

O.A. No. 278/2012. (D.B.)

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

**Dated : 9<sup>th</sup> July 2019.**

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

At the request of Ld. P.O., S.O. **16<sup>th</sup> July 2019.**

Member (J)

Vice-Chairman

Dt. 9.7.2019.

pdg.

O.A. No. 383/2019. (D.B.)

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

**Dated : 9<sup>th</sup> July 2019.**

Heard Shri V.S. Mishra, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

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

Member (J)

Vice-Chairman

Dt. 9.7.2019.

pdg.

O.A. No. 652/2015. (D.B.)

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

**Dated : 9<sup>th</sup> July 2019.**

Heard Shri S.M. Bhangde, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

At the request of Ld. P.O., S.O. **15<sup>th</sup> July 2019.**

Member (J)

Vice-Chairman

Dt. 9.7.2019.

pdg.

**O.A. No. 130/2019. (D.B.)**

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

**Dated : 9<sup>th</sup> July 2019.**

**C.A. No. 222/2019.**

Heard Shri A. Sambre, the Ld. counsel for the applicants and Shri A.M. Ghogre, the learned P.O. for the respondents.

The respondents are directed to produce the circular dated 21<sup>st</sup> July 2015 and promotion orders issued by the Govt. in the name of the applicants and other candidates.

**S.O. 16<sup>th</sup> July 2019.**

Member (J)

Vice-Chairman

Dt. 9.7.2019.

pdg.

O.A. No. 217/2019. (D.B.)

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

**Dated : 9<sup>th</sup> July 2019.**

Heard Shri S.P. Kshirsagar, the Ld. counsel for the applicants and Shri S.A. Deo, the learned C.P.O. for the respondents.

Ld. CPO has filed reply on behalf of R.3, it is taken on record and a copy thereof is supplied to the Ld. counsel for the applicants. He requests for two weeks time to file reply of R.2.

S.O. **two weeks.**

Member (J)

Vice-Chairman

Dt. 9.7.2019.

pdg.

O.A. No. 248/2019. (D.B.)

**Coram:Shri Shree Bhagwan,  
Vice-Chairman and  
Shri A.D. Karanjkar,  
Member(J)  
Dated : 9<sup>th</sup> July 2019.**

**C.A. 257/2018.**

None for the applicant. Shri V.A. Kulkarni, the learned P.O. for the respondent No.1. None for proposed Intervenor.

Await service to R.2.

Ld. P.O. has filed reply on behalf of R.2, it is taken on record. He submits that he will file reply on C.A. No.257/2018 about intervention.

S.O. **three weeks.**

Member (J)

Vice-Chairman

Dt. 9.7.2019.

pdg.

**O.A. No. 113/2015. (D.B.)**

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

**Dated : 9<sup>th</sup> July 2019.**

**C.A. 154/2019.**

Heard Shri P.S. Sahare, the Ld. counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents.

2. The Ld. counsel for the applicant submits that record shows that he has made four respondents in the O.A. and in the C.A., he has added five more respondents. Out of these five, he has issued notices to R. 1, 2 and 4. However, notices are yet to be issued to R. 3 and 5.

3. Office is directed to issue notice to R. 3 and 5 returnable in four weeks.

4. Shri H.K. Pande, Ld. P.O. waives notice for State. Hamdast granted.

4-A. 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. Ld. counsel for the applicant is permitted to serve notices by email also.

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

Member (J)

Vice-Chairman

Dt. 9.7.2019.



pdg.

O.A. No. 539/2015. (D.B.)

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

**Dated : 9<sup>th</sup> July 2019.**

**C.A. 126/2019.**

Heard Shri S.A. Kalbande, the Ld. counsel for the applicant and Shri H.K. Pande, the learned P.O. for the respondents.

The Ld. counsel for the applicant has filed C.A. No. 126/2019 for early hearing by fixed date. C.A. is allowed and disposed of.

S.O. **22<sup>nd</sup> July 2019.**

Member (J)

Vice-Chairman

Dt. 9.7.2019.

pdg.

O.A. No. 526/2019. (D.B.)

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

**Dated : 9<sup>th</sup> July 2019.**

**C.A. 255/2019.**

Heard Shri N.D. Thombre, the Ld. counsel for the applicants and Shri S.A. Deo, the learned C.P.O. for the respondent No.1.

2. Ld. CPO is directed to file reply on O.A. as well as on C.A. for joint O.A.

3. Issue notice on C.A. and O.A. to R. 2 returnable in **two weeks.**

4. Shri S.A. Deo, Ld. C.P.O. waives notice for R.1. Hamdast granted.

4-A. 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. Ld. counsel for the applicant is permitted to serve notices by email also.

10. S.O. **two weeks.**

Member (J)

Vice-Chairman

Dt. 9.7.2019.

pdg.

O.A. No. 123/2017. (D.B.)

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

**Dated : 9<sup>th</sup> July 2019.**

**C.P. 18/2019.**

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

The Ld. counsel for the applicant and Ld. P.O. point out the order dated 20.6.2019. In that order, S.O. date was mentioned as 9.7.2019, but it was typographical mistake. The date was 19.7.2019.

Matter will be heard on **19<sup>th</sup> July 2019.**

Member (J)

Vice-Chairman

Dt. 9.7.2019.

pdg.

O.A. No. 265/2010. (D.B.)

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

**Dated : 9<sup>th</sup> July 2019.**

Heard Miss Divya Joshi, Adv. holding for Dr. (Mrs.) R.S. Sirpurkar, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents 1 and 2. None for R.3.

Ld. P.O. submits that he desires to file further reply.

S.O. **two weeks.**

Member (J)

Vice-Chairman

Dt. 9.7.2019.

pdg.

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

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

**Dated : 9<sup>th</sup> July 2019.**

Heard Shri S.C. Deshmukh, the Ld. counsel for the applicants and Shri P.N. Warjekar, the learned P.O. for the respondents 1 and 2. None for R. 3 to 5.

S.O. **17<sup>th</sup> July 2019** for filing reply of respondents 1 and 2.

Member (J)

Vice-Chairman

Dt. 9.7.2019.

pdg.

**O.A. No. 336/2017. (D.B.)**

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

**Dated : 9<sup>th</sup> July 2019.**

Heard Shri R.V. Shiralkar, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

The Ld. counsel for the applicant has invited our attention to Annexure A-1 i.e. Advertisement dated 12.5.2016 and subsequently changed of the Govt. policy vide G.R. dated 7.3.2017 changing qualification of the post and also by para 7, they have also changed the method of filling the posts. However, Ld. P.O. is directed to take instructions from the department regarding status of advertisement dt. 12.5.2016 (A-1).

**S.O. 17<sup>th</sup> July 2019.**

To be treated as part heard.

Member (J)

Vice-Chairman

Dt. 9.7.2019.

pdg.



O.A. No. 960/2018. (D.B.)

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

**Dated : 9<sup>th</sup> July 2019.**

Heard Shri S.P. Palshikar, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents.

At the request of the Ld. counsel for the applicant, S.O. **18<sup>th</sup> July 2019.**

Member (J)

Vice-Chairman

Dt. 9.7.2019.

pdg.

O.A. No. 554/2016. (D.B.)

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

**Dated : 9<sup>th</sup> July 2019.**

**C.A.No.386/2017**

Heard Shri S.P. Palshikar, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

For the reasons stated in the application and in view of order delivered in O.A. No. 554/2016 on 9.7.2019, the C.A. is disposed of.

Member (J)

Vice-Chairman

Dt. 9.7.2019.

pdg.

O.A. No. 300/2019 **(SB)**

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

**Dated : 09.07.2019**

Shri M.V. Joshi, Id. counsel holding for Shri P.S. Wathore, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

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

**Member (J)**

dnk.

O.A. No. 414/2019 **(SB)**

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

**Dated : 09.07.2019**

Shri S.M. Bhagde, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1,2&3. Shri Vikas Kulsange, Id. counsel appears on behalf of R-3 and submits that he will file Vakalatnama.

At the request of Id. P.O. as well as learned counsel for R-3, **S.O. three weeks** for filing reply.

**Member (J)**

dnk.

O.A. No. 442/2019 (SB)

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

**Member (J).**

**Dated : 09.07.2019**

**C.A. 256/2019 -**

Heard Shri S.P. Palshikar, Id. counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for R-1 to 3.

2. For the reasons stated in the application, the C.A. for amendment is allowed. Necessary amendment be carried out within one week.

**O.A. 442/2019 –**

Heard Shri S.P. Palshikar, Id. counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for R-1 to 3.

2. The learned CPO files reply on behalf of R-2&3. It is taken on record. Copy is served on the applicant.

3. After amendment, issue notice to the newly added respondent no.4, returnable **after two weeks**. Hamdast allowed.

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

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

6. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the

questions such as limitation and alternate remedy are kept open.

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

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

**S.O. after two weeks.**

**Member (J)**

dnk.

O.A. No. 372/2019 **(SB)**

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

**Dated : 09.07.2019**

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

2. It is submitted on behalf of the applicant that now the applicant is posted at Amravati and he has resumed the duty, therefore, the O.A. stands disposed of. No order as to costs.

**Member (J)**

dnk.

O.A. No. 797/2018 **(SB)**

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

**Dated : 09.07.2019**

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

2. My attention is invited to order passed by the Hon'ble Division Bench of Bombay High Court in Writ Petition No.3140/2018 on 28<sup>th</sup> September, 2018. By

this order, the Hon'ble Division Bench vacated the interim stay to the G.R. dated 05/06/2018. The specific time limit is given by the Hon'ble Division Bench to the Government to decide the policy in respect of the Government servants who are appointed in service on the post reserved for the candidates of various categories though they do not possess the Caste Validity Certificates.

3. In view of this discussion, when query was made with the learned P.O., he submitted that till today the amount of GPF, GIS are not paid to the applicant. In this background, the submission is made by the Joint Director who is present before the Bench that decision will be taken to pay GPF and GIS amount within two weeks. In the meantime, it is expected that the Government shall decide the case of the applicant in view of the observations made by the Hon'ble Division Bench in Writ Petition No.3140/2018.

**S.O. 17/07/2019.**

Steno copy is granted.

**Member (J)**

dnk.



O.A. No. 525/2019 **(SB)**

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

**Dated : 09.07.2019**

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for the State.

2. Issue notice to R-2 and 3, returnable **after two 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. after two weeks.**

**Member (J)**

dnk.

O.A. No. 934/2017 **(SB)**

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

**Dated : 09.07.2019**

Shri Charpe, Id. counsel holding for Shri S.N. Gaikwad, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of learned counsel for the applicant, **S.O. Next week.**

**Member (J)**

dnk.

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

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

**Dated : 09.07.2019**

Heard Ms. Divya Joshi, Id. counsel holding for Mrs. R.S. Sirpurkar, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for the respondents.

2. Ms. Divya Joshi, Id. counsel submitted that the applicant is intending to engage another Counsel on her behalf, therefore, two weeks time is granted.

**S.O. two weeks.**

**Member (J)**

dnk.

O.A. No. 432/2017 (SB)

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

**Dated : 09.07.2019**

Shri A.M. Ghogre, Id. P.O. for the applicant (Original respondents) and Shri N.D. Thombre, Id. counsel for the respondent (Original applicant).

At the request of Id. counsel for the respondent (Original applicant), **S.O. Next week** along with other connected matters.

**Member (J)**

dnk.

O.A. No. 498/2017 (SB)

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

**Dated : 09.07.2019**

Shri V.A. Kulkarni, Id. P.O. for the applicant (Original respondents) and Shri N.D. Thombre, Id. counsel for the respondent (Original applicant).

At the request of Id. counsel for the respondent (Original applicant), **S.O. Next week** along with other connected matters.

**Member (J)**

dnk.

O.A. No. 799/2017 (SB)

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

**Dated : 09.07.2019**

Shri N.D. Thombre, 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. Next week** along with other connected matters.

**Member (J)**

dnk.

O.A. No. 11/2019 **(SB)**

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

**Dated : 09.07.2019**

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

2. The learned P.O. is directed to produce the documents to show that there was compliance of provisions under Section 4 (4) & (5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005.

**S.O. two weeks.**

**Member (J)**

dnk.

O.A. No. 378/2019 **(SB)**

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

**Dated : 09.07.2019**



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

Along with connected matter.

**Member (J)**

dnk.

O.A. No. 379/2019 **(SB)**

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

**Dated : 09.07.2019**

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

Along with connected matter.

**Member (J)**

dnk.

O.A. No. 554/2015 **(SB)**

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

**Dated : 09.07.2019**

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

The matter is taken up on board today. The learned counsel for the

applicant is directed to produce the copy of  
G.R. dated 6/5/1991.

**S.O. two weeks.**

**Member (J)**

dnk.

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O.A.No.283/2019 (S.B.)

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

**Dated: 09<sup>th</sup> July 2019.**

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

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

**Vice Chairman**

**Date:-09/07/2019.**  
aps.

O.A.No.394/2019 (S.B.)

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

**Dated: 09<sup>th</sup> July 2019.**

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

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

**Vice Chairman**

**Date:-09/07/2019.**  
aps.

O.A.No.941/2018 (S.B.)

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

**Dated: 09<sup>th</sup> July 2019.**

Heard Shri S.Sohailuddin, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the R-1.

2. The Id. counsel for the applicant submits that notices for respondent nos. 2 to 4 have been served and he has filed service affidavit.

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

**Vice Chairman**

**Date:-09/07/2019.**

aps.

O.A.No.197/2018 (S.B.)

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

**Dated: 09<sup>th</sup> July 2019.**

Heard Shri Sunil Pande holding for Shri S.N.Gaikwad, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the Respondents.

2. At the request of Id. counsel for the applicant, **S.O. day after tomorrow i.e. 11.07.2019.**

**Vice Chairman**

**Date:-09/07/2019.**  
aps.

O.A.No.414/2015 (S.B.)

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

**Dated : 09<sup>th</sup> July 2019.**

Heard Shri N.R.Saboo, 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 submits that he desire to file certain Judgments from Principle Bench, MAT, Mumbai. At his request, **S.O. next week.**

**Vice Chairman**

**Date:-09/07/2019.**  
aps.



O.A.No.657/2015 (S.B.)

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

**Dated: 09<sup>th</sup> July 2019.**

Heard Shri G.G.Bade holding for Shri A.C.Dharmadhikari, the Id. counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the Respondents.

2. The Id. counsel for the applicant submits that he is yet to file the affidavit on record. At his request, **S.O. two weeks.**

**Vice Chairman**

**Date:-09/07/2019.**  
aps.

O.A.No.73/2017 (S.B.)

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

**Dated: 09<sup>th</sup> July 2019.**

Heard Shri G.G.Bade, the Id. counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the Respondent nos. 1 to 4. None for the respondent no. 5.

2. At the request of Id. counsel for the applicant, **S.O. 17.07.2019.**

**Vice Chairman**

**Date:-09/07/2019.**  
aps.

O.A.No.605/2018 (S.B.)

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

**Dated: 09<sup>th</sup> July 2019.**

Heard Shri S.U.Bhuyar, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the Respondents.

2. The Id. P.O. filed reply on behalf of the respondent nos. 1 and 2. It is taken on record. Copy is served to the other side. The Id. counsel for the applicant desires two weeks time to file Rejoinder.

**3. S.O. two weeks to file Rejoinder, if any.**

**Vice Chairman**

**Date:-09/07/2019.**  
aps.

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

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

**Dated: 09<sup>th</sup> July 2019.**

Heard Shri S.S.Chavhan, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the Respondents.

2. The Id. P.O. 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 relief is sought by respondent no. 2; so this reply is sufficient. The Id. counsel for the applicant desires one week time to file Rejoinder.

**3. S.O. one week to file Rejoinder, if any.**

**Vice Chairman**

**Date:-09/07/2019.**

aps.

**O.A.No.359/2019 (S.B.)**

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

**Dated: 09<sup>th</sup> July 2019.**

Heard Shri S.M.Khan, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the Respondents.

2. By record it seems that review committee has very clearly recommended as per the provisions of G.R. No. 1314/1986 (Annexure-A-13, P.B., Pg. No. 43) and circular no. 1112/1982 (Annexure-A-12, P.B., Pg. No. 40). However, respondents have yet to comply with the provisions.

3. The Id. P.O. submits that he has received the parawise reply and he further submits that he need one more week time to file reply. The Id. P.O. is directed to file reply within one week time as a last chance. If he fails to file the reply, matter will be decided on merit.

**4. S.O. 16.07.2019.**

**Vice Chairman**

**Date:-09/07/2019.**

aps.

**O.A.No.359/2019 (S.B.)**

**Coram: Shri Shree Bhagwan,**  
**Vice Chairman**  
**Dated : 09<sup>th</sup> July 2019.**

Heard Shri S.M.Khan, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the Respondents.

2. By record it seems that review committee has very clearly recommended as per the provisions of G.R. No. vflk; k&1314@i z d z 86@11&v] fnukd 31-01-2015 (Annexure-A-13, P.B., Pg. No. 43) and circular no. fui M k&1112@i z d z 82@11&v] fnukd 20-04-2013 (Annexure-A-12, P.B., Pg. No. 40). However, respondents have yet to comply with the provisions.

3. The Id. P.O. submits that he has received the parawise reply and he further submits that he need one more week time to file reply. The Id. P.O. is directed to file reply within one week time as a last chance. If he fails to file the reply, matter will be decided on merit.

**4. S.O. 16.07.2019.**

**Date:-09/07/2019.**  
aps.

**Vice Chairman**

**(SB)**

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

**Dated : 09<sup>th</sup> July 2019.**

**O.A. Nos. 809, 810 with C.A. 139/19 , 811 with C.A. 140/19, 812, 813, 814, 815, 816, 817 with C.A.141/19, 818 with C.A.142/19, 819, 820, 821 with C.A.143/19 & 822 of 2017 with C.A.201/19.**

Heard Ms. Meenaxi Iyer, Id. counsel for the applicants in all O.As. and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. Since the reply has been filed and Rejoinder is also has been filed. Matter is **admitted** and kept for final hearing. The Id. counsel for the applicant is at liberty to file Rejoinder before final hearing.

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

4. **S.O. 26.07.2019.**

**Vice Chairman**

**Date:-09/07/2019.**

aps.

**O.A.No.689/2018 (S.B.)**

**Coram: Shri Shree Bhagwan,**

**Vice Chairman**

**Dated : 09<sup>th</sup> July 2019.**

Heard Shri G.G.Bade, the Id. counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the Respondents.

2. The Id. counsel for the applicant submitted that applicant was suspended on 02.06.2008 (Annexure-A-1, P.B., Pg. No. 14) and he was reinstated on 31.03.2011. However, the Id. counsel for the applicant has not filed on record order dated 31.03.2011.

3. Hence, the Id. counsel for the applicant is directed to file the copy of the reinstatement order dated 31.03.2011 within two days for issuing directions to the respondents.

**4. S.O. 15.07.2019.**

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

**Vice Chairman**

**Date:-09/07/2019.**

aps.



**O.A.No.250/2019 (S.B.)**

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

**Dated: 09<sup>th</sup> July 2019.**

Heard Shri S.P.Palshikar, 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 pointed out order no. d:il/vvxt@fopk@fu-vk@l iku /knj+1@1069] fnukd 03-11-2017 (Annexure-A-1, P.B., Pg. No. 15) in which applicant was suspended under Maharashtra Civil Services (Discipline and Appeal) Rules, 1979. Maharashtra Police Act, 2018, Section 25 has not been used in this case.

3. The Id. counsel for the applicant has also explained preliminary enquiry para nos. 5 & 6. It appears that applicant was not at fault. On P.B., Pg. No. 32, statement has been recorded of Shri Ashok Gulabrao Wadhiye on 06.02.2018 by Deputy Divisional Police Officer, Rural Amravati in said statement applicant's name has not been mentioned.

4. The Id. counsel for the applicant has submitted that Departmental Enquiry has not been started till now in this case.

5. As per Article 141 of Constitution of India, it is mentioned that laws declared by Hon'ble Supreme Court will be binding on all Courts. The same is as under:-

**141. Law declared by Supreme Court to be binding on all courts:-** *The law declared by the Supreme Court shall be binding on all courts within the territory of India.*

### **Notes on Article 141**

#### **Binding jurisdiction of the Supreme Court**

*It is impermissible for the High Court to overrule the decision of the Apex Court on the ground that the Supreme Court laid down the legal position without considering any other point. It is not only a matter of discipline for the High Courts in India, it is mandate of the Constitution as provided in article 141 that the law declared by the Supreme Court shall be binding on all courts within the territory of India, Suganthi Suresh Kumar V. Jagdeeshan, (2002) 2 SCC 420: AIR 2002 SC 681 : 2002 Cri LJ 1003 : 2002 SCC (Cri) 344.*

*Where a State Government is a party and is duly represented before the Supreme Court, the decision of the court declaring a State Act to be ultra vires shall be binding on that State Government. Even a notice, as*

*required by the Civil Procedure Code, was not served upon the Advocate General; State of Gujarat v. Kasturchand, AIR 1991 SC 695: 1991 Supp (2) SCC 345.*

6. The Id. counsel for the applicant has also relied upon the recent Judgments of Hon'ble Supreme Court:-

(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. 23 had observed as follows:-

*23. 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 Id. counsel for the applicant has also relied on the Principal Bench of Maharashtra Administrative Tribunal Mumbai Bench order in O.A. No. 379/2017, Judgment delivered on 02/04/2019. It has been taken on record and copy is supplied to the Id. P.O..

In this also principles of Judgments delivered by Hon'ble Apex Court has been followed.

7. The Id. P.O. has pleaded on Section 25 and Section 27 of Maharashtra Police Act, 2018. However, there is no whisper of this Act in impugned order.

8. Now, it requires to be interpreted whether Article 141 of Constitution of India and as per it Judgments delivered by Hon'ble Apex Court should be followed or any other report of any other committee. There is no doubt that provisions of Article 141 of Constitution of India and Judgments pronounced by Hon'ble Apex Court will prevail upon other things. Any action be executives must be as per orders of Hon'ble Supreme Court.

9. The Id. P.O. has also filed on record review committee report which was signed by Deputy Superintendent of Police, Headquarter, Amravati Rural the same is marked as exh. "X" for the purpose of identification. It is taken on record and copy is served to the other side. However, it must be cleared that whoever were members of review committee.

10. In view of all above discussions, it appears that as whole system runs under the umbrella of Constitution of India and in view of two Judgments of the Hon'ble Supreme Court, review committee meeting filed by the Id. P.O. has no ground. The applicant was suspended on 03.11.2017, now it is more than 1½ years and by record it appears that D.G. Police has accorded sanction recently and accordingly chargesheet has been filed vide Special Case No. 77/19 on 08.05.2019 as per reply of respondent no. 2 (P.B., Pg. No. 60, para no. 7).

11. It appears from the record that applicant was promoted for the post of P.I. dated 28/07/2017 at Sr. No. 438, but he was not relieved to join on that post. Respondents are directed to consider this aspect also while reviewing the case of the applicant related to the suspension.

12. The review committee report filed by the Id. P.O. is sent by Deputy Superintendent of Police, Headquarter, Amravati Rural. It is not clear that who were the members of the review committee in the eyes of laws. The

review committee members must be superior than the officer who suspended the applicant, but it is not clear.

13. In view of all above discussions, it appears that by keeping the applicant under suspension will be bad-in-law. By considering the Hon'ble Apex Court Judgments; hence the following order:-

## **ORDER**

**1. Respondents are directed to reconsider revocation of applicant in view of Hon'ble Supreme Court Judgments within four weeks from the date of this order particularly with reference to:-**

*The Hon'ble Apex Court in 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. 23 had observed as follows:-*

*23. 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.*

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

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

**Date:-09/07/2019.**

aps.

**Vice Chairman**



**O.A.No.249/2019 (S.B.)**

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

**Dated: 09<sup>th</sup> July 2019.**

Heard Shri S.P.Palshikar, 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 pointed out order no. d:ilwvxk@fopk@fu-vk@l iku ilVy@4249@2018] fnukd 17-04-2018 (Annexure-A-1, P.B., Pg. No. 13) in which applicant was suspended under Maharashtra Civil Services (Discipline and Appeal) Rules, 1979. Maharashtra Police Act, 2018, Section 25 has not been used in this case.

3. In reply of para no. 5, it has been submitted that respondent no. 2 conducted preliminary enquiry and found applicant guilty and issue suspension order dated 17.04.2018 (Annexure-A-1).

4. The Id. Counsel for the applicant has submitted in para no. V of the O.A. that a full-fledged D.E. was initiated against the applicant by appointing an Enquiry Officer and the Presenting Officer. After completion of enquiry applicant was asked to submit his final defence statement, applicant submitted his reply vide his letter dated 28/12/2018

(Annexure-A-3, P.B., Pg. No.18) after that applicant has submitted his representation to Inspector General of Police, Amravati Range, Amravati vide his letter dated 15.03.2019 (Annexure-A-2, P.B., Pg. No.14). However, in para no. 6 respondents have mentioned that D.E. is conducted by competent authority and chargesheet will be filed soon for prosecution since sanction has been received recently. In para no. 7 respondents have also in the last line that suspension order could be revoked be considering in next review meeting.

5. As per Article 141 of Constitution of India, it is mentioned that laws declared by Hon'ble Supreme Court will be binding on all Courts. The same is as under:-

***141. Law declared by Supreme Court to be binding on all courts:-*** *The law declared by the Supreme Court shall be binding on all courts within the territory of India.*

#### ***Notes on Article 141***

#### ***Binding jurisdiction of the Supreme Court***

*It is impermissible for the High Court to overrule the decision of the Apex Court on the ground that the Supreme Court laid down the*

*legal position without considering any other point. It is not only a matter of discipline for the High Courts in India, it is mandate of the Constitution as provided in article 141 that the law declared by the Supreme Court shall be binding on all courts within the territory of India, Suganthi Suresh Kumar V. Jagdeeshan, (2002) 2 SCC 420: AIR 2002 SC 681 : 2002 Cri LJ 1003 : 2002 SCC (Cri) 344.*

*Where a State Government is a party and is duly represented before the Supreme Court, the decision of the court declaring a State Act to be ultra vires shall be binding on that State Government. Even a notice, as required by the Civil Procedure Code, was not served upon the Advocate General; State of Gujarat v. Kasturchand, AIR 1991 SC 695: 1991 Supp (2) SCC 345.*

6. The Id. counsel for the applicant has also relied upon the recent Judgments of Hon'ble Supreme Court:-

(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. 23 had observed as follows:-

*23. 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 Id. counsel for the applicant has also relied on the Principal Bench of Maharashtra Administrative Tribunal Mumbai Bench order in O.A. No. 379/2017, Judgment delivered on 02/04/2019. It has been taken on record and copy is supplied to the Id. P.O.. In this also principles of Judgments delivered by Hon'ble Apex Court has been followed.

7. The Id. P.O. has pleaded on Section 25 and Section 27 of Maharashtra Police Act, 2018. However, there is no whisper of Section 27 in impugned order.

8. Now, it requires to be interpreted whether Article 141 of Constitution of India and as per it Judgments delivered by Hon'ble Apex Court should be followed or any other report of any other committee. There is no doubt that provisions of Article 141 of Constitution of India and Judgments

pronounced by Hon'ble Apex Court will prevail upon other things. Any action be executives must be as per orders of Hon'ble Supreme Court.

9. The Id. P.O. has also filed on record review committee report which was signed by Deputy Superintendent of Police, Headquarter, Amravati Rural the same is marked as exh. "X" for the purpose of identification. It is taken on record and copy is served to the other side. However, it must be cleared that whoever were members of review committee.

10. In view of all above discussions, it appears that as whole system runs under the umbrella of Constitution of India and in view of two Judgments of the Hon'ble Supreme Court, review committee meeting filed by the Id. P.O. has no ground. The applicant was suspended on 17.04.2018, now it is more than 1 year and by record it appears that D.G. Police has accorded sanction recently.

11. The review committee report filed by the Id. P.O. is signed by Deputy Superintendent of Police, Headquarter,

Amravati Rural. It is not clear that who were the members of the review committee in the eyes of laws. The review committee members must be superior than the officer who suspended the applicant, but it is not clear.

12. In view of all above discussions, it appears that by keeping the applicant under suspension will be bad-in-law. By considering the Hon'ble Apex Court Judgments; hence the following order:-

### **ORDER**

**1.Respondents are directed to consider revocation of applicant's suspension and his representation dated 15.03.2019 in view of Hon'ble Supreme Court Judgments within four weeks from the date of this order particularly with reference to:-**

*The Hon'ble Apex Court in 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. 23 had observed as follows:-*

*23. 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.*

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

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

**Vice Chairman**

**Date:-09/07/2019.**

aps.