

O.A.No.204/2020 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated :28/05/ 2020.**

Heard Shri G.G.Bade, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the respondent nos. 1, 3 & 4.

2. The Id. counsel for the applicant submitted that the notice is sent to the respondent no. 2 by Speed Post and yet acknowledgment is not received. In view of the presumption under general clauses Act, regarding service of the notice, we think it is suitable to proceed further.

3. Issue direction to the respondent no. 1 to decide the appeal presented by the applicant **within a period of 90 days** from the date of this order.

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

Member(J)
Date:-28/05/2020.
aps.

Vice Chairman

O.A.No.276/2020 (D.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman and
Shri A.D.Karanjkar, Member(J)
Dated :28/05/ 2020.**

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

2. It is grievance of the applicant that he was liable to be promoted from Group-D Category to Group-C Category; he was not considered for promotion by the department. Department did not consider the notification dated 11.06.2019, and, therefore, if the selected candidates are promoted then it will cause great prejudice to the applicant.

3. In view of the above facts, we direct that if any promotion orders are issued then it would be subject to the final decision in this original application.

4. Issue notice to R-2 to 4, returnable on four weeks. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

6. 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.

7. 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.

8. 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.

9. 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.

10. **S.O. four weeks.**

Member(J)
Date:-28/05/2020.
aps.

Vice Chairman

C.P.No.13/2020 in O.A.No.181/2019 (D.B.)

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

Dated :28/05/ 2020.

C.A.No.154/2020:-

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

2. It is submitted on behalf of the applicant that this Bench passed order on 21.05.2020 and direction was issued to the respondents to release the provisional pension within 30 days from the date of this order. According to the Id. counsel for the applicant, as applicant returned his home; he received copy of the order passed by Accountant General by which his pension was released and, therefore, it is submitted that the order dated 21.05.2020 to release the provisional pension be withdrawn.

3. In view of this, the order dated 21.05.2020 directing the respondents to release the provisional pension is hereby withdrawn.

4. Hence, **C.A. NO. 154/2020 for modification of order stands disposed of.**

Member(J)
Date:-28/05/2020.
aps.

Vice Chairman

O.A.No.225/2020 (S.B.)

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

Dated :28/05/ 2020.

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

2. It is submitted by Id. P.O. that two weeks time is require to file reply; as it is necessary to get instructions from respondent no. 2. The respondent no. 3 is directed to give atleast tentative reasons why retiral benefits of the applicant are not released.

3. **S.O. 11.06.2020.**

Member (J)

Date:-28/05/2020.

aps.

O.A.No.275/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :28/05/ 2020.

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

2. As pointed out by the Id. counsel for the applicant, pay of the applicant was fixed as per letter dated 23.11.2016 (Annexure-A-1, P.B., Pg. No. 9) and it was verified by pay verification unit on 08.02.2020 as per (Annexure-A-2, P.B., Pg. NO. 12). However, by impugned order dated 17.05.2020, applicant's pay has been refixed and revised. Aggrieved with this order dated 17.05.2020, applicant has approached to this Tribunal. Impugned order dated 17.05.2020 is stayed till filing of the reply.

3. Issue notice to R-2 to 5, returnable on four weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

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

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

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

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

9. **S.O. four weeks.**

Vice Chairman

Date:-28/05/2020.
aps.

O.A.No.224/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :28/05/ 2020.

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

2. The Id. P.O. desires three weeks time to file reply.
3. **S.O. three weeks.**
4. *I.R. relief to be continued till final outcome of the O.A..*

Date:-28/05/2020.
aps.

Vice Chairman

O.A.No.220/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :28/05/ 2020.

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

2. Matter was heard on 18.05.2020. Today, Id. P.O. submits that subsistence allowance has been paid. However, respondents are directed to continue the same to avoid any hardship to the applicant till the final decision of the original application.

3. The Id. P.O. is directed to file on record documentary evidence regarding payment of subsistence allowance of the applicant and supply the copy of the same to the other side.

4. As directed in the order dated 18.05.2020, respondents are directed to follow the rules and procedure given in Government of Maharashtra, G.A.D., G.R. dated 09.07.2019.

5. S.O. 16.07.2020.

6. If at all applicant has submitted any representation, respondents are directed to consider the representation at earliest and disposed of.

7. Steno copy is granted to both the sides.

Vice Chairman

Date:-28/05/2020.

aps.

O.A.No.87/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :28/05/ 2020.

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

2. The Id. counsel for the applicant has placed on record attendance copy of Shri Jagtap for January, 2020 in which applicant is at Sr. No. 1 and 10 more employees are shown in this attendance sheet. Applicant has signed in January, February, March and April attendance sheet. It appears that work from home has been allotted from the superior officers during lock-down period.

3. However, Id. counsel for the applicant submits that applicant has not been paid as per order dated 04.05.2020 para no. 2 ; his salary from December, 2019 till today is yet to be paid. Hence, respondent no. 4 (The Principal, Government Polytechnic, Shendurwafa, Sakoli, District Bhandara) is directed to comply the order dated 04.05.2020 forthwith and produce the documentary evidence through the Id. P.O. before the Tribunal; failing the order he will be liable for contempt of court proceedings. The Id. counsel for the applicant is directed to supply the copy of attendance sheet to the Id. P.O..

4. **S.O. 04.06.2020.**

5. *Steno copy is granted.*

Date:-28/05/2020.
aps.

Vice Chairman

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

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :28/05/ 2020.

Heard Shri A.M.Sudame, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State.

2. The impugned order dated 18.05.2020 by which applicant was placed under suspension was effective from retrospective date 07.02.2020; when applicant was arrested under A.C.B. case.

3. Meanwhile, respondents are directed to decide the suspension order as per G.O.M., G.A.D. G.R. dated 09.07.2019. The Id. counsel for the applicant has made respondents only to the State Government through Secretary Home. As requested by Id. P.O., Id. counsel for the applicant is directed to make local officers also as respondents by amending the O.A. The amendment be carry out within a week time.

4. Issue notice to amended respondents, returnable on four weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

6. 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.

7. 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.

8. 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.

9. 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.

10. **S.O. four weeks.**

Vice Chairman

Date:-28/05/2020.

aps.