

O.A. No. 14/2020 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Member(J)

Dated : 08/06/2022.

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

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

Member (J)

Vice-Chairman

dnk.

O.A. No. 1048/2021 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Member(J)

Dated : 08/06/2022.

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

At the request of Id. P.O., **S.O. 16/6/2022**
for filing reply.

It is made clear that no adjournment will
be granted.

Member (J)

Vice-Chairman

dnk.

O.A. No. 1129/2021 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Member(J)

Dated : 08/06/2022.

None for the applicant. Shri V.A. Kulkarni, Id. P.O. for the respondents.

2. The Id. P.O. files reply of R-2&3. It is taken on record.

3. The matter is admitted and kept for final hearing. The Id. P.O. waives notice for the respondents.

S.O. in due course.

Member (J)

Vice-Chairman

dnk.

O.A. No. 167/2022 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Member(J)

Dated : 08/06/2022.

Heard Shri C.A. Babrekar, Id. counsel holding for Shri P.S. Wathore, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1. Await service of R-2 to 5.

The learned counsel for the applicant submits that he will file service affidavit before the next date.

At the request of Id. P.O., **S.O. four weeks** for filing reply.

Member (J)

Vice-Chairman

dnk.

O.A. No. 210/2022 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Member(J)

Dated : 08/06/2022.

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

2. The learned P.O. files reply of R-2. It is taken on record and copy is given to the applicant.

3. The learned counsel for the applicant has filed letter dated 22/02/2022. It is taken on record and marked Exh-X for identification.

4. The matter is admitted and kept for final hearing. The Id. P.O. waives notice for the respondents.

S.O. 22/06/2022.

Member (J)

Vice-Chairman

dnk.

O.A. No. 339/2022 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Member(J)

Dated : 08/06/2022.

None for the applicant. Shri V.A.
Kulkarni, Id. P.O. for the respondents.

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

Member (J)

Vice-Chairman

dnk.

O.A. No. 370/2022 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Member(J)

Dated : 08/06/2022.

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

At the request of Id. P.O., **S.O. four
weeks** for filing reply.

Member (J)

Vice-Chairman

dnk.

O.A. No. 371/2022 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Member(J)

Dated : 08/06/2022.

Heard Ms. A. Singh, 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. two weeks** for filing reply.

Member (J)

Vice-Chairman

dnk.

O.A. No. 384/2022 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Member(J)

Dated : 08/06/2022.

Heard Shri R.M. Fating, Id .counsel for the applicant and Shri S.A. Sainis, Id. P.O. for respondents.

2. The learned counsel for the applicant has filed copy of Judgment dated 25/3/2022 passed by the MAT, Mumbai. It is taken on record. He has relied on the said Judgment.

3. At the request of Id. P.O., **S.O. Next week** for filing reply.

Member (J)

Vice-Chairman

dnk.

O.A. No. 392/2022 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Member(J)**

Dated : 08/06/2022.

C.A.No. 214/2022 -

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

2. The learned counsel for the applicant has filed C.A.No. 214/2022 for amendment. In the C.A. prayer clause (b) i.e. amendment is allowed. The learned counsel for the applicant is directed to carry out necessary amendment within one week and amended copy be supplied to the other side.

O.A. No. 392/2022 –

After amendment, **S.O. three weeks** for filing reply.

Member (J)

Vice-Chairman

dnk.

O.A. No. 419/2022 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Member(J)

Dated : 08/06/2022.

None for the applicant. Shri H.K. Pande,
Id. P.O. for R-1. Await service of R-2&3.

S.O. four weeks for filing service
affidavit.

Member (J)

Vice-Chairman

dnk.

O.A. No. 612/2020 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Member(J)

Dated : 08/06/2022.

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

S.O. two weeks.

Member (J)

Vice-Chairman

dnk.

O.A. No. 263/2020 with C.As. 223/2020 & 149/2021 (D.B.)

**Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Member(J)**

Dated : 08/06/2022.

Heard Shri Amey Motlog, Id. counsel holding for Shri R.V. Shiralkar, 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.**

Member (J)

Vice-Chairman

dnk.

O.A. Nos. 318/2015 & 777/2016 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Member(J)

Dated : 08/06/2022.

None for the applicants. Shri M.I. Khan,
Id. P.O. for R-1 to 3. None for R-4.

S.O. 22/06/2022.

Member (J)

Vice-Chairman

dnk.

O.A. No. 204/2019 (D.B.)

Coram: Hon'ble Shri Shree Bhagwan,
Vice-Chairman and
Hon'ble Shri Justice M.G. Giratkar,
Member(J)

Dated : 08/06/2022.

None for the applicant. Heard Shri A.M. Ghogre, Id. P.O. for the State and Shri N.S. Khubalkar, Id. counsel along with Shri R.S. Parsodkar, Id. counsel for R-3 to 127. None for other respondents.

The matter has been heard by another Division Bench. Therefore it be kept before the same Bench.

S.O. 16/06/2022.

Member (J)

Vice-Chairman

dnk.

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O.A.No.25/2019 (S.B.)

Coram:ShriM.A.Lovekar, Member (J)
Dated :08/06/2022.

Heard Shri G.G.Bade, the ld. counsel for the applicant and Shri A.M.Khadatkar, the ld. P.O. for the Respondents.

2. Ld. P.O. on instructions, states that the applicant is dead. Ld. Counsel for the applicant states that he will take instructions and further take appropriate steps.

3. **S.O. four weeks.**

Member (J)

Date:-08/06/2022.
aps.

O.A.No.707/2019 (S.B.)

Coram:ShriM.A.Lovekar, Member (J)
Dated :08/06/2022.

None for the applicant. Shri V.A.Kulkarni, the
ld. P.O. for the Respondents.

2. **S.O. three weeks.**

Date:-08/06/2022.
aps.

Member (J)

O.A.No.580/2020 (S.B.)

Coram:ShriM.A.Lovekar, Member (J)
Dated :08/06/2022.

None for the applicant. Shri A.P.Potnis, the
ld. P.O. for the Respondents.

2. Reply of respondent no. 3 filed by ld. P.O. is
taken on record. It is stated to be sufficient.

3. Hence, matter is **admitted** and kept for final
hearing.

4. Ld. P.O. waives notices for the respondents.

5. **S.O. four weeks for final hearing.**

Member (J)

Date:-08/06/2022.
aps.

O.A.Nos.195&196/2021 (S.B.)

Coram:ShriM.A.Lovekar, Member (J)

Dated :08/06/2022.

None for the applicant. Shri V.A.Kulkarni, the
ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. two weeks to
file reply.**

Member (J)

Date:-08/06/2022.

aps.

O.A.No.754/2021 (S.B.)

Shri R.D.Shende Vs. State of Another

Coram:ShriM.A.Lovekar, Member (J)

Dated :08/06/2022.

C.A.No.333/2021:-

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

2. In this application the applicant has impugned order dated 27.08.2021 (A-3). By this order the applicant was transferred from the post of Range Forest Officer, Ramtek, Nagpur, Forest Division to the post of Range Forest Officer, Social Forestry, Deori, Social Forestry Division, Gondia.

3. It is the contention of the applicant that when the impugned order was passed date of his superannuation was less than two years away. He has further relied on G.R. dated 06.08.2002 (A-4). Clause -V of the said G.R. states that employees who have completed 50 years should not, as far as possible, be posted in Tribal and Naxal affected area.

4. This Tribunal found *prima facie* substance in the contention raised by the applicant and stayed the impugned order till further orders, by order dated 01.09.2021.

5. On 03.02.2022 respondent no. 2 filed reply to Civil Application No. 333/2021 whereby the applicant was seeking direction to respondent no. 2 to continue the applicant at Ramtek by issuing necessary direction to relieve Shri R.N.Bhongade, R.F.O., Deori who had taken additional charge of R.F.O., Ramtek. In this reply respondent no. 2 stated as follows:-

"It is submitted that, in pursuance to the transfer of the applicant, he was relieved from the post already on 28.08.2021 & the additional charge was handed over to one Shri Ritesh Bhongade, R.F.O. on the same date is on dated 28.08.2021, which is prior to the interim order granted by this Hon'ble Tribunal on dated 01.09.2021."

To this reply order dated 28.08.2021 is attached (A-R-1).

6. Copy of chargesheet dated 20.08.2021 served on the applicant is at page nos. 32 to 39 (A-R-1).

7. Today it was submitted by Adv. Shri Saboo for the applicant that the applicant is prepared to join on his transferred post at Deori and respondent no. 2 be directed to allow him to join on the said post and direction be issued to respondent no. 2 to pass appropriate orders in respect of period of absence of the applicant from the date of his transfer to the date of his joining. Such order would serve ends of justice. Hence the order:-

ORDER

A. Respondent no. 2 shall permit the applicant to join on his (transferred) post at Deori. Respondent no. 2 shall pass appropriate order in respect of period of absence of the applicant within one month from the date of receipt of this order.

B. With these directions, **Original Application along with Civil Application stand disposed of with no order as to costs.**

Member (J)

Date:-08/06/2022.
aps.

O.A.No.978/2021 (S.B.)

Coram:ShriM.A.Lovekar, Member (J)
Dated :08/06/2022.

None for the applicant. Shri A.M.Khadatkar,
the ld. P.O. for the Respondents.

2. Ld. P.O. has invited my attention to order dated 06.05.2022 passed by this Tribunal. Para no. 3 of this order reads as under:-

“3. The ld. Counsel for the applicant is directed to file pursis for withdrawing the matter, S.O. 11.05.2022.”

3. Today, no-one is present for the applicant. Pursis for withdrawal of the matter is not filed by the applicant as per order dated 06.05.2022. In this factual scenario, **Original Application stands disposed of with no order as to costs.**

Member (J)

Date:-08/06/2022.
aps.

O.A.No.1006/2021 (S.B.)

Coram:ShriM.A.Lovekar, Member (J)
Dated :08/06/2022.

Heard Shri A.P.Sadavarte, the ld. counsel for the applicant and Shri A.P.Potnis, the ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. two weeks to file reply as a last chance.**

Member (J)

Date:-08/06/2022.
aps.

O.A.No.1061/2021 (S.B.)

Coram:ShriM.A.Lovekar, Member (J)
Dated :08/06/2022.

Heard Shri A.M.Tirukh, the ld. counsel for the applicant and Shri A.M.Ghogre, the ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. one week to file reply as a last chance.**

3. In case no reply is file till next date, matter will be heard without reply of respondents.

Member (J)

Date:-08/06/2022.
aps.

O.A.No.46/2022 (S.B.)

Coram:ShriM.A.Lovekar, Member (J)
Dated :08/06/2022.

Heard Shri B.Kulkarni, the ld. counsel for the applicant and Shri M.I.Khan, the ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. three weeks to file reply.**

Member (J)

Date:-08/06/2022.
aps.

O.A.No.93/2022 (S.B.)

**Coram:ShriM.A.Lovekar, Member (J)
Dated :08/06/2022.**

Heard Shri B.Dhandale, the ld. counsel for the applicant and Shri M.I.Khan, the ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. two weeks to file reply as a last chance.**

Member (J)

Date:-08/06/2022.
aps.

O.A.No.127/2022 (S.B.)

Coram:ShriM.A.Lovekar, Member (J)
Dated :08/06/2022.

Heard Shri M.R.Johrapurkar, the ld. counsel for the applicant and Shri M.I.Khan, the ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. two weeks to file reply as a last chance.**

Member (J)

Date:-08/06/2022.
aps.

O.A.No.273/2022 (S.B.)

Coram:ShriM.A.Lovekar, Member (J)
Dated :08/06/2022.

Heard Shri A.Motlog, the ld. counsel for the applicant and Shri M.I.Khan, the ld. P.O. for the Respondents. R-2 await service.

2. Ld. counsel for the applicant states that the respondents have been served and he will file service affidavit within one week, **S.O. one week.**

Member (J)

Date:-08/06/2022.
aps.

O.A.No.319/2022 (S.B.)

Coram:ShriM.A.Lovekar, Member (J)
Dated :08/06/2022.

Heard Shri S.D.Patil, the ld. counsel for the applicant and Shri V.A.Kulkarni, the ld. P.O. for the Respondents. R-2 & 3 await service.

2. Ld. counsel for the applicant states that the respondents have been served and service affidavit has been already filed in the office. On oral request of ld. P.O., **S.O. three weeks to file reply.**

Member (J)

Date:-08/06/2022.
aps.

O.A.No.338/2022 (S.B.)

Coram:ShriM.A.Lovekar, Member (J)
Dated :08/06/2022.

None for the applicant. Shri A.M.Khadatkar,
the ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. four weeks
to file reply.**

Member (J)

Date:-08/06/2022.
aps.

O.A.No.1113/2021 (S.B.)

Coram:ShriM.A.Lovekar, Member (J)
Dated :08/06/2022.

None for the applicant. Shri S.A.Sainis, the ld.
P.O. for the Respondents. None for the R-4.

2. On oral request of ld. P.O., **S.O. four weeks
to file reply.**

Member (J)

Date:-08/06/2022.
aps.

O.A.No.513/2022 (S.B.)

Coram:ShriM.A.Lovekar, Member (J)

Dated :08/06/2022.

Heard Shri V.R.Borkar, the ld. counsel for the applicant and Shri S.A.Deo, the ld. C.P.O. for the State.

2. In this application order dated 07.03.2022 (A-1) is impugned. By this order recovery of Rs. 3,62,940/- from the applicant is proposed.

3. It is submitted that the applicant retired in the year 2014 whereas the impugned order was passed on 07.03.2022. It is further submitted that the applicant would be governed by Clause-I of the ratio laid down in the case of **State of Punjab & Ors vs. Rafiq Masih (White Washer) decided on 18 December, 2014 in Civil Appeal No. 11527 OF 2014 (Arising out of SLP(C) No.11684 of 2012)**. It is further submitted that Clauses II and III of this Judgment would also be attracted in the facts of the case.

4. The applicant has further relied on observations made in para nos. 9 & 11 in the case of **Hon'ble High Court of Punjab and Haryana and Ors. Vs. Jagdev Singh (2016) 14 SCC 267** to contend that the exception made in the case of "Shri Jagdev Singh" would not apply to the applicant and his case would be squarely covered by Clauses I to III of "Rafiq Masih".

5. Ld. C.P.O. submitted that if the applicant wants to contend that his case is not covered by the ratio laid down in the case of "Jagdev Singh", he should make a statement before the Tribunal that the applicant has not submitted any undertaking that he would be liable to refund any amount paid in excess. No such submission is made on behalf of the applicant.

6. I have considered rival submissions in the light of facts of the case. *Prima facie* clauses I to III of "Rafiq Masih" are attracted. Therefore, further implementation order is required to be stayed till returnable date. Whether or not case of the applicant falls under the exception carved in the case of "Jagdev Singh" can be determined only after the respondents file their reply. Hence, the order:-

ORDER

“Further effect and implementation of the impugned order is stayed till returnable date.”

7. Issue notice to Respondents, returnable on two weeks. Learned C.P.O. waives notice for R-1. Hamdast allowed.
8. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
9. 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.
10. 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.
11. 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.
12. 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.
13. **S.O. two weeks**.

Member (J)

Date:-08/06/2022.
aps.

O.A.No.865/2021 (S.B.)

Coram:ShriM.A.Lovekar, Member (J)
Dated :08/06/2022.

Heard Shri N.R.Saboo, the ld. counsel for the applicant and Shri S.A.Sainis, the ld. P.O. for the Respondents.

2. The ld. Counsel for the applicant states that C.A. for amendment made by him was allowed but part of the amended portion i.e. additional prayer remained to be incorporated and he be allowed to incorporate the same today itself. Permission is granted.

3. **S.O. next week.**

Member (J)

Date:-08/06/2022.
aps.

O.A.No.146/2017 (S.B.)

Coram:ShriM.A.Lovekar, Member (J)
Dated :08/06/2022.

Heard Shri K.R.Prajapati, the ld. counsel for the applicant and Shri M.I.Khan, the ld. P.O. for the Respondents.

2. On oral request of ld. P.O., **S.O. next week.**

Member (J)

Date:-08/06/2022.
aps.

O.A.No.200/2017 (S.B.)

Coram:ShriM.A.Lovekar, Member (J)
Dated :08/06/2022.

Heard Shri H.D.Futane, the ld. counsel for the applicant and Shri V.A.Kulkarni, the ld. P.O. for the Respondents.

2. On oral request of ld. counsel for the applicant, **S.O. tomorrow i.e. 09.06.2022.**

Member (J)

Date:-08/06/2022.
aps.

O.A.No.583/2018 (S.B.)

Coram:ShriM.A.Lovekar, Member (J)
Dated :08/06/2022.

Heard Ms. Bhavika Hindustani holding for Shri H.D.Dangre, the ld. counsel for the applicant and Shri S.A.Sainis, the ld. P.O. for the Respondents.

2. On oral request of ld. counsel for the applicant, **S.O. two weeks.**

Member (J)

Date:-08/06/2022.
aps.

O.A.No.992/2019 (S.B.)

Coram:ShriM.A.Lovekar, Member (J)
Dated :08/06/2022.

Heard Shri A.M.Tirukh, the ld. counsel for the applicant and Shri M.I.Khan, the ld. P.O. for the Respondents.

2. **Closed for orders.**

Member (J)

Date:-08/06/2022.
aps.

O.A.No.863/2020 (S.B.)

Coram:ShriM.A.Lovekar, Member (J)
Dated :08/06/2022.

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

2. On oral request of ld. counsel for the applicant, **S.O. two weeks.**

Member (J)

Date:-08/06/2022.
aps.

O.A.No.799/2021 (S.B.)

Coram:ShriM.A.Lovekar, Member (J)
Dated :08/06/2022.

Heard Shri S.O.Ahmed, the ld. counsel for the applicant, Shri M.I.Khan, the ld. P.O. for the Respondents. None for the R-4 to 6.

2. **S.O. 13.06.2022.**

Member (J)

Date:-08/06/2022.
aps.

O.A.No.606/2022 (S.B.)

Coram:ShriM.A.Lovekar, Member (J)
Dated :08/06/2022.

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

2. In connected matter bearing O.A. No. 605/2022 status-quo is granted till tomorrow. In this case also a statement is made on behalf of the applicant that he has not been relieved so far. Status-quo in respect of the impugned order qua the applicant shall be maintained till tomorrow.

3. **S.O. tomorrow i.e. 09.06.2022.**

Member (J)

Date:-08/06/2022.
aps.

O.A.No.605/2022 (S.B.)

Coram:ShriM.A.Lovekar, Member (J)
Dated :08/06/2022.

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

2. By the impugned order the applicant is transferred from Yelabara to Karajgaon. It is his contention that he had not opted for Karajgaon and his first choice was in fact karalgaon. These two places are in different ranges. The former is in Darwha range and the latter is in Yavatmal range. Today on behalf of the applicant statement is made that the applicant is not relieved as yet. Having regard to record of the case it would be appropriate to find out at the outset whether the applicant was inadvertently posted at Karajgaon instead of Karalgaon. The ld. C.P.O. to take instructions on this point and make a statement tomorrow. **Status-quo in respect of proposed transfer of the applicant shall be maintained till tomorrow.**

3. **S.O. tomorrow i.e. 09.06.2022.**

Member (J)

Date:-08/06/2022.
aps.