

O.A. No. 831/2018 (D.B.)

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

**Dated : 05/09/2022.**

Heard Shri M.R. Khan, Id. counsel for applicant and Shri A.P.Potnis, Id. P.O. for respondents.

At the request of Id. counsel for applicant, **S.O. 19/09/2022.**

**(Justice M.G. Giratkar)  
Vice-Chairman**

**(Shree Bhagwan)  
Vice- Chairman**

dnk.

O.A. No. 205/2020 (D.B.)

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

**Dated : 05/09/2022.**

Heard Shri M.R. Khan, Id. counsel holding for Shri G.R. Sadar, Id. counsel for applicant and Shri A.P.Potnis, Id. P.O. for respondents.

At the request of Id. counsel for applicant, **S.O. 19/09/2022.**

**(Justice M.G. Giratkar)  
Vice-Chairman**

**(Shree Bhagwan)  
Vice- Chairman**

dnk.

O.A. No. 700/20 with C.A. 373/21 (D.B.)

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

**Dated : 05/09/2022.**

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

At the request of Id. P.O., **S.O. 12/09/2022.**

**(Justice M.G. Giratkar)  
Vice-Chairman**

**(Shree Bhagwan)  
Vice- Chairman**

dnk.

O.A. No. 239/2021 (D.B.)

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

**Dated : 05/09/2022.**

Heard Shri S.N. Gaikwad, Id. counsel holding for Shri S.P. Palshikar, Id. counsel for applicant and Shri M.I. Khan, Id. P.O. for respondents.

At the request of Id. counsel for applicant, **S.O. 13/09/2022.**

**(Justice M.G. Giratkar)  
Vice-Chairman**

**(Shree Bhagwan)  
Vice- Chairman**

dnk.

O.A. No. 499/2017 (D.B.)

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

**Dated : 05/09/2022.**

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

At the request of Id. P.O., **S.O.**  
**13/09/2022.**

(Justice M.G. Giratkar)  
Vice-Chairman

(Shree Bhagwan)  
Vice- Chairman

dnk.

**O.A. No. 100/2019 (D.B.)**

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

**Dated : 05/09/2022.**

Heard Shri K.J. Khanorkar, Id. counsel for applicant, Shri A.P. Potnis, Id. P.O. for R-1&2 and Shri Abhilash Shriwas, Id. counsel holding for Shri H.D. Marathe, Id. counsel for R-3&4.

At the request of Id. counsel for R-3&4,  
**S.O. 19/09/2022.**

**(Justice M.G. Giratkar)  
Vice-Chairman**

**(Shree Bhagwan)  
Vice- Chairman**

dnk.

O.A. No. 872/2019 (D.B.)

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

**Dated :** 05/09/2022.

None for applicant. Heard Shri A.P.  
Potnis, Id. P.O. for respondents.

At the request of Id. P.O., **S.O. 23/9/2022**  
for filing reply.

(Justice M.G. Giratkar)  
**Vice-Chairman**

(Shree Bhagwan)  
**Vice- Chairman**

dnk.

O.A. No. 400/2020 (D.B.)

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

**Dated :** 05/09/2022.

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

At the request of Id. P.O., **S.O. 12/9/2022**  
for filing reply.

(Justice M.G. Giratkar)  
**Vice-Chairman**

(Shree Bhagwan)  
**Vice- Chairman**

dnk.



O.A. No. 01/2021 (D.B.)

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

**Dated :** 05/09/2022.

Heard Smt. K.N. Saboo, Id. counsel holding for Shri N.R. Saboo, Id. counsel for applicant, Shri V.A. Kulkarni, Id. P.O. for R-1 and Shri M.I. Dhattrak, Id. counsel for R-2.

At the request of Id. counsel for R-2, **S.O. two weeks.**

(Justice M.G. Giratkar)  
Vice-Chairman

(Shree Bhagwan)  
Vice- Chairman

dnk.

O.A. No. 541/2022 (D.B.)

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

**Dated :** 05/09/2022.

Heard Shri A.K. Sorde, Id. counsel for applicant and Shri A.M. Khadatkar, Id. P.O. for R-1.

Hamdast for R-2 to 5 not collected.

The Id. counsel for applicant submits that he will collect hamdast to serve respondent nos.2 to 5 and for that purpose he seeks four weeks time.

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

(Justice M.G. Giratkar)  
Vice-Chairman

(Shree Bhagwan)  
Vice-Chairman

dnk.

**O.A. No. 551/2022 (D.B.)**

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

**Dated : 05/09/2022.**

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

2. On the last date time was granted to file reply as a last chance. Today also Id. P.O. seeks time to file reply.

3. The matter is admitted and kept for final hearing. The Id. P.O. waives notice for respondents. In the meantime, the Id. P.O. is at liberty to file reply.

4. The matter be kept for final hearing on **20/09/2022.**

**(Justice M.G. Giratkar)  
Vice-Chairman**

**(Shree Bhagwan)  
Vice-Chairman**

dnk.

O.A. No. 652/2022 (D.B.)

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

**Dated : 05/09/2022.**

Heard Shri J.S. Wankhede, Id. counsel for applicant and Shri A.M. Khadatkar, Id. P.O. for R-1. Await service R-2 to 5.

The applicant is directed to carry out necessary amendment. The applicant is also directed to file service affidavit.

At the request of Id. counsel for applicant, **S.O. two weeks.**

**(Justice M.G. Giratkar)  
Vice-Chairman**

**(Shree Bhagwan)  
Vice- Chairman**

dnk.

O.A. No. 750/2022 (D.B.)

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

**Dated :** 05/09/2022.

Heard Shri S.N. Gaikwad, Id. counsel  
for applicant and Shri A.M. Khadatkar, Id. P.O.  
for R-1. Await service of R-2 to 4.

The Id. counsel for applicant submits that  
the respondents are served and he will file  
service affidavit today itself.

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

(Justice M.G. Giratkar)  
**Vice-Chairman**

(Shree Bhagwan)  
**Vice- Chairman**

dnk.

O.A. No. 781/2022 (D.B.)

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

**Dated :** 05/09/2022.

Shri Prashant Soyam, Id. counsel holding for Shri A.B. Moon, Id. counsel for applicant and Shri A.M. Khadatkar, Id .P.O. for R-1.

Hamdast for R-2 to 5 not collected.

At the request of Id. counsel for applicant, **S.O. two weeks.**

(Justice M.G. Giratkar)  
**Vice-Chairman**

(Shree Bhagwan)  
**Vice- Chairman**

dnk.

**C.A. 170/22 in O.A. St.1085/22 (D.B.)**

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

**Dated : 05/09/2022.**

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

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

**(Justice M.G. Giratkar)  
Vice-Chairman**

**(Shree Bhagwan)  
Vice- Chairman**

dnk.

**C.P. 48/2022 in O.A. No. 925/2021 (D.B.)**

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

**Dated : 05/09/2022.**

None for applicant. Heard Shri A.M. Khadatkar, Id. P.O. for R-1.

Await service of R-2 to 5.

**S.O. four weeks** for filing service affidavit.

**(Justice M.G. Giratkar)  
Vice-Chairman**

**(Shree Bhagwan)  
Vice- Chairman**

dnk.



**C.P. 58/2022 in O.A. No. 321/2022 (D.B.)**

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

**Dated : 05/09/2022.**

Heard Shri D.R. Irale Patil, Id. counsel for applicant, Shri S.A. Sainis, Id. P.O. for R-1 to 4 and 7 and Shri G.K. Bhusari, Id. counsel for respondent nos.5 and 6.

At the request of Shri G.K. Bhusari, Id. counsel for respondent nos.5 and 6, **S.O. 19/9/2022.**

**(Justice M.G. Giratkar)  
Vice-Chairman**

**(Shree Bhagwan)  
Vice- Chairman**

dnk.

**O.A. No. 322/2022 (D.B.)**

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

**Dated : 05/09/2022.**

Heard Shri D.R. Irale Patil, Id. counsel  
for applicant and Shri S.A. Sainis, Id. P.O. for  
respondents.

**S.O. 19/09/2022.**

**(Justice M.G. Giratkar)  
Vice-Chairman**

**(Shree Bhagwan)  
Vice- Chairman**

dnk.

O.A. No. 321/2022 (D.B.)

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

**Dated :** 05/09/2022.

Heard Shri D.R. Irale Patil, Id. counsel for applicants, Shri S.A. Sainis, Id. P.O. for R-1 to 4 and 7 and Shri G.K. Bhusari, Id. counsel for respondent nos.5 and 6.

At the request of Shri G.K. Bhusari, Id. counsel for respondent nos.5 and 6, **S.O. 19/9/2022.**

(Justice M.G. Giratkar)  
**Vice-Chairman**

(Shree Bhagwan)  
**Vice- Chairman**

dnk.

**O.A.692/14 with C.A.418/19 & 375/17 (D.B.)**

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

**Dated : 05/09/2022.**

**C.A.Nos.418/2019 & 375/2017 -**

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

Looking to the ground, the C.A. Nos.418/2019 and 375/2017 are disposed off.

**O.A.692/14 –**

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

The matter be kept for final hearing **on 22/9/2022.**

**(Justice M.G. Giratkar)  
Vice-Chairman**

**(Shree Bhagwan)  
Vice- Chairman**

dnk.

**O.A. No. 752/2016 (D.B.)**

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

**Dated : 05/09/2022.**

Heard Shri P.P. Khaparde, Id. counsel holding for Shri G.G. Bade, Id. counsel for applicant and Shri S.A. Sainis, Id. P.O. for respondents.

2. Shri Khaparde, Id. counsel submits that Shri G.G. Bade, Id. counsel for applicant is not available today and therefore he seeks further time. The Id. P.O. has no objection.

3. At the request of Id. counsel for applicant, **S.O. 20/9/2022.**

**(Justice M.G. Giratkar)  
Vice-Chairman**

**(Shree Bhagwan)  
Vice- Chairman**

dnk.

O.A. No. 324/2021 (D.B.)

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

**Dated :** 05/09/2022.

Heard Mrs. K.N. Saboo, Id. counsel for applicant and Shri H.K. Pande, Id. P.O. for respondents.

At the request of Id. counsel for applicant, **S.O. 14/9/2022.**

(Justice M.G. Giratkar)  
Vice-Chairman

(Shree Bhagwan)  
Vice- Chairman

dnk.

**O.A. No. 648/2022 with C.A. 234/2022 (D.B.)**

**(Sanjaykumar Fattensing Gadge Vs. State of Maharashtra & Ors.)**

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

**Dated : 05/09/2022.**

**ORDER**

**Per : Justice M.G. Giratkar, Vice-Chairman.**

Heard Shri R.D. Hajare, learned counsel for applicant and Shri H.K. Pande, learned P.O. for respondents.

2. The matter is heard finally at the admission stage itself with the consent of learned counsel for both the parties.

3. The applicant had filed O.A.No. 622/2021 for direction to the respondents to promote him. During the course of hearing, it was argued by the side of applicant that the departmental inquiry of the year 2013 which was pending since 2013 was not completed. This Tribunal relying on the Judgment of Hon'ble Supreme Court in the case of **Prem Nath Bali Vs. Registrar, High Court of Delhi and Ano.**, decided on 16 December,2015 in Civil Appeal No.958 of 2010 allowed the O.A.No.622/2021 with direction to the respondents to open the sealed envelope in the coming DPC and promote the applicant, if he is eligible.

4. In O.A.No.622/2021 there was no prayer for quashing the departmental inquiry, but inadvertently the departmental inquiry pending against the applicant was quashed in O.A.No. 622/2021. The operative part of the order in O.A.No.622/2021 is reproduced below –

*“ (i) The O.A. is allowed.*

*(ii) The departmental inquiry pending against the applicant is hereby quashed and set aside.*

(iii) The respondents are directed to open the sealed envelope in the coming DPC and promote the applicant, if he is eligible for promotion.

(iv) The respondents are directed to hold next DPC within a period of three months from the date of receipt of this order.

(v) No order as to costs.”

5. In the present O.A., the applicant is seeking for quashing the departmental inquiry which is pending from the year 2013.

6. As per the guidelines of Hon'ble Supreme Court in the case of **Prem Nath Bali Vs. Registrar, High Court of Delhi and Ano.,** the employer / state is bound to complete the departmental inquiry within six months and if not possible, the outer limit is given one year.

7. The applicant is facing departmental inquiry since last 9 years, till date it is not completed. It is already quashed and set aside in O.A.No. 622/2021. Hence, the following order –

**ORDER**

(i) The O.A. is allowed.

(ii) The departmental inquiry pending against the applicant from the year 2013 is hereby quashed and set aside.

(iii) The C.A. also stands disposed off.

(iv) No order as to costs.

(Justice M.G. Giratkar)  
**Vice-Chairman**

(Shree Bhagwan)  
**Vice- Chairman**

dnk.

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