

O.A. No.877/2018.

(D.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman

Dated : 19th June 2019.

Heard Shri N.D. Thombre, the Ld. counsel for the applicants and Shri S.A. Sainis, the learned P.O. for the respondents.

2. The Ld. P.O. has filed a letter dated 20.4.2019 written by Dean, Govt. Medical College and Hospital, Chandrapur to the Director of Medical Education and Research, Mumbai. As pointed out by the Ld. counsel for the applicants in the letter dated 25.9.2018 (A.4, P.37), decision has been taken about employees completed 10 years of service.

3. In case of the applicants, justice should be done as and when they complete their tenure of 10 years as per existing rules and regulations. Same kind of decision should be taken as taken in letter dated 25.9.2018..

4. With these observations, O.A. stands disposed of with no order as to costs.

Vice-Chairman

Dt. 19.6.2019.
Pdg

O.A. No.364/2019.

(D.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman
Dated : 19th June 2019.

Heard Shri N.D. Thombre, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents 1 to 3. None for R. 4 to 9.

2. Vide order sheet dated 28.5.2019, it appears that the applicant is at Sr. No.1 as per list. However, subsequently the respondents have again published provisional seniority list as on 23.4.2019. It seems that the seniority list was published as on 1.1.2019 and the applicant has been placed at Sr. No.21. Point raised by the Ld. counsel for the applicant is that how the applicant has been brought from Sr. No.1 to Sr.No.21 as on 1.1.2019. Ld. P.O. is directed to clarify it in reply.

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

Vice-Chairman

Dt. 19.6.2019.
Pdg

O.A. No.777/2012.

(D.B.)

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

Dated : 19th June 2019.

C.A. 119/2019 in R.A. 17/2015.

None for the applicant. Shri H.K. Pande,
the learned P.O. for the respondents.

As per order dated 15.6.2019, the Ld.
counsel for the applicant has moved C.A.
No.119/2019 in compliance of the order of this
Tribunal. In view of this, the respondent has
been added as party respondent No.4. Hence,
the C.A. is allowed and disposed of.

O.A. 777/2012.

Issue notice to newly added respondent
No.4 returnable after **three weeks**.

2. Hamdast granted.
3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is

put to notice that the case would be taken up for final disposal at the stage of admission hearing.

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

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

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

8. S.O. **three weeks.**

Vice-Chairman

Dt. 19.6.2019.

Pdg

O.A. No.62/2019.

(D.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman
Dated : 19th June 2019.

Heard Shri S.N. Gaikwad, the Ld. counsel for the applicant and Shri S.A.Deo, the learned C.P.O. for the respondents.

The Ld. counsel for the applicant submits that notice is served, but he requires two weeks' time to file service affidavit.

S.O. **four weeks.**

Vice-Chairman

Dt. 19.6.2019.
Pdg

O.A. No.395/2018.

(D.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman

Dated : 19th June 2019.

C.P. 11/2019.

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

2. A detailed discussion took place on Section 22N of the Maharashtra Police Act, 2018 about the normal tenure of police personnel and competent authority. Discussion was limited to sub-para (c), since the applicant belongs to the cadre of Police Inspector. It is written in sub-section (c) of Section 22N of the Maharashtra Police Act, 2018 as under:-

(c)- For Police Officers of the rank of Police Sub- Inspector, Assistant Police Inspector and

Police Inspector, a normal tenure shall be of two years at a Police Station or Branch, four years in a District and eight years in in a Range, however, for the Local Crime Branch and Special Branch in a District and the Crime Branch and Special Branch in a Commissionerate, a normal tenure shall be of three years.”

3. The respondents in their reply (Page 30, para 4) had submitted that appropriate action would be taken at the time of Annual General Transfers of 2019 on merits of the case of the applicant. Now the respondents are directed to file on record that what appropriate action had been taken and on what grounds ? At the same time, in the order dated 3.6.2019 of this Tribunal, para 3, it was mentioned as below:-

“In view of the above facts, since the applicant has completed two years of tenure as per Section 22-N of the

Maharashtra Police Act, 2018, the respondents are directed to take necessary action within a period of two weeks from the date of this order.”

4. The respondents are directed to file their say regarding this para.

S.O. two weeks before regular D.B.

Vice-Chairman

Dt. 19.6.2019.
Pdg

O.A. No.86/2019.

(D.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman
Dated : 19th June 2019.

Heard Shr S.C. Deshmuki, the Ld. counsel for the applicants and Shri M.I. Khan, the learned P.O. for respondents 1 and 2. None for R. 3 to 18.

2. As submitted by the Ld. P.O., reply has been filed.

3. **ADMIT.**

4. Shri M.I. Khan, the learned P.O. waives notice for respondents 1 and 2.

5. S.O. **7th August 2019 for final hearing.**

Vice-Chairman

Dt. 19.6.2019.
PdG

O.A. No. 238/2019 (SB)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 19.06.2019

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

2. The learned counsel for the applicant submitted that the applicant is retiring on 30/06/2019.

3. In the meantime, the learned P.O. files reply on behalf of R-2. It is taken on record. Copy is served on the applicant.

S.O. 25/06/2019.

Vice-Chairman.

dnk.

O.A. No. 610/2018 **(SB)**

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 19.06.2019

Shri A.P. Sadavarte, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 to 5 and Shri S.N. Gaikwad, Id. counsel for R-7 and none for R-6.

2. At the request of Id. P.O., **S.O. 28/06/2019** along with other connected matter.

Vice-Chairman.

dnk.

O.A. No. 644/2018 **(SB)**

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 19.06.2019

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

2. At the request of Id. P.O., **S.O. 28/06/2019** along with other connected matter.

Vice-Chairman.

dnk.

O.A. No. 713/2018 **(SB)**

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 19.06.2019

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

2. As per order dated 30/12/2017 (A-1,P-13) it appears that the applicant retired on 31/12/2017. As per Annex- A-11, P-37 the respondents have issued show cause notice to the applicant dated 12/04/2018 i.e. almost after retirement of more than three months.

3. On perusing the order dated 12/04/2018 nowhere appears that the Section 27 of the Maharashtra Civil Services (Pension) Rules,1982 has been followed.

4. The learned P.O. submits that he requires just one week time to take necessary instructions from the Department and also for filing reply to the effect that whether necessary permission from the Government has been taken or not.

5. At the request of learned P.O., **S.O. 26/06/2019.**

Vice-Chairman.

dnk.

O.A. No. 714/2018 **(SB)**

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 19.06.2019

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

2. As per order dated 31/01/2018 (A-1, P-9) it appears that the applicant retired on 31/01/2018. As per Annex-A-3, P-12 the respondents have issued show cause notice to the applicant dated 12/04/2018 i.e. almost after retirement of more than three months.

3. On perusing the order dated 12/04/2018 nowhere appears that the Section 27 of the Maharashtra Civil Services (Pension) Rules, 1982 has been followed.

4. The learned P.O. submits that he requires just one week time to take necessary instructions from the Department and also for

filing reply to the effect that whether necessary permission from the Government has been taken or not.

5. At the request of learned P.O., **S.O. 26/06/2019.**

Vice-Chairman.

dnk.

O.A. No. 473/2018 (SB)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 19.06.2019

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

2. The learned P.O. submits that he will file reply during the course of day. He is directed to supply the copy of the same to the applicant.

3. The applicant is at liberty to file rejoinder before the next date, if any.

4. **S.O. 03/07/2019.**

Vice-Chairman.

dnk.

O.A. No. 317/2019 (SB)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 19.06.2019

Heard Shri D.S. Kaore, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1. Await service of R-2.

2. The learned CPO has filed letter no.2019/pr.a.kra.144/seva-3, dated 07th June, 2019 by which it appears that the applicant has been reinstated and also posted in the office of Chief Engineer, Public Works Division, Amravati Division.

3. As per prayer Clause 10 (A) on page no.18 the applicant's grievance has been redressed by the said Government order. However, regarding departmental inquiry in prayer clause no. 10 (C) on page no.19, the respondents are directed to complete departmental inquiry as early as possible within existing rules and regulations as also as per directions of the Courts.

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

Vice-Chairman.

dnk.

O.A. No. 337/2019 **(SB)**

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 19.06.2019

Shri S.M. Bahirwar, Id. counsel for the applicant and Shri S.A. Deo, Id. C.P.O. for R-1 to 3. None for R-4&5.

At the request of learned CPO, **S.O.**
four weeks for filing reply.

Vice-Chairman.

dnk.

O.A. No. 425/2019 (SB)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 19.06.2019

Heard Shri Bharat Kulkarni, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for R-1. Await service of R-2 to 4.

2. As requested by the learned counsel for the applicant, he is permitted to withdraw the O.A. with liberty to file fresh O.A.

3. In view thereof, the O.A. stands disposed of as withdrawn. No order as to costs.

Vice-Chairman.

dnk.

O.A. St.No. 1138/2018 (SB)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 19.06.2019

C.A. 194/2018 -

Heard Shri S.C. Deshmukh, Id. counsel for the applicants and Shri A.P. Potnis, Id. P.O. for the respondents.

2. The learned P.O. files affidavit on behalf of R-2 to 4 on C.A. It is taken on record. Copy is served on the applicant.

3. However, the learned counsel for the applicants pointed out that there are also 3-4 matters are pending related to same issue.

4. In view of justice and equity, the delay is condoned and the C.A. is allowed.

O.A. St. 1138/2018 –

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

2. Issue notice to R-2 to 4, 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. Applicants are 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. Applicants are 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. four weeks.**

Vice-Chairman.

dnk.

O.A. No. 698/2017 (SB)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 19.06.2019

C.A. 131/2019 -

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

2. The learned counsel for the applicant submits that during the pendency of the O.A. the applicant died on 25/02/2019 and for bringing the L.Rs. he has filed C.A.No. 131/2019 and same may be allowed. The learned P.O. has no objection for the same.

3. In view thereof, the C.A.No. 131/2019 is allowed.

O.A. 698/2017 –

The matter be kept for hearing **on 10/07/2019.**

Vice-Chairman.

dnk.

O.A. No. 949/2018 (SB)

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 19.06.2019

Heard Shri S.M. Khan, Id. counsel for the applicant, Shri A.P. Potnis, Id. P.O. for

R-1 and Shri S.A. Deo, Id. Special Counsel for R-2.

2. The learned counsel for the applicant submits that he desires to withdraw the O.A.

3. The learned Special Counsel for R-2 appeared and also pointed out that the matter does not pertain to the jurisdiction of this Tribunal.

4. In view thereof, the O.A. stands disposed of as withdrawn. The applicant is at liberty to approach before the appropriate forum. No order as to costs.

Vice-Chairman.

dnk.

O.A. No. 651/2018 **(SB)**

**Coram : Hon'ble Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 19.06.2019

Heard Shri V.A. Kothale, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The matter was heard on 14/06/2019 and in para-2 following observations were made –

“The learned counsel for the applicant submits that the applicant aggrieved of order dated 29/01/2018 (Annex-R-1) by respondent no.3. As submitted by learned counsel for the applicant, Court order delivered on 23/12/2013 in the court of Additional Sessions Judge, Pusad, Session Trial No. 77/2004 at P.B., Pg.No.22, para no.5, it is mentioned that applicant has been acquitted for offence punishable u/s 302,330 r/w 109 of IPC. The applicant filed representation against the order dated 29/01/2018.”

3. Today, the learned counsel for the applicant desires for direction regarding promotion of applicant as mentioned on page no.16. It appears that the letter has been addressed to the Superintendent of Police, Yavatmal instead of respondent no.2, i.e., the Special Inspector General of Police, Amravati Region, Amravati who is Appellate Authority in this matter. The learned counsel for the applicant is directed to file representation / appeal before the respondent no.2 regarding all his grievances and file a copy before the Tribunal for giving suitable direction.

4. The learned P.O. pointed out that the applicant has filed appeal against the order dated 29/01/2018 (Annex-R-1, P-33). However, copy of that appeal is also not filed on record. He is directed to file copy of the said appeal / representation also on record.

S.O. 08/07/2019.

Vice-Chairman.

dnk.

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