

O.A. 178/2018 (S.B.)

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

Dated : 03/12/2019.

Shri R.V. Shiralkar, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. Next week.**

Vice-Chairman

dnk.

O.A. 302/2018 (S.B.)

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

Dated : 03/12/2019.

Shri R.V. Shiralkar, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. Next week.**

Vice-Chairman

dnk.

O.A. 45/2016 (S.B.)

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

Dated : 03/12/2019.

Shri N.R. Saboo, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. for the respondents.

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

Vice-Chairman

dnk.

O.A. 977/2017 (S.B.)

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

Dated : 03/12/2019.

Shri N.R. Saboo, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. one week.**

Vice-Chairman

dnk.

O.A. 257/2018 (D.B.)

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

Dated : 03/12/2019.

Shri N.R. Saboo, Id. counsel for the applicants and Shri M. I. Khan, Id. P.O. for the respondents.

The learned P.O. submitted that reply of R-3&4 has already been filed and it is sufficient to decide the matter. Hence, the matter is admitted and it be kept for final hearing.

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

The learned counsel for the applicant submitted that similar matter may be kept along with this matter.

S.O. 11/12/2019.

Put up this matter along with O.As. 913/2018,914/2018, 949/2017 & 950/2017.

Vice-Chairman

dnk.

O.A. 540/2019 (D.B.)

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

Dated : 03/12/2019.

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

The Id. P.O. files reply on behalf of R-2&3. It is taken on record. Copy is served on the applicant. It is submitted that reply of R-2&3 is sufficient to decide the matter.

Heard. Admit.

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

S.O. in due course.

Vice-Chairman

dnk.

O.A. 953/2019 (D.B.)

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

Dated : 03/12/2019.

Heard Mrs. Poonam Mahajan, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the respondents.

2. The O.A. has been transferred from Mumbai Bench on jurisdiction basis. The learned counsel for the applicant submits that the applicant was recruited as Naib Tahsildar in the year 2001 and the applicant took the benefit of G.R. dated 25/05/2004 (A-3,P-34) for getting promotion as Tahsildar. Now the applicant is due for promotion as Deputy Collector. The learned counsel for the applicant submits that even after the applicant is at the bottom of the 2001 batch, the applicant will be eligible for promotion to the post of Deputy Collector since now promotion of 2002 batch Officers are being promoted who are clearly junior to him.

3. However, now it has to be verified that if the applicant would not have been given the benefit of G.R. dated 25/5/2004 for promoting him as Tahsildar what would have been his position in the seniority list. However, the Id. CPO desires to file additional reply and for that

purpose he seeks two weeks. The Id. CPO to supply the additional reply well in advance to the Id. counsel for the applicant.

4. The matter be kept before the regular Division Bench on **18/12/2019.**

Vice-Chairman

dnk.

O.A. 957/2019 (D.B.)

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

Dated : 03/12/2019.

Heard Shri N.R .Saboo, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the State.

2. As submitted by the learned counsel for the applicant after completion of post graduate degree the applicant was relieved on 7/1/2013 by the Ayurvedic Mahavidyalaya (A-2,P-11) and the applicant joined duty on 9/1/2013 (A-3,P-12). However, the applicant was given proper posting vide letter dated 24/10/2013 (A-6,P-16) and consequent to that order the applicant joined on 24/10/2013 (forenoon) (A-8,P-18) as per para-3 of letter written by the Dy. Director, Health Services, Nagpur Circle, Nagpur vide his letter dated 17/11/2015 to the Director, Health services, Mumbai. So, the applicant remained without posting from 8/1/2013 to 23/10/2013 without any fault on his part. The Deputy Director of Public Health Department, Nagpur vide his letter dated 20/7/2015 (A-7,P-17) has recommended to the District Health Officer, Z.P., Nagpur to pay salary from 8/1/2013 to 23/10/2013 and the same has been recommended to Additional Chief Secretary, Public Health Department, Mumbai by the Joint Director of Public Health Department, Mumbai vide letter dated 20/1/2017. As submitted by the learned counsel for the applicant, the Government has not taken any decision on the letter dated 20/1/2017 and his only grievance is that to

decide the period of the applicant as per the letter dated 20/1/2017 (A-9,P-19).

3. Meanwhile, respondents are at liberty to decide the proposal submitted by the Joint Director, Public Health Department vide letter dated 20/1/2017 while filing the reply.

4. Issue notice to R-2 & 3, returnable on 20/12/2019. 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.

S.O. 20/12/2019.

Vice-Chairman

dnk.

O.A. 958/2019 (D.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman.

Dated : 03/12/2019.

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

2. The learned counsel for the applicant has pointed out that the departmental enquiry was initiated against the applicant vide order dated 21/8/2015 (A-1,P-12) and first hearing was done on 20/12/2016 (A-7,P-41). The learned counsel for the applicant has relied upon the Judgment in case of **Prem Nath Bali Vs. Registrar, High Court of Delhi & Ano.** And filed on record, copy is supplied to the Id. P.O. In para-33 of the said Judgment following observations are made-

“Keeping these factors in mind, we are of the considered opinion that every employer (whether state of private) must make sincere endeavour to conclude the departmental inquiry proceedings once initiated against the delinquent employee within a reasonable time by giving priority to such proceedings and as far as possible it should be concluded within six months as an outer limit. Where it is not possible for the employer to conclude due to certain unavoidable causes arising in the proceedings within the time framed then efforts should be made to conclude within reasonably

extended period depending upon the cause and the nature of inquiry but not more than a year.”

3. Issue notice to R-2 & 3, returnable **on 20/12/2019**. 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.

S.O. 20/12/2019.

Vice-Chairman

dnk

O.A. 20/2018 (S.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman.

Dated : 03/12/2019.

Heard Shri J.C. Shukla, Id.counsel for the applicant and Shri M.I. Khan, Id .P.O. for R-1 to 4. None for other respondents.

2. The learned P.O. has pointed order the earlier order dated 20/4/2018 wherein in para-2 the following observations were made-

“The Id. counsel for the applicant submits that he will take instruction from the applicant as regards pendency of the appeal or withdrawal of the O.A.”

3. The Id. P.O. has further pointed out that on 21/8/2018 none appeared for the applicant, however, Id. counsel for the applicant submits that since reply of R-3 is filed, the matter may be admitted and it be kept for hearing. Hence, the matter is admitted and it be kept for final hearing.

The Id. P.O. waives notice for R-1 to 4.

S.O. in due course.

Vice-Chairman

dnk.

O.A. 492/2018 (S.B.)

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

Dated : 03/12/2019.

Heard Shri N.B. Meshram, Id .counsel for the applicant, Shri S.A. Sainis, Id .P.O. for R-1 to 4 and Mrs. S. Dhawas, Id. counsel for R-5.

There is some confusion between the Id. counsel for respondent nos.4&5 while dealing with the matter, therefore, the matter be kept day after tomorrow after filing proper vakalatnama.

S.O. 05/12/2019.

Vice-Chairman

dnk.

O.A. 675/2018 (S.B.)

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

Dated : 03/12/2019.

None for the applicant. Shri V.A. Kulkarni, Id. P.O. for R-1 to 3. And Shri S.V. Deshmukh, Id .counsel for R-4.

The Id. P.O. files reply of R-2. It is taken on record.

Heard. Admit.

The Id. P.O. waives notice for R-1 to 3.

The Id. counsel for R-4 is at liberty to file reply, if any.

S.O. in due course.

Vice-Chairman

dnk.

O.A. 1001/2018 (S.B.)

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

Dated : 03/12/2019.

Shri S.K. Thengri, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1 to 9. Await service of R-10.

The Id. P.O. files reply on behalf of R-1 to 6. It is taken on record. Copy is served on the applicant. The Id. P.O. submits that he wants to take instructions regarding respondent nos.7 to 9 from the department.

The Id. counsel for the applicant is directed to file service affidavit on behalf of R-10.

S.O. after four weeks.

Vice-Chairman

dnk.

O.A. 31/2019 (S.B.)

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

Dated : 03/12/2019.

Shri S.N. Gaikwad, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1. None for R-4. Await service of R-2,3&5.

The Id. counsel for the applicant is directed to file service affidavit of R-2,3&5.

S.O. four weeks.

Vice-Chairman

dnk.

O.A. 34/2019 (S.B.)

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

Dated : 03/12/2019.

Shri G.G. Bade, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. for R-1. Await service of R-2 to 4.

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

Vice-Chairman

dnk.

O.A.st 283/2019 (S.B.)

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

Dated : 03/12/2019.

C.A. 49/2019 -

Smt. A. Pardhi, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

The Id. P.O. files reply on behalf of R-3 on C.A. It is taken on record. copy is served on the applicant.

S.O. after two weeks.

Vice-Chairman

dnk.

O.A. 113/2019 (S.B.)

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

Dated : 03/12/2019.

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

At the request of Id. P.O., **S.O.**
20/12/2019 for filing reply.

Vice-Chairman

dnk.

O.A. 124/2019 (S.B.)

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

Dated : 03/12/2019.

Shri S.N. Gaikwad, 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. After Vacation** for filing reply.

Vice-Chairman

dnk.

O.A. 148/2019 (S.B.)

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

Dated : 03/12/2019.

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

The Id. P.O. files reply on behalf of R-3. It is taken on record. Copy is served on the applicant.

Heard. Admit.

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

Issue of limitation is kept open at the time of final hearing.

S.O. 12/12/2019.

Vice-Chairman

dnk.

O.A. 88/2016 (S.B.)

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

Dated : 03/12/2019.

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

S.O. 09/12/2019.

Vice-Chairman

dnk.

O.A. 735/2016 (S.B.)

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

Dated : 03/12/2019.

Shri M.R. Rajgure, Id. counsel for the applicant and Shri S.A. Sainis, Id. P.O. for R-1 &2. None for R-3.

The Id. counsel for the applicant submitted that he will file pursis along with the documents. He is permitted to do so.

S.O. Next week.

Vice-Chairman

dnk.

O.A. 71/2017 (S.B.)

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

Dated : 03/12/2019.

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

The matter be kept on **06/12/2019 on high on board** in the list of hearing parties matters.

Vice-Chairman

dnk.

O.A. 959/2019 (D.B.)

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

Dated : 03/12/2019.

Heard Shri S.P. Palshikar, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the State.

2. Issue notice to R-2 returnable **in four weeks**. Learned 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. **The question of interim relief is kept open.**

S.O. four weeks.

Vice-Chairman

dnk.

***O.A. 894/2019 (S.B.)**

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

Dated : 03/12/2019.

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

2. The learned counsel for the applicant has placed on record the Hon'ble High Court Judgment in Writ Petition No.7506/2018 delivered on 17/07/2019 (A-5,P-21) and he has also placed on record the Judgment dated 26/7/2019 passed by the MAT, Nagpur Bench in O.A.Nos. 463 & 464 of 2019 (P-16). The impugned order dated 6/1/2019 (Annex-A-1, P-13) where three persons had been put under suspension, out of that the persons at Sr.Nos.1&3 have been already reinstated. The present applicant was not party on those O.As. and his grievance has not been resolved. Since the applicant's case is already covered by the Judgment of MAT, Nagpur in O.A.Nos. 463 & 464 of 2019 and the Judgment of Hon'ble High Court in Writ Petition No.7506/2018, the following order is passed :-

3. The respondents are directed to revoke the suspension of the applicant within two weeks

from the date of this order and place the applicant at suitable post.

4. With above direction, the O.A. stands disposed of. No order as to costs.

Vice-Chairman

dnk.

***O.A. 954/2019 (S.B.)**

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

Dated : 03/12/2019.

Heard the applicant in person and Shri S.A. Deo, Id. CPO for the State.

2. As per the letter at A-3,P-27 the applicant stood retired as Assistant Director, Group-A (Head of Office) on 30/6/2019. The applicant submits that he has been paid provisional pension, however, as per his knowledge no order has been issued till date and he has not received any such order. When query was made by this Bench, the applicant admitted that GPF and GIS amounts have also been paid. He has claimed for interim relief for leave encashment, but at this stage it cannot be decided.

3. Meanwhile the respondents are directed to issue in writing letter regarding provisional pension and provide to the applicant as well as to this Tribunal along with the reply.

4. Issue notice to R-2 to 5, returnable **after 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.

S.O. after four weeks.

Vice-Chairman

dnk.

***O.A. 419/2019 (S.B.)**

Coram:Shri Shree Bhagwan,
Vice-Chairman.

Dated : 03/12/2019.

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

2. The O.A.No. 971/2018 was heard in the Division Bench on 13/3/2019 and order was passed regarding completion of departmental enquiry, the said period is over and now the applicant has approached for retiral benefits. The learned counsel for the applicant has relied upon MAT, Mumbai Judgment dated 7/9/2018 and mainly relied on para-21&22. Since the court case against the applicant is not in progress, however, the Id. P.O. submits that there is a difference between criminal case in O.A.1072/2017 and the present O.A., because in O.A.1072/2017 criminal case was on the basis of private complaint, whereas, in this case criminal case is filed by the Government Department. Since the matter was previously decided by the Division Bench, therefore, it be kept before the Division Bench in the next week.

S.O. Next week.

Vice-Chairman

dnk.

***O.A. 955/2019 (S.B.)**

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

Dated : 03/12/2019.

Heard Shri S.N. Gaikwad, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the State.

2. The applicant is claiming appointment on compassionate ground. The learned P.O. is also directed to find out the G.R. of 2017 on compassionate ground issued by the Government which is referred in the previous G.R. and file on record on the next date.

3. Issue notice to R-2 to 4, returnable **in 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.

S.O. four weeks.

Vice-Chairman

dnk.

***O.A. 956/2019 (S.B.)**

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

Dated : 03/12/2019.

Heard Shri S.N. Gaikwad, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The learned counsel for the applicant has pointed out proposal dated 5/6/2018 along with proposal dated 20/5/2019 forwarded by the Director, Medical Education and Research, Mumbai to the Secretary, Medical Education and Drugs Department, Mumbai in which in the last line giving deemed date to the applicant has been recommended by the Joint Director.

3. The respondent no.1 is directed to decide the said proposal dated 5/6/2018 along with proposal dated 20/5/2019 forwarded by the Director, Medical Education & Research Department, Mumbai within two months from the date of receipt of the order.

4. With this direction, the O.A. stands disposed of. No order as to costs.

Vice-Chairman

dnk.

***O.A. 292/2018 (S.B.)**

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

Dated : 03/12/2019.

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

2. As per the respondent no.3's letter dated 20/1/2017 (A-1,P-15) in para-3 following details have been mentioned –

^i ksyhl Hkjrth 2016 dfjrk , dmk #-19]03]720@& , o<s vumku
i ktr >kys gkrs R; ki &th #- 11]60]829@& #i ; kph ns ds
dkskxkjkrw i kfjr dj. ; kr vkys vkgs o moZjr #-6]72]904@& ps
ns dka &th dkgb ns ds eatjhp ; k dk; bkghe/ ; s gkrs o dkgb j deph
ns ds vi ktr gkrs R; keGsl njpsns ds dkekP ; k 0; ki keGsvuko/kkukus
jkgw xsysh vkgs ; kckcr ek- egkn; kps vkKkdr d{kkr frukd
15@10@2016 jksth gtj >kylsr&gk eh ek-egkn; kl l kixrys dh]
l nj idj.kh eh i wkz-%nks'kh ul w QDr 5 rs10 VDdsek>h pnd vkgs
l njph pnd gh dkekP ; k 0; ki keGsvuko/kkukus jkgw xsysh vkgs eh
ek- egknkl elj dcaj dY; ki ek.ks ek>s gp Li "Vhdj.k vl w eyk
, dnk ekQ djky gh vk'kk ckGxw Li "Vhdj.k l knj djhr vkgs di ; k
eyk , dnk ekQ dj. ; kr ; kos** vl sR; kuh vfhkonukr uem dsys
vkgs**a

3. The total amounts involved in the Police Recruitment of the year 2016. The applicant in his appeal dated 15/3/2017 has submitted on page no.23, para-2 following details -

^vfhky[k 'kk[kpk dk; Hkkj vkt nrksmn; k nrksEg.kau VIGr xysso
vfhky[k 'kk[kpk dk; Hkkj eyk fnyk ukgh- 'koVh eyk ukbzyktkLro
vfhky[k 'kk[kpk pkt7ns; kckcr ofj "BkadMsfnuad 17@3@2016 jkst h
fjrl j rdkj vtZ dY; kurj R; kauh eyk vfhky[k 'kk[kpk dk; Hkkj
fnuad 4@5@2016 jkst h fnyk- I kcr rdkj vtZph Nk; kadhr ir
I y/Xu vkgd dk; k voykclukFkZl knj**a

4. In para-4 he has submitted following details –

^eh vfhky[k 'kk[kpk dk; Hkkj fnuad 4@5@2016 jkst h
fLodkjY; kurj i ksyhl Hkj rhpscjpl snš ds iyfcr glrs I njpsns ds
fudkyh dk<.ksvR; ko'; d vI Y; kusi ksyhl Hkj rhpsns dkojh y fjrl j
dk; kzy; hu dk; bkgd d#u #-11]60]829@& , o<; k jdeps ns ds
dkSkxkjkrnu ikjhr dj.; kr vkys rneurj dk; kzy; hu vknsk dz
iz kk&3@Vcy fu; D rh@6529@16] fnuad 3@8@2016 ½i klr fn-
16@8@2016½ vll; s ek>h cnyh vkLFki uk 'kk[kk&2 ; fks cnyh
>kY; kuseh vfhky[k 'kk[kpk I á ukZ dk; Hkkj Jh- , p-, e-Mdkg] iz
fyihd ; kauh fnuad 16@8@2016 jkst h fnyk rbgk ek>dMs i ksyhl
Hkj rh I adkkr QDr #-1]14]838@& , o<; kp jdeps ns ds iyfchr
vI Y; kuseh I njpsns dspktZnr@Gh R; kpsl i kZdsyso mojh r ns dsgs
I adkhr dā uh dk; kzy; kdMuu ; skcdkh vI Y; kus I njpsns ds ikjhr
djrk vkysulgh- **a

5. As per impugned order dated 20/1/2017 (A-1,P-15&16) the following punishment has been awarded to the applicant -

"The next increment is stopped for three years without having effect of future increments."

6. Since this order was appellate order, the applicant has preferred appeal to the respondent no.2 (A-5,P-22 to 25). The applicant has given details about his defence in para-2&4.

7. The applicant had admitted that his mistake was limited only to 5 to 10 %. In whole amount. In short, it appears that out of total amount involved in recruitment process was Rs.19,03,730/- out of that the applicant has fulfilled his responsibility to the extent of Rs. 11,60,829/- and the balance amount was in process for sanction from the Treasury. Only amount of Rs.1,14,838/- remained balance when the applicant handed over the charge as per para-4, page no.23. So out of total amount of 19,03,730/- applicant can be made responsible for Rs.1,14,838/- only, which is approximately 5% of total amount.

8. In view of this, the punishment awarded at page nos.15&16 (A-1) appears to be disproportionate to the negligence shown by the applicant. The applicant made an appeal to the respondent no.2 which is placed on record at Annex-A-5, Page nos.22 to 25. The appeal was decided vide order dated 15th September,2017 (A-2,P-17&18). I have gone through the proceedings of appeal it appears that the matter has not been analysed in detail while deciding

the appeal it has been just taken from the original order (A-1).

9. In view of discussion in above paras and in the interest of justice following order is passed:-

ORDER

(i) The respondent nos.2&3 are directed to modify their orders dated 15th September,2019 and 20th January, 2017 respectively to the extent that punishment will be limited to stoppage of only one increment with temporary effect for only one year.

(ii) With above directions, the O.A. stands disposed of. No order as to costs.

Vice-Chairman

dnk.

***O.A. 278/2016 (S.B.)**

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

Dated : 03/12/2019.

Shri A.D. Girdekar, Id. counsel for the applicant, Shri A.M. Ghogre, Id. P.O. for R-1&2 and Shri S.N. Gaikwad, Id. counsel for R-3.

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

Vice-Chairman

dnk.

***O.A. 705/2017 (S.B.)**

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

Dated : 03/12/2019.

Heard Shri G.G. Bade, Id. counsel for the applicants and Shri A.M. Ghogre, learned P.O. for the respondents.

2. The learned counsel for the applicants submitted that Van Majoor in the Forest Department who were regularised from 1/6/2012 in pursuant to the G.R. dated 16/10/2012 should count past service, since they were employed to the department on temporary basis for granting pensionary benefits.

3. The learned P.O. pointed out that in G.R. itself the cut-off date has been given as 1/6/2012 on the supernumerary posts were created specifically from that date only. However the learned counsel for the applicant is advised to ask the applicant to file representation about his grievance before the appropriate authority who may consider regularisation as per G.Rs. 1/11/1994 and 16/10/2012 together and consider the applicant's grievances sympathetically and disposed of their representations within 8 weeks from the date of receipt of their representations. The learned

counsel for the applicant is also requested to ask the applicant to move the application within one week.

With this direction, the O.A. stands disposed of. No order as to costs.

Vice-Chairman

dnk.

***O.A. 502/2016 (S.B.)**

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

Dated : 03/12/2019.

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

2. The matter was heard extensively and detail order was passed on 27/8/2019, however, the learned counsel for the applicant submits that relief is yet to be granted to the applicant.

3. In view of this, the respondents are directed to modify the order dated 23/7/2015 (A-1,P-11) and allow all the pensionary benefits to the applicant from the date of his joining (i.e.2/6/1965) in service till the date of retirement except the period between 14/3/1996 to 30/6/2001 i.e. till the date of retirement which is already mentioned in para-10 of the order dated 27/8/2019.

4. The respondents are directed to correct the G.R. dated 23/7/2015 regarding this point only within 8 weeks from the date of this order and subsequently they are directed to give pensionary benefits to the applicant within four months thereafter.

5. With this direction, the O.A. stands disposed of. No order as to costs.

Vice-Chairman

dnk.

***O.A. 84/2019 (S.B.)**

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

Dated : 03/12/2019.

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

2. The learned counsel for the applicant has relied upon on the Hon'ble Supreme Court Judgment in Civil Appeal No.3339/2019 arising out of SLP (Civil) No.100/2016 and order delivered on 1st April,2019. Prima facie it appears that in the O.A.No.84/2019 the relief clause no. 8 (2) is fully covered by the Hon'ble Apex Court's Judgment. The learned counsel for the applicant is directed to supply the copy to the learned P.O. The learned P.O. is directed to take instructions from the Department in this regard.

S.O. 12/12/2019 (PH).

Vice-Chairman

dnk.
