

O.A. No. 419/2019 (D.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice-Chairman.**

**Dated : 13/10/2022.**

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

At the request of Id. P.O., **S.O. After three weeks** for filing reply of R-2&3 as a last chance.

**Vice- Chairman**

dnk.

**O.A. No. 523/2020 (D.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice-Chairman.**

**Dated : 13/10/2022.**

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

The Id. P.O. files reply of R-1 to 3. It is taken on record. The Id. P.O. submits that said reply is sufficient to decide the O.A.

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

**S.O. in due course.**

**Vice- Chairman**

dnk.

O.A. No. 530/2021 (D.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice-Chairman.**

**Dated : 13/10/2022.**

Heard Shri S.N. Gaikwad, Id. counsel for applicants and Shri A.M. Ghogre, Id. P.O. for respondents.

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

**Vice- Chairman**

dnk.

**O.A. No. 744/2021 (D.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice-Chairman.**

**Dated : 13/10/2022.**

Heard Shri G.K. Bhusari, Id. counsel for applicants and Shri A.M. Ghogre, Id. P.O. for respondents.

The Id. P.O. files reply of R-1 and 2. It is taken on record. The Id. P.O. submits that said reply is sufficient to decide the O.A. Copy is given to the applicant.

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

**S.O. in due course.**

**Vice- Chairman**

dnk.

**O.A. No. 26/2022 (D.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice-Chairman.**

**Dated : 13/10/2022.**

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

The Id. P.O. files reply of R-2 to 4. It is taken on record.

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

**S.O. in due course.**

**Vice- Chairman**

dnk.

**O.A. No. 448/2022 (D.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice-Chairman.**

**Dated : 13/10/2022.**

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

2. The Id. P.O. seeks further time to file reply.

3. On the last date specific order was passed that if the reply is not filed till next date, the matter will be heard on merit.

**S.O. After Vacation for final hearing.**

**Vice- Chairman**

dnk.

O.A. No. 768/2022 (D.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice-Chairman.**

**Dated : 13/10/2022.**

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

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

**Vice- Chairman**

dnk.

(D.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice-Chairman.**

**Dated : 13/10/2022.**

**C.A. 409/2022 in O.A. 880/2022 -**

Heard Smt. S.V. Kolhe, Id. counsel for applicant and Shri A.M. Ghogre, Id. P.O. for respondents.

2. The learned counsel for applicant has pointed out the order dated 11/08/2022 passed by respondent no.2. She has also pointed out last para of the order and submitted that without any due inquiry one step promotional pay scale cannot be denied.

3. Heard learned P.O. Shri A.M. Ghogre. As per his submission, there was no necessity for inquiry for transfer on the ground of misbehaviour with his woman colleague. The Id. P.O. submitted that one step promotional scale cannot be denied without any due inquiry to that extent the matter can be remanded.

4. The respondent no.2 is directed to constitute the Inquiry Committee. The order dated 11/08/2022 is stayed in respect of punishment of stopping of one step promotional pay till the decision of the inquiry by respondent no.2.



5. The respondent no.2 is directed to supply the memo of charge sheet to the applicant and after conducting the inquiry to take decision, as per provisions stipulated in the Act of 2013 of harassment of women at work place.

6. The learned P.O. is requested to get instructions about outcome of the inquiry within a period of two months.

**S.O. after two months.**

**Vice- Chairman**

dnk.

**O.A. No. 892/2022 (D.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice-Chairman.**

**Dated : 13/10/2022.**

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

2. The learned counsel for applicant pointed out the Judgment of this Tribunal in O.A.No.400/2018 dated 3/8/2020. As per his submission, even after completion of six months inquiry is not completed. The respondents are not paying pensionary benefits.

3. The Id. P.O. seeks time to file reply. Time is granted to file reply as a last chance. If the reply is not filed on the next date, the matter will be heard finally.

**S.O. after three weeks.**

**Vice- Chairman**

dnk.

**C.P. 33/2022 in O.A. No. 89/2017 (D.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice-Chairman.**

**Dated : 13/10/2022.**

Heard S.A. Dhawas, Id. counsel holding for Shri S.D. Chande, Id. counsel for applicant and Shri S.A. Sainis, Id. P.O. for respondents.

The Id. P.O. files reply of R-5. It is taken on record.

**S.O. after three weeks.**

**Vice- Chairman**

dnk.

**C.P. 54/2022 in O.A. No. 791/2021 (D.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice-Chairman.**

**Dated : 13/10/2022.**

Heard Shri N.R. Saboo, Id. counsel for applicant and Shri V.A. Kulkarni, Id. P.O. for respondents.

The Id. P.O. submits that he has not received any instructions. He seeks time to file reply.

**S.O. After Vacation for filing reply.**

**Vice- Chairman**

dnk.

**C.P. 65/2022 in O.A. No. 07/2021 (D.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice-Chairman.**

**Dated : 13/10/2022.**

Heard Shri B.Kulkarni, Id. counsel for applicant and Shri V.A. Kulkarni, Id. P.O. for respondents.

2. The Id. P.O. files reply of R-1 to 4. It is taken on record and copy is given to the applicant.

**S.O. after vacation for hearing.**

**Vice- Chairman**

dnk.

**C.P. 67/2022 in O.A. No. 775/2013 (D.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice-Chairman.**

**Dated : 13/10/2022.**

Heard Shri P. P. Khaparde, Id. counsel for applicant and Shri S.A. Sainis, Id. P.O. for State. Await service of R-1 to 4.

The Id. P.O. files reply of R-5. It is taken on record.

**S.O. after four weeks.**

**Vice- Chairman**

dnk.

**C.P. 33/2020 in O.A. No. 845/2018 (D.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice-Chairman.**

**Dated : 13/10/2022.**

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

2. The Id. P.O. has filed letter dated 12/10/2022 issued by Regional Deputy Director, Ground Water Survey and Development Agency, Amravati. As per his submission, bill is submitted to the Treasury Office for the payment for the period from 1/2/1983 to 31/1/2013. It is taken on record and marks Exh-X for identification.

**S.O. After Vacation.**

**Vice- Chairman**

dnk.

(D.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice-Chairman.**

**Dated : 13/10/2022.**

**C.P. 29/21 in O.A. 1054/19, C.P. 30/21 in  
O.A.976/19 & C.P. 31/21 in O.A. 977/19**

Heard Shri S.N. Gaikwad, Id. counsel for applicants and Shri V.A. Kulkarni, Id. P.O. for respondents.

2. The Id. P.O. submitted that Writ Petition was filed against the order. Now the Writ Petition is decided finally in favour of applicants.

3. The Id. P.O. submits that he has not received any instructions about compliance of the order.

**S.O. after vacation.**

**Vice- Chairman**

dnk.



**C.P. 63/2022 in O.A. No. 583/2019 (D.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice-Chairman.**

**Dated : 13/10/2022.**

Heard Shri B.Kulkarni, Id. counsel for applicant and Shri H.K. Pande, Id. P.O. for State.

2. Issue Notice to the respondents returnable after **four weeks** under Rule 8 of the MAT (Contempt of Courts) Rules, 1996 as to why they should not be proceeded for committing contempt of this Tribunal's order and as to why they shall not be punished under the Contempt of Court Act.

3. The learned P.O. waives notice for State. Hamdast granted.

4. **S.O. after four weeks.**

**Vice- Chairman**

dnk.

**O.A. No. 1026/2022 (D.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice-Chairman.**

**Dated : 13/10/2022.**

Heard Shri B. Kulkarni, Id. counsel for applicant and Shri M.I. Khan, Id. P.O. for State.

2. As per submission of Id. counsel for applicant the charge sheet was issued on 28/12/2018 since then there is no progress.

3. The Id. P.O. submits that at this stage stay cannot be granted.

4. Issue notice to the respondents returnable **after four weeks**. Learned P.O. waives notice for State. 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. No. 1027/2022 (D.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice-Chairman.**

**Dated : 13/10/2022.**

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

2. Issue notice to the respondents returnable **after four weeks**. Learned P.O. waives notice for State. 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.

**S.O. after four weeks.**

**Vice- Chairman**

dnk.

**O.A. No. 191/2022 (S.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice-Chairman.**

**Dated : 13/10/2022.**

**C.A. 407/2022 in O.A. 191/2022 -**

Heard Ms. N.S. Pathan, Id. counsel for applicant and Shri M.I. Khan, Id. P.O. for respondents.

2. Looking to the ground, the C.A. for amendment / correction is allowed.

3. Necessary amendment be carried out. After amendment, the office is directed to make necessary in the Judgment.

**Vice- Chairman**

dnk.

**C.P. 34/2020 in O.A. No. 877/2019 (D.B.)**

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice-Chairman.**

**Dated : 13/10/2022.**

Heard Shri I.N. Choudhary, Id. counsel for applicant and Shri V.A. Kulkarni, Id. P.O. for respondents.

2. The learned counsel for applicant has pointed out the order dated 14/7/2022. In para-4 of the order, following direction is given –

*“ (4) In view of this, respondent nos.2 is directed to decide the proposal submitted by respondent no.1 vide its letter dated 05/10/2020 within three weeks from the date of receipt of this letter.”*

3. The learned P.O. has submitted that he has not received any instructions about direction given by this Tribunal.

4. The Id. P.O. is directed to get instructions about compliance of order dated 14/7/2022 and submit report before this Tribunal positively on the next date.

**S.O. 14/11/2022.**

**Vice- Chairman**

dnk.

(D.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice-Chairman.**

**Dated : 13/10/2022.**

**C.P. 52/2022 in O.A. 910/2021 with**

**C.P. 53/2022 in O.A. 867/2019 with**

**C.P.55/2022 in O.A. 911/2019 with**

**C.P. 59/2022 in O.A. 1005/2019 -**

Heard Shri N.R. Saboo, Id. counsel for applicants and Shri V.A. Kulkarni, Id. P.O. for respondents.

2. This Tribunal has passed the order in many matters directing the concerned department to give pensionary benefits to the employees from the date of their initial appointments as a Mustering Assistant.

3. Now the Hon'ble Supreme Court in the case of **Shaikh Miya S/o Shaikh Chand Etc. Vs. State of Maharashtra** in Civil Appeal No.6531-6533/2022 has held that the notional date, i.e., from 31/03/1997 is to be given to Mustering Assistants for the purpose of pensionary benefits.

4. In view of the Judgment of Hon'ble Supreme Court, all the Judgments passed by this Tribunal directing the concerned department to give the benefit to the Mustering Assistant from the date of their initial appointments as Mustering Assistant are to be reviewed.



5. The Id. CPO and P.O. are requested to take necessary steps in this regard before the next date.

**S.O. After Vacation.**

**Vice- Chairman**

dnk.

(S.B.)

**Coram: Hon'ble Shri Justice M.G. Giratkar,  
Vice-Chairman.**

**Dated : 13/10/2022.**

**C.A. 422/2022 in O.A. 970/2020 -**

Heard Shri G.G. Bade, Id. counsel for applicant and Shri M.I. Khan, Id. P.O. for respondents.

2. The O.A. is already decided by this Tribunal on 30/09/2022. As per the submission of learned counsel for applicant, the impugned order was passed by the Deputy Commissioner (Administration), Women & Child Development Commissionerate, M.S., Pune. In the Judgment dated 30/09/2022, this Tribunal has recorded the findings that the impugned order is illegal and therefore it was quashed and set aside.

3. As per the submission of learned P.O., if the respondent no.6 is added, then opportunity to respondent no.6 is to be given.

4. The matter is decided on merit. No such objection was raised before deciding the matter. This Tribunal has recorded the findings on the basis of guidelines given in the Judgement of the Hon'ble Bombay High Court. The applicant was retired on 31/05/2020 and after five months i.e. on 26/10/2020 the impugned order was passed withholding the pensionary benefits of

the applicant. During the service of the applicant, the respondents have not issued any show cause notice nor initiated any departmental inquiry for not submitting the caste validity certificate. The respondents allowed the applicant to work till his retirement. The findings are recorded on merit, hence, no prejudice will be caused to the newly added respondent no.6.

5. In view of above, the C.A. is allowed. Permission is granted to add newly respondent no.6 as a party respondent in the O.A.

6. After amendment, the office is directed to make necessary correction in the Judgment.

**Vice- Chairman**

dnk.  
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**O.A.No.1016/2021 (S.B.)**

**(Kishor s/o. Haribhau Wasnik Versus The State of Maharashtra & Others.)**

**Coram: Hon'ble Shri M.A.Lovekar,**  
**Member (J)**

**Dated : 13/10/2022.**

**C.A.No.359/2022**

Heard Smt.S.W.Deshpande, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents. None for the respondent no.4.

2. In this C.A. following prayer is made-

**i. direct the respondents to reinstate or revoke the suspension order dated 26/10/2021, of the applicant with continuity of service with regular salary and increment of July-2022, in the interest of justice.**

3. The order of suspension of the applicant is dated 26.10.2021. It is submitted that so far charge sheet has not been issued to the applicant though period of nearly one year has elapsed from the date on which order of suspension was passed. On this ground revocation of the said suspension order is sought by relying on "***Ajay Kumar Choudhary versus Union of India and another***" In this case it is held-

*"14 We, therefore, direct that the currency of a Suspension Order should not extend beyond three months if within this period the Memorandum of Charges/Chargesheet is not served on the delinquent officer/employee; if the Memorandum of Charges/Chargesheet is served a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the concerned person to any Department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognize that previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time limits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that*

*pending a criminal investigation departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us.”*

4. In view of aforequoted ratio order of suspension dated 26.10.2021 is required to be revoked.
5. It was submitted by the learned P.O. Shri A.M.Ghogre, that in the O.A. Principal relief claimed by the applicant is against recovery of amount and hence passing an order of revocation of suspension shall be contrary to Rule 10 of the Central Administrative Tribunal (Procedure) Rules. It is pointed out on behalf of the applicant that there is also a prayer in the O.A. for revoking suspension order dated 26.10.2021.
6. In view of all these circumstances the C.A. is allowed. Order of suspension dated 26.10.2021 stands revoked. The respondents are directed to pass necessary consequential order within 15 days from today.

**Date :- 13/10/2022**

rsm.

**Member (I).**

**O.A.No.461/2021 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,  
Member (J)**

**Dated : 13/10/2022.**

**M.C.A.No.23/2022**

Heard Shri P.S.Patil, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. On oral request of the learned P.O. **S.O.**  
**after vacation for compliance.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

**O.A.st.No.258/2022 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,  
Member (J)**

**Dated : 13/10/2022.**

**C.A.No.42/2022**

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

2. On oral request of the learned P.O. **S.O. four weeks for filing reply as a last chance.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

**O.A.No.1075/2019 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,  
Member (J)**

**Dated : 13/10/2022.**

Heard Shri B.J.Lonare, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. The learned P.O. states that during course of the day he will file reply.
3. **S.O. after vacation.**

**Date :- 13/10/2022**

rsm.

**Member (J).**



**O.A.No.435/2020 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,**  
**Member (J)**

**Dated : 13/10/2022.**

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

2. The learned counsel prays for issue of fresh notice to respondents 2 to 4. Said Prayer is allowed. Issue fresh notice to respondents 2 to 4. Permission is granted to serve these respondents by speed post.

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

**Date :- 13/10/2022**

rsm.

**Member (J).**

**O.A.No.943/2020 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,**  
**Member (J)**

**Dated : 13/10/2022.**

Heard Shri S.S.Deshpande, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. Reply of respondent no.2 filed by the learned P.O. It is taken on record. It is stated to be sufficient. O.A. is admitted.

3. **S.O. after vacation.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

**O.A.No.204/2021 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,**  
**Member (J)**

**Dated : 13/10/2022.**

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

2. The learned P.O. states that the respondents desires to file additional reply to amended portion of the O.A. Time of three weeks is granted as a last chance.

3. **S.O. after vacation.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

O.A.No.279/2021 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,  
Member (J)**

**Dated : 13/10/2022.**

None for the applicant. Heard Shri M.I.Khan, ld. P.O. for the respondents.

2. On oral request of the learned P.O. **S.O.**  
**four weeks for filing reply.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

O.A.No.817/2021 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,  
Member (J)**

**Dated : 13/10/2022.**

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

2. On oral request of the learned P.O. **S.O. four weeks for filing reply.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

O.A.No.818/2021 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,  
Member (J)**

**Dated : 13/10/2022.**

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

2. On oral request of the learned P.O. **S.O. four weeks for filing reply.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

O.A.No.819/2021 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,  
Member (J)**

**Dated : 13/10/2022.**

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

2. On oral request of the learned P.O. **S.O. four weeks for filing reply.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

O.A.No.820/2021 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,  
Member (J)**

**Dated : 13/10/2022.**

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

2. On oral request of the learned P.O. **S.O. four weeks for filing reply.**

**Date :- 13/10/2022**

rsm.

**Member (J).**



O.A.No.963/2021 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,  
Member (J)**

**Dated : 13/10/2022.**

Heard Shri G.G.Bade, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. On oral request of the learned P.O. **S.O. four weeks for filing reply.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

**O.A.No.87/2021 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,**  
**Member (J)**

**Dated : 13/10/2022.**

Heard Shri A.C.Dharmadhikari, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. The learned counsel for the applicant states that the matter is squarely covered by the judgment of this Tribunal as well as the Hon'ble High Court. The learned P.O. shall file reply of the respondents on the next date.

3. **S.O.23.11.2022.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

**O.A.No.194/2022 with O.A.No.195/2022 with  
O.A.No.197/2022 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,  
Member (J)**

**Dated : 13/10/2022.**

Heard Shri G.G.Bade, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. Reply of respondents 2 and 3 filed by the learned P.O. It is taken on record. It is stated to be sufficient. The O.A. is admitted.

3. **S.O. after vacation.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

**O.A.No.234/2022 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,**  
**Member (J)**

**Dated : 13/10/2022.**

Heard Shri G.G.Bade, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. **S.O. after vacation.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

**O.A.No.292/2022 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,  
Member (J)**

**Dated : 13/10/2022.**

Heard Shri G.G.Bade, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. **S.O. after vacation.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

**O.A.No.434/2022 with O.A.No.435/2022 with  
O.A.No.436/2022**

**(S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,  
Member (J)**

**Dated : 13/10/2022.**

Heard Shri A.B.Tikle, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents 1 & 2. Shri T.M.Zaheer, ld. counsel for the respondents 3 & 4.

2. **S.O. after vacation.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

**O.A.No.483/2022 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,  
Member (J)**

**Dated : 13/10/2022.**

None for the applicant. Heard Shri  
M.I.Khan, ld. P.O. for the respondents.

2. On oral request of the learned P.O. **S.O.**  
**after vacation for filing reply.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

**O.A.No.641/2022 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,**  
**Member (J)**

**Dated : 13/10/2022.**

Heard Shri N.B.Rathod, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. The learned P.O. submits that he has received parawise replies. Time is granted till 09.11.2022 for filing reply.

3. The learned P.O. shall supply copy of communication dated 15.07.2022 to the learned counsel for the applicant.

4. **S.O. 09.11.2022.**

**Date :- 13/10/2022**

rsm.

**Member (J).**



**O.A.No.713/2022 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,**  
**Member (J)**

**Dated : 13/10/2022.**

Heard Shri B.Kulkarni, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. Reply of respondent no.2 filed by the learned P.O. It is taken on record. It is stated to be sufficient. The O.A. is admitted.

3. **S.O. after vacation.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

O.A.No.826/2022 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,  
Member (J)**

**Dated : 13/10/2022.**

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

2. On oral request of the learned P.O. **S.O. after vacation for filing reply.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

**O.A.No.952/2022 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,**  
**Member (J)**

**Dated : 13/10/2022.**

Heard Shri P.D.Meghe, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. Today the learned P.O. has sought time to file reply. Time is granted till returnable date.
3. Interim order to continue till next date.
4. **S.O. four weeks.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

**O.A.No.964/2022 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,  
Member (J)**

**Dated : 13/10/2022.**

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

2. The learned counsel states that respondents 2 and 3 are served and service report is filed.

3. On oral request of the learned P.O. time is granted to file reply.

4. **S.O. after vacation.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

O.A.No.871/2022 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,  
Member (J)**

**Dated : 13/10/2022.**

Heard Shri G.G.Bade, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. On oral request of the learned P.O. **S.O. after vacation for filing reply.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

O.A.No.899/2022 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,  
Member (J)**

**Dated : 13/10/2022.**

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

2. On oral request of the learned P.O. **S.O.**  
**after vacation for filing reply.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

O.A.No.912/2022 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,  
Member (J)**

**Dated : 13/10/2022.**

Heard Shri M.M.Sawang, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. On oral request of the learned P.O. **S.O. three weeks for filing reply.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

**O.A.No.886/2022 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,**  
**Member (J)**

**Dated : 13/10/2022.**

Heard Shri D.M.Kakani, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. On oral request of the learned P.O. time is granted to file reply till 17.10.2022.

3. **S.O. 17.10.2022.**

**Date :- 13/10/2022**

rsm.

**Member (J).**



**O.A.No.887/2022 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,**  
**Member (J)**

**Dated : 13/10/2022.**

Heard Shri D.M.Kakani, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. On oral request of the learned P.O. time is granted to file reply till 17.10.2022.

3. **S.O. 17.10.2022.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

**O.A.No.989/2022 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,**  
**Member (J)**

**Dated : 13/10/2022.**

Heard Shri S.P.Palshikar, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. Issue notice to the respondents returnable **after four weeks**. Learned P.O. waives notice for State. 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.

**S.O. after four weeks.**

**Date :- 13/10/2022**

rsm.

**Member (I).**

**O.A.No.1005/2022 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,**  
**Member (J)**

**Dated : 13/10/2022.**

Heard Shri R.V.Shiralkar, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. Issue notice to the respondents returnable **after four weeks**. Learned P.O. waives notice for State. 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.

**S.O. after four weeks.**

**Date :- 13/10/2022**

rsm.

**Member (I).**

**O.A.No.1007/2022 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,  
Member (J)**

**Dated: 13/10/2022.**

Heard Shri N.D.Thombre, Id. counsel for the applicant and Shri M.I.Khan, Id. P.O. for the respondents.

2. In this O.A. by the impugned communication dated 19.10.2020 the applicant is called upon to deposit the amount of Rs.23,65,865/-. It is submitted that the applicant stood voluntarily retired on 25.02.2022. It is further submitted that because of said proposed recovery pensionary benefits of the applicant have been withheld. On these grounds the applicant is praying for grant of following interim relief-

**ii. Direct the respondents, particularly the respondent no.3 to release the pension and pensionary benefits of the applicant by withholding the impugned recovery (not consent for recovery) during the pendency of the instant O.A. and subject to outcome of the O.A. reserving right to claim interest on the said amount."**

3. The aforequoted prayer shows that the applicant is only praying for releasing the pensionary benefits excluding the amount which is proposed to be recovered. Such order shall not cause any prejudice to the respondents.

4. The respondents, particularly the respondent no.3 shall release the pension and pensionary benefits of the applicant by withholding the amount of proposed recovery during the pendency of this O.A. and subject to outcome of the O.A.

5. It is also made clear that this concession given by the applicant shall not amount to consent for recovery nor will it adversely affect his right to claim interest on said amount, if permissible.

6. Issue notice to the respondents returnable **after four weeks**. Learned P.O. waives notice for State. Hamdast allowed.

7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
8. 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.
9. 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.
10. 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.
11. 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.
12. **S.O. after four weeks.**
13. **Steno copy is granted.**

**Date :- 13/10/2022**

rsm.

**Member (I).**

O.A.No.126/2015 with O.A.No.189/2015  
(S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,  
Member (J)**

**Dated : 13/10/2022.**

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

2. **S.O. after vacation.**

**Date :- 13/10/2022**

rsm.

**Member (J).**



**O.A.No.445/2015 with O.A.No.446/2015 with  
O.A.No.447/2015 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,  
Member (J)**

**Dated : 13/10/2022.**

Heard Shri N.B.Bargat, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents 1 to 3 & 5. None for the respondent no.4.

2. **S.O. after vacation.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

**O.A.No.767/2016 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,**  
**Member (J)**

**Dated : 13/10/2022.**

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

2. The learned P.O. submits that he will asserted whether the issue involved in this O.A. is pending consideration by the Hon'ble High Court.

3. **S.O. 17.10.2022.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

**O.A.No.74/2017 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,**  
**Member (J)**

**Dated : 13/10/2022.**

Heard Shri G.G.Bade, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. **S.O. after vacation.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

**O.A.No.763/2018 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,**  
**Member (J)**

**Dated : 13/10/2022.**

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

2. **Closed for Orders.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

**O.A.No.951/2018 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,**  
**Member (J)**

**Dated : 13/10/2022.**

Heard Shri G.N.Khazode, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents.

2. **S.O. after vacation.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

**O.A.No.67/2019 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,**  
**Member (J)**

**Dated : 13/10/2022.**

Heard Shri N.B.Rathod, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

2. **S.O. after vacation.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

**O.A.No.683/2019 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,**  
**Member (J)**

**Dated : 13/10/2022.**

Heard Shri A.P.Raghute, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

2. Reply of respondents 3, 4 and 5 filed by the learned P.O. It is taken on record.

3. The learned counsel for the applicant has placed on record copy of judgment dated 16.09.2022 of this Tribunal in O.A.No.122/2017. It is marked-X for identification.

4. **S.O. 17.11.2022.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

**O.A.No.1051/2019 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,  
Member (J)**

**Dated : 13/10/2022.**

Heard Shri S.N.Gaikwad, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

2. **S.O. after vacation.**

**Date :- 13/10/2022**

rsm.

**Member (J).**



**O.A.No.50/2020 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,  
Member (J)**

**Dated : 13/10/2022.**

Heard Shri R.V.Shiralkar, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

2. **S.O. after vacation.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

**O.A.No.151/2020 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,**  
**Member (J)**

**Dated : 13/10/2022.**

Heard Shri S.N.Gaikwad, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. **S.O. 16.11.2022.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

O.A.No.210/2020 (S.B.)

**Coram: Hon'ble Shri M.A.Lovekar,  
Member (J)**

**Dated : 13/10/2022.**

Heard Shri R.V.Shiralkar, ld. counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents 1 & 2. Shri S.A.Puranik, ld. counsel for the respondent no.3.

2. **S.O. after vacation.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

**O.A.No.493/2020 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,**  
**Member (J)**

**Dated : 13/10/2022.**

Heard Shri S.N.Gaikwad, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. Today the learned P.O. has placed on record copy of communication dated 04.1.2021 and 13.03.2021 (collectively marked-X) to contend that grievance of the applicants in this O.A. is redressed. This is similar statement is made on behalf of the applicant, hence the O.A. is disposed of.

**Date :- 13/10/2022**

rsm.

**Member (J).**

**O.A.No.857/2020 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,**  
**Member (J)**

**Dated : 13/10/2022.**

Heard Shri R.A.Haque, ld. counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

2. **S.O. 21.11.2022.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

**O.A.No.884/2020 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,  
Member (J)**

**Dated : 13/10/2022.**

Heard Shri P.D.Meghe, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. **S.O. after vacation.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

**O.A.No.19/2021 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,**  
**Member (J)**

**Dated : 13/10/2022.**

Heard Shri N.B.Kalwaghe, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. **S.O. 21.11.2022.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

**O.A.No.79/2021 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,**  
**Member (J)**

**Dated : 13/10/2022.**

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

2. **S.O. after vacation.**

**Date :- 13/10/2022**

rsm.

**Member (J).**



**O.A.No.183/2021 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,**  
**Member (J)**

**Dated : 13/10/2022.**

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

2. **S.O. 10.11.2022.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

**O.A.No.418/2021 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,**  
**Member (J)**

**Dated : 13/10/2022.**

Heard Shri S.P.Palshikar, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. **S.O. 10.11.2022.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

**O.A.No.947/2021 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,**  
**Member (J)**

**Dated : 13/10/2022.**

Heard Shri R.V.Shiralkar, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondent 1. Shri T.M.Zaheer, ld. counsel for the respondents 2 to 4.

2. The learned counsel for the respondents 2 to 4 states that while filing reply of respondents 2 and 3 mistake has been committed and the reply which should have been filed in the connected matter is filed in this matter and vice versa. Necessary replacement is allowed.

4. Reply of respondent no.1 filed by the learned P.O. It is taken on record.

5. **S.O. after vacation.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

**O.A.No.644/2021 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,**  
**Member (J)**

**Dated : 13/10/2022.**

Heard Shri S.N.Gaikwad, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. **S.O. after vacation.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

**O.A.No.939/2021 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,**  
**Member (J)**

**Dated : 13/10/2022.**

Heard Shri R.V.Shiralkar, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondent 1. Shri T.M.Zaheer, ld. counsel for the respondents 2 to 4.

2. The learned counsel for the respondents 2 to 4 states that while filing reply of respondents 2 and 3 mistake has been committed and the reply which should have been filed in the connected matter is filed in this matter and vice versa. Necessary replacement is allowed.

4. Reply of respondent no.1 filed by the learned P.O. It is taken on record.

5. **S.O. after vacation.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

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

**Coram: Hon'ble Shri M.A.Lovekar,**  
**Member (J)**

**Dated : 13/10/2022.**

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

2. **S.O. after vacation.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

**O.A.No.142/2022 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,  
Member (J)**

**Dated : 13/10/2022.**

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

2. **S.O. after vacation.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

**O.A.No.260/2022 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,  
Member (J)**

**Dated : 13/10/2022.**

Heard Shri S.P.Palshikar, ld. counsel for the applicant and Shri M.I.Khan, ld. P.O. for the respondents.

2. **S.O. after vacation.**

**Date :- 13/10/2022**

rsm.

**Member (J).**



**O.A.No.491/2022 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,**  
**Member (J)**

**Dated : 13/10/2022.**

Heard Shri S.D.Chande, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents.

2. **S.O. 28.11.2022.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

**O.A.No.534/2022 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,**  
**Member (J)**

**Dated : 18/10/2022.**

Heard Shri D.M.Totey, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents.

2. **S.O. 18.10.2022**

**Date :- 13/10/2022**

rsm.

**Member (J).**

**O.A.No.582/2022 (S.B.)**

**Coram: Hon'ble Shri M.A.Lovekar,**  
**Member (J)**

**Dated : 13/10/2022.**

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

2. **S.O. 10.11.2022.**

**Date :- 13/10/2022**

rsm.

**Member (J).**

**O.A.No.1033/2022 (S.B.)**

**(Shri Dinesh s/o Ramrao Sambhare Versus The State of Maharashtra & Others.)**

**Coram: Hon'ble Shri M.A.Lovekar,  
Member (J)**

**Dated : 13/10/2022.**

Heard Shri G.G.Bade, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the respondents.

2. In this O.A. the limited prayer made by the applicant is as follows-

***i) Direct the respondent no.2 to decide representation dated 07/07/2022, for the purpose of transfer to Amravati Head Quarter or to nearby place, in view of G.R. dated 09/04/2018, within stipulated period.***

3. The representation dated 7.7.2022 is at Annexure A-1. Perusal of the representation shows that as many as 8 grounds are mentioned therein.

4. It is submitted by the learned C.P.O. that the applicant was transferred by order dated 27.05.2022 and within two months he has made the representation. It is submitted that such haste in making a representation will prima facie go against the applicant.

5. I have considered rival submissions. Though the grant of aforementioned prayer is opposed by the respondents, case is made out to grant the same. Hence, the order.

**ORDER**

Respondent no.2 shall decide representation dated 7.7.2022 filed by the applicant (Annexure A-1) within two months from the date of receipt of this order – on its own merits and in accordance of law. O.A. is disposed of accordingly with no order as to costs.

**Date :- 13/10/2022**

rsm.

**Member (J)**

**O.A.No.1034/2022 (S.B.)**

**(Shri Deepak s/o Madhaorao Padalkar Versus The State of Maharashtra & Others.)**

**Coram: Hon'ble Shri M.A.Lovekar,  
Member (J)**

**Dated: 13/10/2022.**

Heard Shri G.G.Bade, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the respondents.

2. In this O.A. the limited prayer made by the applicant is as follows-

***1) Direct the respondent no.2 to decide representation dated 07/07/2022, for the purpose of transfer to Amravati Head Quarter to vacant place, in view of G.R. dated 09/04/2018, within stipulated period.***

3. The representation dated 7.7.2022 is at Annexure A-1. Perusal of the representation shows that medical grounds of aged mother are mentioned therein.

4. It is submitted by the learned C.P.O. that the applicant was transferred by order dated 27.05.2022 and within two months he has made the representation. It is submitted that such haste in making a representation will prima facie go against the applicant.

5. I have considered rival submissions. Though the grant of aforementioned prayer is opposed by the respondents, case is made out to grant the same. Hence, the order.

**ORDER**

Respondent no.2 shall decide representation dated 7.7.2022 filed by the applicant (Annexure A-1) within two months from the date of receipt of this order – on its own merits and in accordance of law. O.A. is disposed of accordingly with no order as to costs.

**Date :- 13/10/2022**

rsm.

**Member (J).**

O.A.No.1039/2022 (S.B.)

**(Santosh Manohar Mahalle Versus The State of Maharashtra & Others.)**

**Coram: Hon'ble Shri M.A.Lovekar,  
Member (J)**

**Dated : 13/10/2022.**

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

2. The impugned order of transfer is dated 10.10.2022. It is pointed out that the earlier order of transfer which immediately preceded the impugned order is dated 20.08.2021 (Annexure A-1). It is submitted that there are no special reasons recorded as required under Section 22-N of the Maharashtra Police Act while passing the impugned order.

3. In reply the learned C.P.O. has relied on para 1 of the impugned order which reads as under-

महाराष्ट्र पोलीस कायदा कलम २२ न (१) अन्वये प्राप्त अधिकारांचा वापर करून परिक्षेत्रीय पोलीस आस्थापना मंडळ यांनी विहित कालावधी पूर्ण न झालेल्या पोलीस निरीक्षक श्री.संतोष महल्ले, नेमणुक स्थानिक गुन्हे शाखा, अकोला यांची "जनहितार्थ" व प्रशासकीय सोयीचे ( In public Interest and for administration exigency) याबाबीचा विचार करता त्यांना अकोला जिल्ह्यात ठेवणे अनुचित होईल असे आस्थापना मंडळाने सांगोपांग विचार करून अकोला जिल्ह्यातून यवतमाळ जिल्ह्यात अकार्यकारी पदावर पदस्थापना करण्याची शिफारस केली आहे.

It is submitted by the learned C.P.O. that from the tenor of aforequoted para it can be clearly gathered that there were compelling circumstances to pass the impugned order though the same have not been expressly spelt out.

4. On behalf of the applicant it is submitted that none of the grounds stipulated in the proviso to Section 22-N of the Maharashtra Police Act is said to have been attracted in this case nor is there anything in the impugned order to show that this is an exceptional case which warranted passing of the impugned order.

5. A statement is made on behalf of the applicant that he has not handed over the charge as yet.

6. Considering rival submissions and record the effect and implementation of the impugned order dated 10.10.2022 (Annexure A-3) is stayed till the returnable date i.e. 20.10.2022.
7. Issue notice to the respondents returnable on **20.10.2022.** Learned P.O. waives notice for State. 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. 20.10.2022.**
14. **Steno copy is granted.**

**Date :- 13/10/2022**

rsm.

**Member (I).**

