

O.A. Nos. 507,508,509 and 510 of 2019.

(D.B.)

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

Dated : 15th July 2019.

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

S.O. **18th July 2019.**

Member (J)

Vice-Chairman

Dt. 15.7.2019.

pdg.

O.A. Nos. 530, 531, 532, 533 of 2009.

(D.B.)

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

Dated : 15th July 2019.

C.A. Nos.263, 264, 265 & 266 of 2019.

Heard Shri R.V. Shiralkar, the Ld. counsel for the applicants and Shri S.A. Deo, the learned C.P.O. for the respondent No.1. Shri A.M. Kukday, Adv. for R.2. Shri P.S. Chawhan, Adv. for Intervener.

Ld. CPO has filed Govt. Gazette dated 16.6.1997 and office order dated 15.10.1991. Ld. counsel for the Intervener has filed notification dated 8.7.2009. Ld. counsel for the Intervener requires two days time to file affidavit.

Ld. CPO and Ld. counsel for the Intervener are directed to supply the copies of above documents to the other side.

Ld. counsel for the applicants has filed copy of judgment dated 3.2.2015 delivered by the Hon'ble High Court. All C.As are disposed of.

S.O. 18th July 2019.

Member (J)

Vice-Chairman

Dt. 15.7.2019.
pdg.

O.A. No. 482/2019.

(D.B.)

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

Dated : 15th July 2019.

C.A. 268/2019.

Heard Shri R.B. Dhore, the Ld. counsel for the applicant and Shri, S.A. Deo, the learned C.P.O. for the respondents. Shri N.S. Warulkar, Ld. counsel for the Intervener.

S.O. **18th July 2019.**

Member (J)

Vice-Chairman

Dt. 15.7.2019.

pdg.

O.A. No. 232/2018.

(D.B.)

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

Dated : 15th July 2019.

None for the applicant. Shri M.I. Khan, the learned P.O. for the respondent Nos. 1 to 3.

Respondent No.4 is not yet served.

Applicant to take steps to serve respondent No.4.

S.O. **two weeks.**

Member (J)

Vice-Chairman

Dt. 15.7.2019.

pdg.

O.A. No. 487/2018.

(D.B.)

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

Dated : 15th July 2019.

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

Ld. P.O. has filed reply on behalf of R. 1 and 2, it is taken on record.

ADMIT.

Shri A.M. Ghogre, the learned P.O. waives notice for the respondents.

S.O. **two weeks** for final hearing.

Member (J)

Vice-Chairman

Dt. 15.7.2019.

pdg.

O.A. Nos. 02 & 03 of 2013. (D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 15th July 2019.**

R.A. 20/2019.

Heard Shri D.T. Shinde, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents 1 to 3. None for R. 4 to 7.

At the request of the Ld. counsel for the applicant, S.O. **one week** for filing service affidavit. The Ld. counsel for the applicant submits that notices have been served to all the respondents.

Member (J)

Vice-Chairman

Dt. 15.7.2019.

pdg.

O.A. No. 277,285 and 286 of 2019.
(D.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 15th July 2019.

Heard Mrs. K.N Saboo, the Ld. counsel for the applicants and Shri V.A. Kulkarni, the learned P.O. for the respondents.

The Ld. counsel for the applicants submits that notices have been served to all the respondents and she will file service affidavit during the course of the day.

S.O. **three weeks.**

Member (J)

Vice-Chairman

Dt. 15.7.2019.

pdg.

O.A. No. 287 of 2019.
(D.B.)

Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 15th July 2019.

Heard Mrs. K.N Saboo, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondent No.1.

Await service to R. 2 and 3.

S.O. **three weeks.**

Member (J)

Vice-Chairman

Dt. 15.7.2019.

pdg.

O.A. No. 228/2019.

(D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 15th July 2019.**

Heard Shri G.M. Shitut, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondents.

This O.A. relates to O.A. No. 932/2018 where the same applicant was respondent No.6 and in view of second reply, department had filed a copy of order in that second D.P.C. on 19.1.2019 and in that, the applicant has taken benefit of NT(B) category as per G.R. dated 25.5.2004. In that, the respondents have reverted the applicant. It is better that this O.A. be tagged with the said O.A. No. 932/2018.

Ld. CPO is directed to submit reply on behalf of R.6 within two weeks.

Closed for orders.

Member (J)

Vice-Chairman

Dt. 15.7.2019.

pdg.

O.A. No. 309/2019.

(D.B.)

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

Dated : 15th July 2019.

Heard Shri D.T. Kamble, the Ld. counsel for the applicant and Shri S.A. Deo, the learned C.P.O. for the respondent No.1 to 3. None for R.4.s

The Ld. counsel for the applicant submits that notices have been served to all the respondents and he has filed service affidavit.

At the request of Ld. CPO, S.O. **three weeks** for filing reply.

Member (J)

Vice-Chairman

Dt. 15.7.2019.

pdg.

O.A. No. 430 of 2019.

(D.B.)

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

Dated : 15th July 2019.

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

The Ld. CPO has pointed out that the applicant was suspended vide order dated 25.11.2010 and he was reinstated in service on 25.9.2017.

At the request of Ld. CPO, S.O. **four weeks.**

Member (J)

Vice-Chairman

Dt. 15.7.2019.

pdg.

O.A. No. 431 of 2019.

(D.B.)

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

Dated : 15th July 2019.

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

The Ld. CPO has pointed out that the applicant was suspended vide order dated 25.11.2010 and he was reinstated in service on 2.12.2016.

At the request of Ld. CPO, S.O. **four weeks.**

Member (J)

Vice-Chairman

Dt. 15.7.2019.

pdg.

O.A. No.538/2016.

(D.B.)

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

Dated : 15th July 2019.

C.P. 08/2019.

Heard I.K. Daudasariya, Adv. holding for Shri G.G. Bade, the Ld. counsel for the applicants and Shri A.M. Ghogre, the learned P.O. for the respondents.

Ld. P.O. has filed on reord letter dated 26.5.2019 which is marked "X" for identification. Ld. P.O. submits that th applicant has been regularized in service.

At the request of the Ld. counsel for the applicants, S.O. **four weeks.**

Member (J)

Vice-Chairman

Dt. 15.7.2019.

pdg.

O.A. No.166/2012.

(D.B.)

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

Dated : 15th July 2019.

C.A. 100/2019.

Heard Shri G.K. Bhusari, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents.

The respondents are directed to produce the record of enquiry.

S.O. **two weeks.**

Steno copies be provided to both parties.

Member (J)

Vice-Chairman

Dt. 15.7.2019.

pdg.

O.A. No.10/2014.

(D.B.)

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

Dated : 15th July 2019.

Heard Shri P.V. Joshi, 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. **two weeks.**

Member (J)

Vice-Chairman

Dt. 15.7.2019.

pdg.

O.A. No.652/2015.

(D.B.)

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

Dated : 15th 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.

Ld. P.O. is directed to produce relevant G.R. of 2013.

S.O. **two weeks.**

Member (J)

Vice-Chairman

Dt. 15.7.2019.

pdg.

O.A. No. 254/2019 **(SB)**

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

Dated : 15.07.2019

None for the applicant. Shri H.K. Pande, Id. P.O. for R-1 to 4. None for R-5.

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

Member (J)

dnk.

O.A. No. 409/2019 **(SB)**

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

Dated : 15.07.2019

Shri S.P. Chavhan, 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.

Member (J)

dnk.

O.A. No. 411/2019 (SB)

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

Dated : 15.07.2019

Shri R.V. Shiralkar, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

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

The interim relief to continue till filing of the reply.

Member (J)

dnk.

O.A. No. 412/2019 **(SB)**

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

Dated : 15.07.2019

Shri S.N. Gaikwad, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1. Await service of R-2 to 4.

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

Member (J)

dnk.

O.A. No. 413/2019 (SB)

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

Dated : 15.07.2019

Shri P.J. Mehta, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

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

Status-quo to continue till filing of the reply.

Member (J)

dnk.

O.A. No. 443/2019 **(SB)**

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

Dated : 15.07.2019

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

2. It is brought to the notice that vide order dated 17/6/2019 the respondents were directed to take decision within three weeks. The learned P.O. is directed to submit the reply and inform whether decision is taken within stipulated time.

S.O. 22/7/2019.

Steno copy is granted.

Member (J)

dnk....

O.A. No. 471/2019 **(SB)**

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

Dated : 15.07.2019

Shri S.A. Marathe, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the Respts.

The learned P.O. is directed to file reply of the Respts. till 22/7/2019.

S.O. 22/7/2019.

Member (J)

dnk.

O.A. No. 472/2019 **(SB)**

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

Dated : 15.07.2019

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

The learned P.O. is directed to file reply till 22/7/2019.

S.O. 22/7/2019.

Status-quo to continue till next date.

Member (J)

dnk.

O.A. No. 487/2019 **(SB)**

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

Dated : 15.07.2019

None for the applicant. 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)

dnk.

O.A. No. 359/18 **(SB)**

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

Dated : 15.07.2019

Shri I. K. Daudasariya, Id .counsel holding for Shri G.G. Bade, Id .counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 19/07/2019.**

Member (J)

dnk.

O.A. No. 558/2018 **(SB)**

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

Dated : 15.07.2019

None for the applicant. Shri S.A. Sainis, Id. P.O. for the respondents.

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

S.O. two weeks.

Member (J)

dnk.

O.A. No. 838/2018 **(SB)**

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

Dated : 15.07.2019

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

2. It is submitted by the learned P.O. that he will take instructions from the concerned Department and make submission why the Department is not paying the dues of the applicant. It is made clear that on failure to make any positive submission, direction would be issued to the Director General of Police to remain present before this Bench to explain.

S.O. two weeks.

Steno copy is granted.

Member (J)

dnk...

O.A. No. 152/2018 **(SB)**

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

Dated : 15.07.2019

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

2. It is submission of the applicant that initially the applicant was posted on a vacant post of Superintendent, Mid day Meal, Scheme, Nagpur City and thereafter unilaterally without disclosing any reason vide order dated 7/7/2017 the applicant came to be posted as Superintendent in the same Scheme at Rural Office, Nagpur. It is submission of the applicant that though he made several requests, the reasons were not communicated to him and therefore the exercise of power is illegal.

3. The respondents have submitted their reply. It is at page no.45. It is contention of

the respondents that the applicant was never transferred to Nagpur City, but his name was recommended to post him at Nagpur City, but the Transferring Authority did not accept the recommendation and transferred Shri G.P. Gedam on the post of Superintendent in Nagpur City and the applicant was transferred as Superintendent in Nagpur (Rural). It is submission of the respondents that Shri G.P. Gedam has already joined the post and he is not party to this application, therefore, the application is liable to be dismissed. After going through the documents placed before the Bench, it seems that Annex-A-1 is not the transfer order, but it was recommendation as per the decision of Civil Services Board and request was made to the Minister to approve the recommendation. The Annex-A-2 is the transfer order dated 7/7/2017. It seems that the name of the applicant is at Sr.No.10 and the applicant came to be transferred on the post of Superintendent, Nagpur (Rural). It is shown that the recommendation of the Civil Services Board were not accepted by the Competent Authority, the Competent Authority transferred Shri G.P. Gedam as Superintendent, Nagpur City. Shri G.P. Gedam has already joined the post and he is not party to this proceeding. Under these circumstances, I

do not see any merit in this application.
Hence, the following order –

ORDER

- (i) The O.A. stands dismissed. No order as to costs.
- (ii) If the applicant has any grievance, he is at liberty to make representation to the Competent Authority.

Member (J)

dnk.

O.A. No. 118/2019 **(SB)**

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

Dated : 15.07.2019

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

Closed for orders.

Member (J)

dnk.

O.A. No. 550/2019 **(SB)**

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

Dated : 15.07.2019

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

2. The applicant was promoted vide order dated 17/12/2018 as Executive Engineer and he was posted at Public Works Department, Akola on vacant post. It is grievance of the applicant that all of a sudden vide order dated 12/7/2019 the applicant is transferred from Akola to Jalgaon as Executive Engineer, Zilla Parishad (Public Works Department). It is submitted that the order is in violation of Section 4 (4) & (5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (In short "Transfers Act,2005"), the applicant is not yet relieved from the duty, therefore, interim relief be granted. As the applicant is not yet relieved and transfer is just after 7 months from the posting, therefore, I direct that the applicant shall not be relieved till reply is filed by the respondents.

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

Steno copy is granted.

Member (J)

dnk...

O.A. No. 551/2019 **(SB)**

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

Dated : 15.07.2019

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

2. It is submitted that in the general transfer order the applicant was not transferred and thereafter the applicant is transferred vide order dated 4/7/2019 from Karajgaon to Panchayat Samiti, Manora, District Washim. It is submitted that the applicant is not yet relieved and the transfer

is in violation of the Section 4 (4) & (5) of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 (In short "Transfers Act,2005"). As the applicant is not yet relieved, therefore, he should not be relieved till filing of the reply by the respondents.

3. Issue notice to R-2 to 4, returnable **after two weeks**. 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. after two weeks.

Steno copy is granted.

Member (J)

dnk...

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 15th July 2019.

Heard Shri J.C.Shukla, the Id. Counsel for the applicant and Shri P.N.Warjurkar, the Id. P.O. for the State. Await service of respondent nos. 2, 4 & 5.

2. Notices are yet to be served. However, Id. P.O. pointed out that on P.B., Pg. No. 4, Para no. 4.6 of the O.A. in which it appears that applicant has preferred an appeal under Rule 17 of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 before respondent no. 2 i.e. Divisional Commissioner, Amravati Division, Amravati. The respondent no. 2 vide letter dated 04.07.2017 has given direction to respondent no. 3 i.e. The District Collector, Amravati to submit necessary record.

3. In view of these facts, the respondent no. 2 is directed to decide the appeal under Rule 17 of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 of the applicant **within four weeks** from the date of this order. If, applicant is aggrieved with the order, he has at liberty to appeal before this Tribunal.

4. With this directions, **the O.A. is disposed of with no order as to costs.**

Vice Chairman

Date:-15/07/2019.
aps.

O.A.No.366/2018 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 15th July 2019.

Heard Shri D.M.Surjuse, the Id. Counsel for the applicant, Shri M.I.Khan, the Id. P.O. for the respondent nos. 1 & 2 and Shri U.K.Bisen for respondent no. 3.

2. The Id. counsel for the applicant as well as Id. P.O. pointed out that initially three applicants were there. But subsequently the Id. counsel for the applicant has deleted applicant nos. 2 and 3 and now he is only following applicant no. 1. However, in O.A. at P.B., Pg. No. 5 in Para no. 4.4 details of applicant no. 2 is given and in para no. 4.5, details of applicant no. 3 is given.

3. Due to above facts, this O.A. needs amendment. Hence, the Id. counsel for the applicant is directed to revise the whole O.A. by moving necessary amendment, as per his grievance and then put up before this Tribunal.

4. S.O. four weeks.

Vice Chairman

Date:-15/07/2019.

aps.

O.A.No.604/2018 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 15th July 2019.

Heard Shri B.S.Mandhare holding for Shri R.M.Washnik, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. The Id. P.O. seeks time to file reply. **S.O. two weeks.**

Vice Chairman

Date:-15/07/2019.
aps.

O.A.No.435/2019 (S.B.)

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

Dated: 15th July 2019.

None for the applicant. Shri S.A.Sainis, the Id. P.O. for the respondent nos. 1 to 3 and Shri C.D.Rohankar, the Id. counsel for the respondent no. 4.

2. The Id. counsel for the respondent no. 4 as well as Id. P.O. seeks time to file reply.

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

Vice Chairman

Date:-15/07/2019.
aps.

O.A.No.710/2014 (S.B.)

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

Dated: 15th July 2019.

Rev.No.19/2017:-

Heard Shri I.K.Daudasariya holding for Shri G.G.Bade, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State. Await service of respondent nos. 2 to 4.

2. The Id. counsel for the applicant seeks time. However, Id. P.O. pointed out that copy of review application has not been given to the P.O. office. The Id. counsel for the applicant is directed to give copy of the review application to the Id. P.O. office.

3. S.O. 22/07/2019.

Vice Chairman

Date:-15/07/2019.

aps.

O.A.No.420/2017 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 15th July 2019.

Heard Shri S.M.Khan, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. As per the order dated 03.09.2018, the Id. counsel for the applicant has filed Rejoinder. The matter is **admitted** and kept for final hearing.

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

4. S.O. 29.07.2019.

Vice Chairman

Date:-15/07/2019.

aps.

O.A.No.962/2017 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 15th July 2019.

Heard Shri R.V.Shiralkar, holding for Shri N.B.Kalwaghe, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. As requested by both the counsels, the matter is **admitted** and kept for final hearing.

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

4. S.O. three weeks.

5. *Meanwhile, the Id. counsel for the applicant is at liberty to file rejoinder, if he so desires.*

Vice Chairman

Date:-15/07/2019.

aps.

O.A.No.558/2015 (S.B.)

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

Dated: 15th July 2019.

Heard Shri S.Khandekar, 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 pointed out that initially the applicant was awarded punishment of withholding two increments. The O.A. was filed on 14.08.2015 and after filing of the O.A., punishment was awarded by order dated 06.07.2012 (Annexure-A-3, P.B., Pg. No. 22) by which punishment was given for stopping two years increments.

3. However, the Id. counsel for the applicant submits that subsequently, the applicant's punishment has been revised by Annexure-A-6, P.B., Pg. No. 30-32 during pendency of this O.A., O.A. was filed on 14.08.2015. By this 2nd order increments was stopped for three years with permanent effect during pendency of the O.A. in the Tribunal. The first order was issued by District Superintendent of Land Record, Yavatmal and 2nd order was issued by Deputy Director of Land Record, Amravati.

4. By perusing the record, it appears that applicant was issued chargesheet by Annexure-A-1, P.B., Pg. No. 15 in April, 2012 (date is not given). Though the notice was issued under Rule 10, documents were attached, as if disciplinary authority desires to conduct enquiry under Rule 8, no documents is seen which shows that Departmental Enquiry was conducted against the applicant under Rule 8.

5. However, order passed by Deputy Director, Land Record, Amravati vide letter dated 21/04/2018 (Annexure-A-6, P.B., Pg. No. 30). The punishment awarded is of major punishment and which is covered under Rule 8. It seems that there is ambiguity and discrepancy in the procedure of enquiry also and awarded punishment also. Since finally order will be under Rule 8.

6. By record, it appears that before issuing second punishment order, the Deputy Director, Land Record, Amravati should first conduct disciplinary enquiry under Section (8) of Maharashtra Civil Services (Discipline and Appeal) Rules, 1979, then award major punishment.

7. **S.O. two weeks.**

8. *Put up before regular D.B..*

Vice Chairman

Date:-15/07/2019.

aps.

O.A. Nos. 592, 664 & 966/2017 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 15th July 2019.

Heard Shri S.Borkute, the Id. Counsel for the applicant in O.A. No. 592/2017 and Shri R.V.Shiralkar, the Id. counsel for the respondent nos. 664 & 966/2017 and Shri A.M.Ghogre, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant has pointed out certain benefits to certain difficult area vide G.R. No. 'कलु फुलु देलु, उ, , DI & 0809@i z d z 500@fo-'क-1 c] फुलु 03-11-2009 at P.B., Pg. No. 13 (Annexure-A-2), G.R. No. 'कलु फुलु देलु, उ, , DI & 0809@i z d z 500@fo-'क-1 c] फुलु 11@01@2010 at P.B., Pg. No. 15 (Annexure-A-3) and G.R. No. 'कलु फुलु देलु, उ, , DI & 1110@i z d z 499@fo-'क-1 c] फुलु 18@02@2011 to the Police Personal working in certain Naxal and Tribal affected area.

3. However, it not clear, whether these employees are given benefits of G.R. 06.08.2002 or they have been given benefits of over and above the G.R. dated 06.08.2002. If there is any conflict between these G.Rs., which G.R. will be prevail.

4. The Id. P.O. should clarify on all these points and whether G.Rs. are over right. **S.O. 23.07.2019.**

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

Vice Chairman

Date:-15/07/2019.
aps.

O.A.No.549/2019 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 15th July 2019.

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the State.

2. As pointed out by Id. counsel for the applicant, applicant has served in Gadchiroli District from 07.07.2014 and in the month of August 2017, by an order dated 03.08.2017. As per G.R. No. dated 06.08.2002, the applicant has given choice posting as per the P.B., Pg. No. 15 (Annexure-A-15) for two posts in Bhandara District.

3. However as per applicant's request, applicant was put under suspension vide order dated 26/09/2018 (P.B., Pg No. 18 , Annexure-A-7) his request application for posting as per G.R. dated 06.08.2002 was recommended by respondent no. 2 i.e. C.E.O., Zilla Parishad, Bhandara on 25.09.2018 (Annexure-A-6, P.B., Pg. No.13). Since, applicant has already joined at Bhandara as per the order dated 03.08.2017 (Annexure-A-1, Pg. No. 8).

4. As applicant was put under suspension vide order dated 26/09/2018 (P.B., Pg No. 18 ,

Annexure-A-7), so whole issue appears to be very bad in the eyes of laws.

5. Issue notice to R-2, returnable on 23-07-2019. Learned P.O. waives notice for R-1. Hamdast allowed.

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

7. 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.

8. 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.

9. 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.

10. 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.

11. As requested by Id. P.O., one week time is given for taking instructions from the Department. **S.O. 23.07.2019.**

Vice Chairman

Date:-15/07/2019.
aps.