counsel  
for the applicant and Shri P.N Warjurkar and Shri  
V.A Kulkarni, Ld. P.O. for the respondents.

2. Closed for orders.

**Member(J)**  
(akn)

**Vice Chairman**

O.A. No. 374/2018 (SB)

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

**Dated : 27.08.2019**

Shri Nishant Gurnani, Id. counsel holding  
for Shri A.S. Dhore, Id. counsel for the applicant  
and Shri H.K. Pande, Id. P.O. for the  
respondents.

At the request of learned counsel for the  
applicant, **S.O. 9<sup>th</sup> September, 2019.**

**Member (J)**

dnk.

O.A. No. 42/2017 (SB)

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

**Dated : 27.08.2019**

Smt. Shubhangi Bawase, Id. counsel holding for R.S. Sirpurkar, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

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

**Member (J)**

dnk.

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

**Dated : 27.08.2019**

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

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

**Member (J)**

dnk.

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

**Dated : 27.08.2019**

**C.A. 326/2019**

Shri V.S. Kukday, Id .counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents. None for Intervener.

2. The Intervener is directed to supply copy of C.A.No.326/2019 to the applicant.

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

**Member (J)**

dnk.

O.A. No. 473/2019 (SB)



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

**Dated : 27.08.2019**

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

2. The learned P.O. requested three weeks time to file reply. Time is granted as prayed for.

**S.O. three weeks.**

3. In the meantime, the recovery be stayed till further orders.

Steno copy is granted.

Put up along with O.A.474/2019.

**Member (J)**

dnk.

O.A. No. 474/2019 (SB)

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

**Dated : 27.08.2019**

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

2. The learned P.O. requested three weeks time to file reply. Time is granted as prayed for.

**S.O. three weeks.**

3. In the meantime, the recovery be stayed till further orders.

Steno copy is granted.

Put up along with O.A.473/2019.

**Member (J)**

dnk.

O.A. No. 919/2018 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,**

**Member (J).**

**Dated : 27.08.2019**

The applicant is absent. Heard Shri A.M. Ghogre, Id. P.O. for the respondents.

The matter is admitted for final hearing.

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

**S.O. 23<sup>rd</sup> September, 2019** for final hearing.

Put up along with similar matter.

**Member (J)**

dnk.

O.A. No. 900/2018 **(SB)**

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

**Dated : 27.08.2019**

Heard Shri I.N. Choudhari, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1 and Shri T.M. Zaheer, Id. counsel for R-2&3.

**Heard. Admit.**

The learned P.O. waives notice for respondent no.1.

The applicant is at liberty to file rejoinder, if any.

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

**Member (J)**

dnk.

O.A. No. 974/2017 (SB)

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

**Dated : 27.08.2019**

Heard Shri N.S. Warulkar, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1 to 4.

2. Issue notice to R-5, returnable **after three weeks**. Hamdast allowed.

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

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

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

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

7. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed

without reference to Tribunal and papers be  
consigned to record.

**S.O. after three weeks.**

**Member (J)**

dnk.

O.A. No. 259/2018 (SB)

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

**Dated : 27.08.2019**

Shri A.P. Sadavarte, Id .counsel for the  
applicant and Shri H.K. Pande, Id. P.O. for R-  
1,4&5. There is a leave note from Shri H.D.  
Marathe, Id. counsel for R-2&3. Shri T.M.  
Zaheer, Id. counsel for R-3.

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

Interim relief to continue till then.

**Member (J)**

dnk.

O.A. No. 301/2019 **(SB)**

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

**Dated : 27.08.2019**

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

At the request of learned counsel for the applicant, **S.O. 14<sup>th</sup> September,2019** along with O.A.308/2019.

**Member (J)**

dnk.

O.A. No. 308/2019 **(SB)**

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

**Dated : 27.08.2019**

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

At the request of learned counsel for the applicant, **S.O. 14<sup>th</sup> September,2019** along with O.A.301/2019.



**Member (J)**

dnk.

O.A. No. 480/2019 **(SB)**

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

**Dated : 27.08.2019**

There is a leave note from Shri Bharat Kulkarni, Id. counsel for the applicant. Shri A.M. Khadatkar, Id. P.O. for the respondents.

**S.O. 9<sup>th</sup> September,2019.**

**Member (J)**

dnk.

O.A. No. 783/2017 **(SB)**

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

**Dated : 27.08.2019**

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

**S.O. 28/08/2019.**

**Member (J)**

dnk.

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**O.A.No.705/2017 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :27<sup>th</sup> Aug. 2019.**

**C.A.No.74/2018:-**

Heard Shri Nayse holding for Shri G.G.Bade, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

2. As per the order dated 21.06.2019, the Id. counsel for the applicant was suppose to do the amendment. Since, C.A. No. 28/2019 was allowed. However, amendment has not been done till now. Today, he desires one more week to do the amendment. At his request, **S.O. one week.**

**Vice Chairman**

**Date:-27/08/2019.**  
aps.

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

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :27<sup>th</sup> Aug. 2019.**

Leave note of Shri B.Kulkarni, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

**2. S.O. two weeks.**

**Date:-27/08/2019.**  
aps.

**Vice Chairman**

O.A.No.952/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :27<sup>th</sup> Aug. 2019.**

**C.A.No.321/2019:-**

Heard Shri R.G.Nitnaware, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondent nos. 1 & 2. None for the respondent no. 3.

2. At the request of Id. counsel for the applicant, **S.O. 09.09.2019.**

**Vice Chairman**

**Date:-27/08/2019.**  
aps.

O.A.No.100/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :27<sup>th</sup> Aug. 2019.**

Heard Shri K.J.Khanorkar, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondent nos. 1 & 2. Leave note of Shri H.D.Marathe, the Id. counsel for the respondent nos. 3 & 4.

2. The Id. counsel for the respondent nos. 3 & 4 was expected to file reply. However, today he is absent. Since, reply of Id. P.O. was filed.

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

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

5. **S.O. in due course.**

6. *Meanwhile, the Id. counsel for the respondent nos. 3 & 4 is at liberty to file reply before next hearing.*

**Vice Chairman**

**Date:-27/08/2019.**  
aps.

**O.A.No.995/2017 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :27<sup>th</sup> Aug. 2019.**

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

2. The Id. P.O. filed affidavit-in-reply on behalf of the respondent nos. 3 & 4. It is taken on record. Copy is served to the other side.

3. As per the request of both the counsels, matter is **admitted** and kept for final hearing.

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

5. **S.O. 17/09/2019.**

**Vice Chairman**

**Date:-27/08/2019.**  
aps.

**O.A.No.666/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :27<sup>th</sup> Aug. 2019.**

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

2. The Id. counsel for the applicant submits that the applicant was exonerated in enquiry and appeal has also been rejected.

3. Issue notice to R-2 & 3, returnable on four 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. four weeks.**

**Vice Chairman**

**Date:-27/08/2019.**  
aps.

**O.A.No.592/2017 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :27<sup>th</sup> Aug. 2019.**

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

2. In the order dated 16.08.19, the Id. P.O. was directed to take instructions from the Department. However, the Id. P.O. pleads for further one week time to take instructions.

**3. S.O. 05.09.2019.**

**Vice Chairman**

**Date:-27/08/2019.**  
aps.

O.A.No.502/2016 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :27<sup>th</sup> Aug. 2019.**

Heard Shri S.C.Deshmukh, 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 has shown the impugned order dated 23.07.2015 (Annexure-A-1) where in para no. 4.5, it is mentioned that as per Pension Rule 47 (1) of treating absence period as unauthorised absence of the period prevails prior to that of service will be considered as loss period by the applicant for pensionary benefits. Again in para no. 5 following lines have been reproduced at P.B., Pg. No. 15, which is below:-

\*Lknj xjgtjhpk dkyo/kh vdk; Inu dV; keGs egjk"V<sup>a</sup>  
ulxjh l ok %fuORrh oru½ fu; e] 1982 e/mty fu; e 47¼1½¼v½ uq kj  
R; k; k l or [kM i Mu R; kpk ekxhy l oojhy gDd xekoyk tkbÿ-  
R; keGsR; kauk i mhP; k l oopsdlskrgh ykHk vuKs jkg.kj ukghr-\*

3. The Id. counsel for the applicant has relied upon the Government Resolution No. I fuos 1001@130@l ok&4] fnukd 02-06-2003 (Annexure-A-7, P.B., Pg. No. 52) and its provision on P.B., Pg. No. 55 which are below:-

2- tks deþkjh jtf'kok; vuqfLFkr jkfyk vl y o R; kus  
oGkoGh vt(k) kjs; kckcrph ekfgrh dk; kÿ; kl fnysyh vl y rj v'kk  
deþk&; k; k ckrhr l {ke i kf/kdk&; kP; k ers R; kph vuqfLFkrh  
l eFlZuh; vl y rj jtf'kok; vuqfLFkrhpk dkyo/kh ns o vuKs jtk  
eatj d: u fu; fer dj.; kckcr fu; Ørh i kf/kdk&; kph fu.kz ?ksks

vko'; d vl sy- tj depl&; kph vuj fLFkrh l eFkzh; ul sy rj  
R; kb; kfo: /n f'kLrHkx fo"k; d dk; Dkgh l q dj.; kr ; koh-

4. The Id. counsel for the applicant has also pointed out letter written by C.E.O., Z.P., Nagpur dated 02.08.2012 (Annexure-A-8, Pg. No. 60) to Principal Secretary, Rural Development and Water Conservation Department through Divisional Commissioner Nagpur in which last para following recommendation has been written on P.B., Pg. No. 61 , which is below:-

"rl p fnukd 14-03-1996 rs 30-06-2001 %l odfuorhpk fnukd %  
i ; r , dk 1935 fnol foukvtkLus xjgtj vl Y; keGs l ngidkyko/kh  
egkjk"V ukxjh l ok %jt k% fu; e 1981 psfu; e 63%3%2%6% e/khy  
rjr qhuq kj Hkry (kh i Hkkokus vl k/kj.k jtk eadghl kBh i Lrko l fou;  
l knj dj.; kr ; r vks"

5. As per the records on P.B., Pg. No. 62, Divisional Commissioner, Nagpur has also recommended vide his letter dated 02.08.2012, the proposal of C.E.O., Z.P.. Nagpur. Divisional Commissioner Nagpur has also recommended to convert the absence of 1935 days of applicant from duty as extraordinary leave (L.O.P.).

6. The Id. P.O. has pointed out chronological events mentioned in impugned order on P.B., Pg. No. 11 (Annexure-A-1) and also details given in para no. 4.5 "fuorhoru fu; e dkd 47%1%2%, %ud kj vuf/ldr xjgtjhpk dkyko/kh l or [kM B]rksEg.ktsR; kuh i wdzdy; k l oojhy l oZgd rks xelork". However, in para no. 4.9 following observations were pointed out through Id. P.O. *"Unauthorized absence amounts to a break in service as per 47 (1) (a) of MCS (pension) Rules.*

7. The impugned order dated 23.07.2015 of Government of Maharashtra RDD (Annexure-A\_1, Pg. No. 11) was examined by me and it appears that in para no. 4.9 Secretary (Accounts and Treasury, Finance Department) in fourth line of his observation has written that "Department proposal to regularize as 'dies-non' is incorrect and cannot be approved". I fail to understand that after such observations recorded by Secretary, Accounts and Treasury, how contradictory opinion has been recorded in para no. 5.

8. The Id. counsel for the applicant and Id. P.O. are directed to produce W.P. No. 2713/2000 in Shri C.D.More Vs. State of Maharashtra as mentioned in para no. 4.3 on P.B., Pg. No. 13 of impugned order. The Id. P.O. is also requested to take instructions from the Government that whether only absence period of applicant from 14.03.1996 to 30.06.2001 (date of retirement) i.e. total days of 1935 days should be excluded from his pensionary benefits or otherwise?

9. The applicant was appointed on 02.06.1965 as Junior Statistical Assistant as per the P.B., Pg. No. 02 of the O.A.. In the interest of justice, denying the applicant's service benefits from 02.06.1965 to 13.03.1996 i.e. about 30 yrs. for not granting pensionary benefits will be great injustice to the applicant.

10. In view of this, the Id. P.O. is directed to take instructions from the Government that whether this 30 yrs. or only period of unauthorized i.e. 14.03.1996 to 30.06.2001, should be disregarded for considering pensionary benefits.

11. In this matter, Maharashtra Civil Services (Leave) Rules, 1981, Section 47 and Section 63 are relevant to be examined before deciding this O.A.. The Id. counsel for the applicant has relied upon the Judgment of Hon'ble High Court Gauhati in the W.P. No. 3698/2009 and Judgment of MAT, Nagpur Bench in O.A. No. 306/2005. The same are taken on record. Copies are supplied to the other side.

12. The Id. Counsel for the applicant has filed medical report by Civil Surgeon from P.B., Pg. No. 63 to 72. Which are taken on record. Copies are supplied to the Id. P.O..

13. The Id. P.O. submits that he requires three weeks time to take instructions, **S.O. 16.09.2019.**

14. *Matter is treated as P.H.*

**Vice Chairman**

**Date:-27/08/2019.**  
aps.

**O.A.No.228/2016 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :27<sup>th</sup> Aug. 2019.**

Heard Smt. Saboo, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondent nos. 1 & 2. None for the respondent no. 3.

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

**Vice Chairman**

**Date:-27/08/2019.**  
aps.

**O.A.No.426/2016 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :27<sup>th</sup> Aug. 2019.**

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

2. **S.O. Two Weeks.**

**Vice Chairman**

**Date:-27/08/2019.**  
aps.



**O.A.No.979/2018 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :27<sup>th</sup> Aug. 2019.**

None for the applicant. Shri P.N.Warjurkar, the Id. P.O. for the State and Shri S.P.Deshmukh, the Id. counsel for the respondent no. 2.

2. At the request of Id. counsel for the respondent no. 2, **S.O. two weeks.**

**Vice Chairman**

**Date:-27/08/2019.**

aps.

**O.A.No.794/2018 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :27<sup>th</sup> Aug. 2019.**

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

**2. S.O. tomorrow i.e. 28.08.2019, second high on board.**

**Vice Chairman**

**Date:-27/08/2019.**  
aps.

**O.A.No.675/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :27<sup>th</sup> Aug. 2019.**

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

2. The matters pertains to major punishment where applicant was first dismissed and then the applicant had approached to Hon'ble Governor in appeal. In appeal, dismissal has been set aside. However, following two punishments have been continued:-

A. Recovery of amount of Rs. 29,58,454/- is continued.

B. Applicant has been posted as Assistant Engineer, Class-1. However, the Id. counsel for the applicant pointed out that this is not proper and hence he desires interim relief regarding posting of the applicant as an Executive Engineer.

3. Issue notice to Respondent, returnable on 11.09.2019. 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. Put up before regular D.B. on 11/09/2019.**

**Vice Chairman**

**Date:-27/08/2019.**

aps.