

O.A. St. 29/2021 (D.B.)

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

Dated : 05/04/2021.

C.A. 11/2021 -

Shri A.P. Gase, Id. counsel holding for
Shri V.B. Bhise, Id. counsel for the applicant,
Shri S.A. Deo, Id. CPO for R-1 and Shri R.V.
Shiralkar, Id. counsel for R-2&3.

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

Vice-Chairman

dnk.

O.A. 978/2019 (D.B.)

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

Dated : 05/04/2021.

C.A. Nos. 19/2021 & 367/2020 -

Shri S.P. Palshikar, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1 to 4 and none for R-5.

At the request of Id. P.O., **S.O.**
22/4/2021.

Vice-Chairman

dnk.

O.A. 697/2019 (D.B.)

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

Dated : 05/04/2021.

C.A. 96/2021 -

Heard Shri S.P. Palshikar, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1 to 3, Shri S.G. Jagtap, Id. counsel for R-4 and Smt. K.N. Saboo, Id. counsel for R-5.

2. The Id. counsel for the applicant has filed C.A. No. 96/2021. As per prayer clause no. (1) the applicant is allowed to join Inspector General of Registration and Controller of Stamps, M.S., Pune as party respondent in the O.A. After addition of party respondent, the C.A. will be heard on the next date for prayer clause no.2

S.O. 8/4/2021

Put up along with O.A. 407/2018.

Vice-Chairman

dnk.

O.A. 407/2018 (D.B.)

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

Dated : 05/04/2021.

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

S.O. 8/4/2021

Put up along with O.A. 697/2019.

Vice-Chairman

dnk.

C.P. 02/2021 in O.A. 487/2018 (D.B.)

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

Dated : 05/04/2021.

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

2. The Id. P.O. has already filed correspondence dated 11/2/2021 issued by the Administrative Officer, Government Medical College, Nagpur. By this letter, as admitted by the learned counsel for the applicant grievance of the applicant has been redressed. However for the compliance no fixed time limit has been given. The respondent no.4 is directed to comply the order dated 11/2/2021 within 30 days from the date of receipt of this order.

3. With this direction, the C.P. 02/2021 stands disposed of. No order as to costs.

Vice-Chairman

dnk.

O.A. 989/2018 (D.B.)

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

Dated : 05/04/2021.

Heard Smt. K.N. Saboo, Id. counsel for the applicant, Shri A.P. Potnis, Id. P.O. for R-1 to 3 and none other respondents.

2. As submitted by the leaned P.O., reply of respondent no.4 i.e. the Municipal Council, Nagar Parishad, Akot, Dist. Akola is necessary to decide the O.A. The O.A. is filed on 4/12/2018 and till now the respondent no.4 has not filed reply. It is serious case.

3. In view of this, the respondent no.4 is directed to file reply within three weeks otherwise the matter will be heard on merit.

S.O. three weeks.

Vice-Chairman

dnk.

O.A. 824/2020 (D.B.)

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

Dated : 05/04/2021.

C.A. No. 322/2020 -

Heard Shri Rahul Dharmadhikar, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for State.

2. For the reasons stated in the application, the C.A.No. 322/2020 for permission to file joint application is allowed.

C.A. No. 105/2021 –

Heard Shri Rahul Dharmadhikar, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for State.

2. The learned counsel for the applicant has filed C.A. for interim stay. However, in the O.A. the learned counsel has filed Government Circular dated 28/02/2017 (A-10,P-70) which has been signed by the Chief Secretary of Government of Maharashtra and it has been clarified that same steps should be taken for employees in similar kind of grievances after order of Tribunal and Hon'ble Apex Court. The learned P.O. desires three weeks time to file reply. Three weeks time is granted to file reply. In the meanwhile, the respondents are directed

to take decision as per the Government Circular dated 28/02/2017 (A-10,P-70) in which Tribunal's order and Hon'ble Apex Court's order has been mentioned how to decide the matter of similarly situated employees.

3. In view thereof, the C.A.No. 105/2021 stands disposed of.

O.A. 824/2020 -

Heard Shri Rahul Dharmadhikar, Id. counsel for the applicants and Shri A.M. Ghogre, Id. P.O. for State. Await service of R-2.

The Id. counsel for the applicant is directed to serve respondent no.2

S.O. after three weeks.

Vice-Chairman

dnk.

C.P. 31/2020 in O.A. 689/2014 (D.B.)

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

Dated : 05/04/2021.

Heard Smt. K.N. Saboo, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for R-1. Await service of R-2 to 4.

2. The learned counsel for the applicant submits that notices of respondent nos.3&4 have not been served. However, Id. P.O. has pointed out the order dated 17/12/2019 (P-13) in the Contempt Petition wherein in para-2 following directions were given –

“ As submitted by the learned counsel for the applicant, the respondent no.1 is directed to take decision as per the letter dated 21/1/2014 (A-11,P-54) submitted by the Additional Principal Chief Conservator of Forests (Administration), Nagpur within two months from the date of this order.”

3. The Id. P.O. submits that two weeks time may be granted to take necessary instructions from the Department. Time is granted as prayed for.

S.O. two weeks.

Vice-Chairman

*dnk.

O.A.No.759/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :05/04/ 2021.

Heard Shri S.P.Palshikar, the Id. counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the Respondents.

2. At the request of Id. counsel for the applicant, **S.O. 19.04.2021.**

Vice Chairman

Date:-05/04/2021.

aps.

O.A.Nos.110&111/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :05/04/ 2021.

Heard Shri R.M.Fating, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the Respondents.

2. The Id. counsel for the applicant has produced final order of punishment to the applicant vide correspondence dated 18.02.2021 by respondent no. 2. The applicant was under suspension since 15.10.2020 (Annexure-A-1, P.B., Pg. No. 18). The final order is reproduced below:-

vknsk

fuyfcr i kni fujh{k d @guer rjVs o i k'k@2759 I fr'k tk/ko] rRdkyhu ue.kpl i k ed&?W&V] i k kVs pkeks'kz; kuu R; kps ofjy dl jhcny epbz i ksyi %f'k{k vkf.k vfiy% fu; e 1956 P; k 3%2%45% ps rjrmhuq kj i qhy ns gskkjh okf'kd oruok< iR; dh 3 %fru% o'kz dfjrk LFkfxrph f'k{k %i f<y okf'kd oruok<hoj vi fj.kedkj d%ph f'k{k ns vkg

R; kpi zlkjs] rfgkl gk vknsk eku; ul Y; kl rfigh ; k dk; ky; kps ekQr 60 fnol kps vkr i syhl mi egkfufj{k d} xMfpjkyh i fj{k= xMfpjkyh dW i ulxi j ; kpdMsvi hy vtZl knj d: 'kdrkr-

3. It appears that final order is under **Section 5 (IV) of Discipline and Appeal (Rules) 1979 or The Bombay Police (Punishment and Appeal) Rules 1956 – 3 (2) (V) as mentioned in final order i.e. under Minor Punishment.** However in the order nothing is mentioned about suspension period.

4. The Id. C.P.O. desires time to file reply, **S.O.**
03.05.2021.

Vice Chairman

Date:-05/04/2021.
aps.

O.A.No.71/2017 with C.A.No.41/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :05/04/ 2021.

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 letter dated 04.03.2021 by Office Superintendent, Commissioner of Police, Nagpur City, Nagpur by which it has been admitted that Seniority list of 2002 is not available in the office record. All the details about the applicant's case has been already covered in the order dated 28.01.2021 and in relief clause no. 8 (i); applicant grievance is only to give deemed date from 01.05.2002 as pointed out by Id. P.O. also.

3. In view of these facts, **matter is closed for order.**

4. **Hence, C.A. No. 41/2017 is allowed and disposed of with no order as to costs.**

Vice Chairman

Date:-05/04/2021.

aps.

O.A.No.301/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :05/04/ 2021.

Heard Shri G.G.Bade, the Id. counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State.

2. The Id. counsel for the applicant has filed document dated 20.02.2020 (Annexure-A-4, P.B., Pg. No. 12) by which it appears that applicant's mother i.e. Smt. Indu Shrikrishna Indore is suffering from Carcinoma Cervix (Cancer).

3. The Id. counsel for the applicant is relying on G.R. dated 09.04.2018 (Annexure-A-6, P.B., Pg. No. 21) and mainly it's provision in para no. 6 on P.B., Pg. No. 35 which is reproduced below:-

“ 'kl dh; depljh ; kph ; FkkLFkrh i Ruh ok i rh ok R; kph eysok R; kb; koj voycu vl yysvkbzfdok oMhy fdok efgyk vf/kdk&; kps l kl wfdok l kl js gs ddjlskus %dwl j½ vktkjhe i {kk?krkus vktkjhe=fi M jli .k 'kl=fdz k fdok Mk; yfl l l w vl yys@ cu V; ej fdok enqjhy 'kl=fdz k @ fuf' prukoLFkk %dkekl% eukfodrhusxLr@ gn; 'kl=fdz k >kyhvl Y; kl l c6/kr 'kl dh; deplk&; kph i zkl dh; l ks hud kj o i n mi yC/krud kj R; kb; k l ks hp; k fBdk.kh cnyh dj.; kr ; koh-”

4. Hence, applicant has given his choices as per Annexure-A-1, P.B., Pg. No. 8. Since, applicant's case is squarely covered by para no. 6 of G.R. dated 09.04.2018 (Annexure-A-6, P.B., Pg. No. 21) ifjf'kV & 1] i yku- 6-

5. In view of this, following order:-

ORDER

1. Respondents are directed to consider applicant's representation 19.03.2020 (Annexure-A-1, P.B. Pg. No. 8) as per provisions of para no. 6 at P.B., Pg. No. 35 of G.R. dated 09.04.2018 during transfer season April, May, 2021.
2. With the above directions, **O.A. is disposed of with no order as to costs.**

Vice Chairman

Date:-05/04/2021.

aps.

O.A.No.849/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :05/04/ 2021.

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

2. In order dated 04.02.2021 in last para the main question was regarding G.R. dated 15.02.2018 (Annexure-A-5, P.B., Pg. No. 52) that when limit of filling the post on compassionate ground was increased by 20 %, whether during the year 2017-18 in all the Group-D posts; how many vacant posts with the Department and whether as per seniority, applicant's name was considered or not?

3. The above instructions are yet to be filed on record. However, Id. P.O. desires time, **S.O. 19.04.2021.**

Vice Chairman

Date:-05/04/2021.
aps.

O.A.No.286/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :05/04/ 2021.

M.C.A.No.05/2021:-

Heard Shri S.R.Charpe, the Id. counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the Respondents.

2. In order dated 01.04.2021 in para no. 4 Government G.R. dated 09.04.2018 is mentioned. However, applicant is a Group-A employee and G.R. dated 09.04.2018 is only applicable to Group-II, III and IV employees. Hence, applicant is covered by G.R. dated 06.08.2002 only.

3. In view of this, order dated 01.04.2021, para no. 4 is modified. The Id. counsel for the applicant is directed to submit choices as per G.R. dated 06.08.2002 as early as possible and respondents are directed to consider the said choices while transferring the applicant in the transfer season 2021.

4. With the above directions, **M.C.A. stands disposed of with no order as to costs.**

5. **Steno copy is granted.**

Vice Chairman

Date:-05/04/2021.
aps.

O.A.No.62/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :05/04/ 2021.

Heard Shri R.V.Shiralkar, the Id. counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the Respondents.

2. The applicant was placed under suspension vide order dated 19.10.2020 (Annexure-A-2, P.B., Pg. No. 12) and elaborate order was passed on 15.03.2021 giving 10 days time to respondents as per para no. 4 which is reproduced below:-

*'In view of all these facts, the respondent no. 1 is directed to take decision as per recommendation letter filed along with reply dated 11.02.2021 and as per remarks column in last para within 10 days from the date of this order and communicate to the applicant and issue posting order as per para – 24 of above Hon'ble Apex Court order in case of **State of Tamil Nadu Vs. Pramod Kumar IPS and Anr. delivered on 21.08.2018.***

3. However, today the Id. P.O. has placed on record correspondence dated 01.04.2021 and it appears that respondents still require time.

4. In view of this delay and since already much delay has been done. In the interest of justice and equity, following order is passed:-

ORDER

1. The suspension order dated 19.10.2020 (Annexure-A-2, P.B., Pg. No. 12) is revoked from the date of this order and respondent no. 1 is directed to issue suitable posting order as per para – 24 of Hon'ble Apex Court order in case of **State of Tamil Nadu Vs. Pramod Kumar IPS and Anr. delivered on 21.08.2018. within 15 days from the receipt of this order. Since, applicant is retiring on 31.07.2021.**
2. With the above directions, **O.A. is disposed of with no order as to costs.**

Vice Chairman

Date:-05/04/2021.
aps.