

O.A. No. 505/2018.

(D.B.)

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

Dated : 26th July 2019.

Heard Ms. S.S. Dashputre, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents.

S.O. **next week** for production of relevant documents by Ld. counsel for the applicant.

Member (J)

Vice-Chairman

Dt. 26.7.2019.

pdg.

O.A. No. 455/2013.

(D.B.)

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

Dated : 26th July 2019.

Heard Shri Deshpande, Adv. holding for Shri S. Khandekar, the Ld. counsel for the applicant and Shri M.I. Khan, the learned P.O. for the respondents 1 to 3. None for R.4.

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

Member (J)

Vice-Chairman

Dt. 26.7.2019.

pdg.

O.A. Nos. 705,706,707 & 708 of 2018.

(D.B.)

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

Dated : 26th July 2019.

Heard Shri A.S. Tiwari, the Ld. counsel for the applicants and Shri A.M. Khadatkar, the learned P.O. for the respondents.

At the request of the Ld. counsel for the applicant, S.O. **one week** for taking instructions.

Member (J)

Vice-Chairman

Dt. 26.7.2019.

pdg.

O.A. No. 720/2018.

(D.B.)

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

Dated : 26th July 2019.

Heard Shri S.K. Verma, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

The Ld. counsel for the applicant has filed pursis, it is taken on record. Ld. P.O. requests three weeks time to file reply.

S.O. **three weeks.**

Member (J)

Vice-Chairman

Dt. 26.7.2019.

pdg.

O.A. No. 515/2018.

(D.B.)

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

Dated : 26th July 2019.

Heard Shri N.D. Thombre, the Ld. counsel for the applicants and Shri M.I. Khan, the learned P.O. for the respondents 1 to 3. None for R. 4 to 11.

2. We have perused the notification issued by G.A.D. dated 11.6.2019. By this notification, Rule 3 in the original notification i.e. Rules of 2019 is amended as under:-

“In Rule 3 of the Clerk-Typist, Group “C” in the Government offices, outside Greater Mumbai (Recruitment) Rules, 2017, after the fifth proviso, the following proviso shall be added, namely:-

“Provided also that, the persons who are holding the post in Group “D” and who have passed the Secondary School Certificate Examination and possess qualification mentioned in sub-clause (iii) of clause (b), before the date of publication of these rules in the Maharashtra Govt. Gazette, shall also be considered for promotion under clause (a) above, for next five years from the date of publication of these rules.”

3. It is also mentioned that these rules deemed to have come into force w.e.f. 6th June 2017. In view of this, the respondents are directed to consider the cases of the applicants for their promotions as per rules within a period of three months from the date of this order. O.A. stands disposed of. No order as to costs.

Member (J)

Vice-Chairman

Dt. 26.7.2019.

pdg.

O.A. No. 807/2018.

(D.B.)

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

Dated : 26th July 2019.

Heard Shri D.M. Kakani, the Ld. counsel for the applicant and Shri V.A. Kulkarni, the learned P.O. for the respondents 1 and 2. Shri M. Majithiya, Adv. for R.3.

Ld. P.O. requested time to file reply. The Ld. counsel for the applicant submitted that steps are being taken to promote the employees who are mentioned in the seniority list and wrongly applicant's name is not included in the seniority list. It is submitted that inspite of several adjournments, the respondent No.1 avoided to file reply and in the event, the respondents are disregarding the seniority of the applicant and promotion orders are issued, then it will cause great prejudice to the applicant. In view of this circumstance, Ld. P.O. is directed to make positive submission before this Bench and file reply within one week regarding promotion and stage.

S.O. 2.8.2019.

Member (J)

Vice-Chairman

Dt. 26.7.2019.

pdg.

O.A. No. 188/2019.

(D.B.)

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

Dated : 26th July 2019.

Heard Shri V.V. Tiwari, the Ld. counsel for the applicant and Shri A.M. Khadatkar, the learned P.O. for the respondents 1 and 2. None for R.3.

Ld. P.O. submits that during the course of the day, he would file reply of respondent No.2 and it will be sufficient to other respondents also.

O.A. is admitted and kept for final hearing.

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

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

Member (J)

Vice-Chairman

Dt. 26.7.2019.

pdg.

O.A. No. 215/2019.

(D.B.)

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

Dated : 26th July 2019.

The Ld. counsel for the applicant is absent. Applicant is present in person.

Heard Shri A.M. Khadatkar, the learned P.O. for the respondents 1 to 5. None for R.6.

Ld. P.O. submits that he has received parawise comments in reply to the application and one week time is required by the concerned officer who has filed reply, is not available.

S.O. 2.8.2019.

Member (J)

Vice-Chairman

Dt. 26.7.2019.

pdg.

O.A. No. 264/2019.

(D.B.)

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

Dated : 26th July 2019.

Heard Ms. M.S. Kshirsagar, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondents.

Ld. P.O. submits that time is required to file reply.

S.O. **one week** as a last chance.

Member (J)

Vice-Chairman

Dt. 26.7.2019.

pdg.

O.A. No.526 /2019.

(D.B.)

Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 26th July 2019.

C.A. 255/2019.

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

C.A. No. 255/2019 to sue jointly is allowed subject to payment of requisite court fee to be deposited in the office.

O.A. No.526 /2019.

Ld. P.O. is requesting three weeks' time to file reply. It is submitted by the applicants that there is likelihood of completing the interview, therefore, suitable directions be given. Three weeks time is granted to the respondents to file reply. If interviews are taken in the meantime, further proceedings shall not be done on the basis of interview till further orders.

S.O. three weeks.

Steno copy be provided to Ld. P.O.

Member (J)

Vice-Chairman

Dt. 26.7.2019.

pdg.

O.A. No.981 /2018.

(D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 26th July 2019.**

Heard Shri P.P. Pendke, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondent Nos. 1 and 2. None for R.3.

Ld. P.O. is requesting for time.

S.O. **two weeks** as a last chance.

Member (J)

Vice-Chairman

Dt. 26.7.2019.

pdg.

O.A. No.483 /2019.

(D.B.)

**Coram:Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 26th July 2019.**

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

Ld. P.O. is requesting for four weeks' time to file reply.

S.O. **four weeks** for filing reply.

Member (J)

Vice-Chairman

Dt. 26.7.2019.

pdg.

O.A. No. 579/2019.

(D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 26th July 2019.**

Heard Shri S.M. Bhagde, the Ld. counsel for the applicant and Shri S.A. Sainis, the learned P.O. for the respondent No.1.

2. Issue notice to respondent Nos.2 to 4 returnable after three weeks.

3. Shri S.A. Sainis, the learned P.O. waives notice for the respondent No.1. Hamdast granted.

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

4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure)

Rules,1988, and the questions such as limitation and alternate remedy are kept open.

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

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

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

Member (J)

Vice-Chairman

Dt. 26.7.2019.

pdg.

O.A. No. 35/2018.

(D.B.)

Coram: Shri Shree Bhagwan,
Vice-Chairman and
Shri A.D. Karanjkar,
Member(J)
Dated : 26th July 2019.

C.P. No.31/2019.

Heard Shri A.P. Khadatkar, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondent No.2.

2. Issue notice on C.P. to respondent No.1 returnable after two weeks.

3. Shri P.N. Warjekar, the learned P.O. waives notice for the respondent No.1. Hamdast granted.

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

4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation / notice is ordered under Rule 11 of the Maharashtra

Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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

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

8. S.O. two weeks.

Member (J)

Vice-Chairman

Dt. 26.7.2019.

pdg.

O.A. No. 846/2012.

(D.B.)

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

Dated : 26th July 2019.

C.A. 258/2018.

Heard Shri Shashikant Borkar, the Ld. counsel for the applicant and Shri P.N. Warjekar, the learned P.O. for the respondents.

Ld. P.O.is directed to make submission before the Bench as to what has happened to the directions dated 13.3.2019.

S.O. **31.7.2019.**

Member (J)

Vice-Chairman

Dt. 26.7.2019.

pdg.

O.A. No.411/2018.

(D.B.)

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

Dated : 26th July 2019.

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

Ld. P.O. submits that Crime No.3051/2-10 under Prevention of Corruption Act was registered against the applicant and chargesheet No. 278/2015 came to be filed and on the basis of this chargesheet, Special Trial No. 37/2015 is registered and pending on the file of 39th District Judge No.1 and the Assistant Sessions Judge, Nagpur. It is submitted that two weeks time is required to file affidavit.

S.O. **9.8.2019.**

Member (J)

Vice-Chairman

Dt. 26.7.2019.

pdg.

O.A. No. 480/2016.

(D.B.)

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

Dated : 26th July 2019.

C.P. 23/2018

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

S.O. **9.8.2019.**

Member (J)

Vice-Chairman

Dt. 26.7.2019.

pdg.

O.A. No. 359/2018 **(SB)**

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

Dated : 26.07.2019

Heard Shri Nayase, Id. counsel holding for Shri G.G. Bade, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. The learned counsel for the applicant submitted that now the applicant is transferred to other Station and he has no grievance, therefore, the application is infructuous. Hence, the O.A. stands disposed of. No order as to costs.

Member (J)

dnk.

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

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

Dated : 26.07.2019

Heard Shri A.P. Sadavarte, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1 to 5. None for R-6&7.

The learned P.O. submitted that he wants to take instructions from the Department and therefore matter be kept for hearing **on 6/8/2019.**

Put up along with other connected matter.

Member (J)

dnk.

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

Coram : Hon. Shri A.D. Karanjkar,

Member (J).

Dated : 26.07.2019

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

The learned P.O. submitted that he wants to take instructions from the Department and therefore matter be kept for hearing **on 6/8/2019.**

Put up along with other connected matter.

Member (J)

dnk.

O.A. No. 963/2017 **(SB)**

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

Dated : 26.07.2019

C.A.246/2019

Heard Shri R.R. Ramteke, Id. counsel holding for Shri O.Y. Kashid, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. Perused the C.A.No.246/2019. The O.A. is filed to challenge the order dated 10/8/2017 by which the applicant's transferred to Police Head Quarter, Washim was cancelled and now by the proposed amendment the applicant is intending to add prayer to quash the order dated 18/1/2018 by which punishment is awarded to the applicant.

3. In view of the prayer in the C.A. and nature of the amendment, it is not possible to permit the applicant to raise this dispute in the present application. Hence, the C.A. is rejected.

Member (J)

dnk.

O.A. No. 301/2019 **(SB)**

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

Dated : 26.07.2019

Shri M.V. Joshi, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for R-1. Await service of R-2.

The learned counsel for the applicant submitted that he has not received acknowledgment of the notice. He seeks further time to file service report. At his request, **S.O. two weeks.**

Member (J)

dnk.

O.A. No. 384/2019 **(SB)**

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

Dated : 26.07.2019

Shri N.D. Thombre, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

The learned P.O. has submitted that the representation of the applicant is now decided. It is rejected. The learned P.O. to file reply within two weeks.

S.O. two weeks.

Member (J)

dnk.

O.A. No. 461/2019 **(SB)**

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

Dated : 26.07.2019

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

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

Member (J)

dnk.

O.A. No. 484/2019 **(SB)**

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

Dated : 26.07.2019

Shri A.P. Sadavarte, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

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

Member (J)

dnk.

O.A. No. 462/2019 **(SB)**

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

Dated : 26.07.2019

None for the applicant. Heard Shri M.I. Khan, Id. P.O. for R-1&3. Await service of R-2.

2. The learned P.O. has submitted reply on behalf of respondent no.3. It is specifically mentioned in para-3 that order dated 31/5/2019 transferring the applicant to Jibgaon, Tq. Saoli, Dist. Chandrapur is now cancelled. The learned P.O. has also filed order dated 19/7/2019 which is at Annex-A-I.

3. In view of this, there remains no substance in the application. Hence, the O.A. is disposed of as infructuous.

Member (J)

dnk.

O.A. No. 154/2019 **(SB)**

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

Dated : 26.07.2019

Shri A.D. Girdekar, Id .counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

The learned P.O. submitted that two weeks time is required to collect the instructions from the respondent no.1 whether any decision is taken on representation made by the applicant.

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

Member (J)

dnk.

O.A. No. 125/2017 **(SB)**

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

Dated : 26.07.2019

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

S.O. three weeks.

Member (J)

dnk.

O.A. No. 649/2017 **(SB)**

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

Dated : 26.07.2019

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

Closed for orders.

Member (J)

dnk.

O.A. No. 455/2017 (SB)

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

Dated : 26.07.2019

Heard Shri S. Borkar, Id. counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1 and Shri H.D. Marathe, Id. counsel for R-4. None for R-2,3&5.

2. The applicant was appointed in service as Junior Engineer (Electrical) Group-B Non-Gazatted Officer in Vidarbha Hydroelectric and Lift Irrigation, Sub-Division No.3, Bhandara on 18/10/2012. The applicant is challenging the impugned transfer order on the ground that the transfer order is in violation of the Notification dated 28/4/2015. It is submitted that as per Para-8, Clause (1) (b) the Officer appointed in Group-B shall complete the period of 9 years in one Revenue Division. It is submitted that in view of this mandatory provision, the impugned transfer order is not in accordance with the law and it is bad in law.

3. It seems that by the impugned transfer order at Annex-A-1 the applicant was transferred from Nagpur Revenue Division to Khamgaon, District Buldhana which was in Amravati

Revenue Division. It is submitted that the applicant was transferred before completion of 9 years and therefore apparently transfer order is in violation of the Notification.

4. The learned counsel for the applicant submitted that on 18/10/2021 the applicant would complete his 9 years in Nagpur Revenue Division and he will be due for transfer, therefore, the respondents be directed to retain the applicant in Nagpur Revenue Division till completion of his normal tenure of 9 years.

5. I have heard the submissions on behalf of the learned P.O. and on behalf of learned counsel for R-4. In view of the legal position, I accept the submission of the applicant that the impugned transfer order is in violation of law, therefore, it is quashed and set aside. The Department is at liberty to transfer the applicant on his completion of 9 years in Nagpur Revenue Division. In view thereof, the O.A. stands disposed of. No order as to costs.

Member (J)

dnk.

O.A. No. 444/2018 **(SB)**

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

Dated : 26.07.2019

Heard Shri N.R. Saboo, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for R-1 to 3. None for R-4.

2. It is submitted that the representation made by the applicant dated 15/7/2019 is forwarded to the Higher Authority and two weeks time is required to take decision.

S.O. two weeks.

The matter be treated as **P.H.**

Member (J)

dnk.

O.A.No.113/2017 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 26th July 2019.

C.A.No.547/2017:-

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the State.

2. The Id. counsel for the applicant filed C.A. No. 547/2017 for condonation of delay, this point is kept open.

3. Notice on C.A. to R.2 be issued returnable in **three weeks**.

4. Shri V.A.Kulkarni, the learned P.O. waives notice for respondent no.1. Hamdast granted.

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 the O.A.

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 an affidavit of compliance in the Registry as far as possible once week before the date fixed by this Tribunal. 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.

10. S.O. three weeks.

Vice Chairman

Date:-26/07/2019.

aps.

O.A.Nos.107 & 108/2018 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 26th July 2019.

Heard Shri M.R.Joharapurkar, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. The Id. P.O. filed the affidavit in reply on behalf of the respondent nos. 1 to 5 in O.A. No. 107/2018 and reply on behalf of the respondent nos. 1 to 4 in O.A. No. 108/2018. It is taken on record. Copy is served to the other side.

3. S.O. one week.

Vice Chairman

Date:-26/07/2019.
aps.

O.A.No.868/2018 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 26th July 2019.

Heard Shri Bharat Kulkarni, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. The Id. P.O. filed the affidavit-in-reply on behalf of the respondent nos. 2 & 3. It is taken on record. Copy is served to the other side.

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

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

Vice Chairman

Date:-26/07/2019.

aps.

O.A.No.924/2018 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 26th July 2019.

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. three weeks to file reply.**

Vice Chairman

Date:-26/07/2019.
aps.

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 26th July 2019.

Heard Shri S.C.Deshmukh, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. The Id. P.O. filed the affidavit-in-reply on behalf of the respondent no. 2. It is taken on record. Copy is served to the other side.

3. In para no. 4 of the reply it is mentioned that:-

"It is most respectfully submitted here that according to Rule 10 of MCS (Revised Pay) Rules, 2009, uniformly the date is fixed as 1st July of every year for drawl of annual increments to all the employees. The copy of said revised rules is filed herewith as ANNEXURE-R-1 for kind perusal of this Hon'ble Tribunal. It is the contention of the applicant that as he has worked since 01.07.2015 to 30.06.2016 he became eligible for the increment of the said period. However, the respondents relying the aforesaid revised rules denied the benefits and the same are due on 1st July of every year and as the applicant is retired on 30 June itself, he is not entitled for getting the said benefits."

4. The certificate copy regarding retirement of the applicant is annexed at P.B.,

Pg. No. 8 (Annexure-A-1). By record it appears that applicant retired on 30.06.2016 as per letter dated 06.12.2018 at P.B., Pg. No. 10.

5. As per Annexure-A-3, P.B., Pg. No. 11, the applicant is at Sr. No. 03 and he superannuate on 30.06.2016 and his next date of increment was on 01.07.2016. The Id. counsel for the applicant has relied on **W.P. No. 15732 of 2017 of the Hon'ble High Court of Madras in case of Shri P.Ayyamperumal Vs. The Registrar, Central Administrative Tribunal, Madras Bench, High Court Complex, Chennai-600 105 delivered on 15/09/2017 at Annexure-A-4, P.B., Pg. No. 12.**

6. In the same Judgment in para no. 5 following observations have been made:-

"The Petitioner retired as Additional Director General, Chennai on 30.06.2013 on attaining the age of Superannuation. After the Sixth Pay Commission, the Central Government fixed 1st July as the date of increment for all employees by amending Rule 10 of the Central Civil Services (Revised Pay) Rules, 2008. In view of the said amendment, the petitioner was denied the last increment, though he completed a full one year in service, i.e. from 01.07.2012 to 30.06.2013. Hence,

the petitioner filed the original application in O.A. No. 310/00917/2015 before the Central Administrative Tribunal, Madras Bench, and the same was rejected on the ground that an incumbent is only entitled to increment on 1st July if he continued in service on that day"

7. In the same Judgment in para no. 7 Hon'ble High Court has observed following points:-

"The petitioner herein had completed one full year service as on 30.06.2013, but the increment fell due on 01.07.2013, on which date he was not in service. In view of the above judgment of this Court, naturally he has to be treated as having completed one full year of service, though the date of increment falls on the next day of his retirement. Applying the said judgment to the present case, the writ petition is allowed and the impugned order passed by the first respondent – Tribunal dated 21.03.2017 is quashed. The petitioner shall be given one notional increment for the period from 01.07.2012 to 30.06.2013, as he has completed one full year of service, though his increment fell on 01.07.2013, for the purpose of pensionary benefits and not for any other purpose. No costs."

8. In view of the above Judgment, the applicant is allowed to increment due on 01.07.2016 for the purpose of pensionary benefits and not for any other purpose as mentioned in the above judgment of Hon'ble

High Court. Accordingly, pension of the applicant should be revised **within three months** time from the date of this order.

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

Vice Chairman

Date:-26/07/2019.

aps.

O.A.Nos. 414, 415, 416/2018 (S.B.)

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

Dated : 26th July 2019.

C.A.Nos.281, 282, 283/2019:-

Heard Shri S.D.Malke, the Id. Counsel for the applicant, Shri S.A.Sainis, the Id. P.O. for the respondent nos. 1 & 2, Shri K.J.Topale, the Id. counsel for the respondent no. 3 in O.A. Nos. 414 & 416/2018 and Shri U.K.Bisen, the Id. counsel for the respondent no. 3 in O.A. No. 415/2018.

2. The Id. counsel for the applicant submits that he has yet to carry out the amendment. He is directed to carry out the amendment within one week time.

3. Hence **C.A. Nos. 281, 282, 283 /2019 are allowed and disposed of.**

4. **S.O. three weeks.**

5. *Put up this matter along with the O.A. Nos. 417 & 629/2018.*

Vice Chairman

Date:-26/07/2019.

aps.

O.A.Nos. 417 & 629/2018 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated : 26th July 2019.

C.A.Nos. 278 & 277/2019:-

Heard Shri S.D.Malke, the Id. Counsel for the applicant, Shri S.A.Sainis, the Id. P.O. for the respondent nos. 1 & 2 and Shri K.J.Topale, the Id. counsel for the respondent no. 3 in O.A. Nos. 417/2018.

2. The Id. counsel for the applicant is directed to carry out the amendment within one week time.

3. Hence **C.A.Nos. 278 & 277/2019**
are allowed and disposed of.

4. **S.O. three weeks.**

5. *Put up this matter along with the O.A. Nos. 414, 415 & 416/2018.*

Vice Chairman

Date:-26/07/2019.

aps.

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 26th July 2019.

Heard Shri J.C.Shukla, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. The Id. P.O. filed affidavit-in-reply on behalf of the respondent no. 3. It is taken on record. Copy is served to the other side. He further submits that reply of respondent no. 3 is sufficient.

3. The Id. P.O. has pointed out at P.B., Pg. No. 41 (Annexure-R-3-2) dated 24/01/2019 by respondent no. 2, by which it appears that final order in D.E. has been passed. However, the Id. counsel for the applicant submits that applicant has not received any order regarding the same.

4. However, as per O.A. No. 715/2015 of this Tribunal delivered on 08/01/2016, respondents are directed to pay subsistence allowance during the suspension period and file the same on record. After revocation of suspension period his salary should also be paid and file the same on record. The Id. counsel for the applicant submits that he wants to take instructions from the client.

5. S.O. three weeks.

Date:-26/07/2019.
aps.

Vice Chairman

O.A.Nos. 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822/2017 with C.A. Nos. 139, 140, 141, 142, 143 & 201/2019 (S.B.)

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

Dated: 26th July 2019.

Heard Ms.M.Iyer, the Id. Counsel for the applicant, Shri S.A.Sainis, the Id. P.O. for the respondents and Shri H.D.Marathe holding for Shri V.G.Palshikar, the Id. counsel for the respondent no. 3 in O.A. Nos. 817 & 822/2017.

2. The Id. P.O. has already filed the reply on behalf of the respondent no. 3. He further submits that it covers the reply on behalf of the respondent nos. 1 & 2 also. The Id. counsel for the applicant should not be insists to file reply on behalf of the other respondents now.

3. The Id. P.O. is directed to supply the copy of the reply again to the Id. counsel for the applicant.

4. Hence, **all the C.As. are disposed of.**

5. The Id. P.O. submits that he will file pursis regarding reply in case of O.A.Nos. 817, 818, 819, 820, 821 & 822/2017.

6. S.O. four weeks.

Vice Chairman

Date:-26/07/2019.

aps.

O.A.No.371/2016 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 26th July 2019.

None for the applicant. Shri A.M.Ghogre, the Id. P.O. for the respondent nos. 1 to 3 and Shri S.N.Gaikwad holding for Shri V.B.Gawali, the Id. counsel for the respondent no. 4.

2. At the request of Id. counsel for the respondent no. 4, **S.O. two weeks.**

Vice Chairman

Date:-26/07/2019.

aps.

O.A.No.982/2018 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 26th July 2019.

Heard Shri Kumbhekar holding for Shri P.D.Meghe, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

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

Vice Chairman

Date:-26/07/2019.
aps.

O.A.No.181/2019 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 26th July 2019.

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

2. The Id. P.O. is directed to take instructions from the concerned department that why G.I.S. has not been paid to the applicant till now as per records from P.B., Pg. No. 07 of the O.A. which is seen pending. As per reply in para no. 4 at P.B., Pg. No. 26 that G.P.F. has been paid, Leave Encashment has been paid, Provisional Pension has been paid regularly. However, as mentioned in P.B., Pg. No. 07 in O.A., Gratuity, G.I.S. and commutation of pension are yet to be paid.

3. The Id. counsel for the applicant has filed O.A. No. 1072 of 2017 of MAT, Mumbai delivered on 07.09.2018. He has relied on the said judgment.

4. The Id. P.O. is directed to take instructions from the concerned department regarding following points:-

a. Why G.I.S. has been withheld?

b. What is the stage of D.E. and when it will be finalized?

c. After completion of enquiry when final pension will be decided?

5. S.O. 16.08.2019.

6. Matter is treated as P.H.

Vice Chairman

Date:-26/07/2019.

aps.

**O.A.Nos. 165, 161, 162, 163, 166/2015 &
48/2016 with C.A.Nos.425, 26, 422, 423,
424, 426 & 427/2018 (S.B.)**

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

Dated : 26th July 2019.

Heard Shri M.R.Joharapurkar, the Id.
Counsel for the applicant and Shri
V.A.Kulkarni, the Id. P.O. for the respondents.

2. At the request of Id. counsel for the
applicant, **S.O. Tuesday i.e. 30.07.2019.**

Vice Chairman

Date:-26/07/2019.

aps.

O.A.Nos.463 & 464/2019 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 26th July 2019.

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

2. As per the reply of Id. P.O. of respondent no. 3 in para nos. 6, 7 & 8, it is mentioned that chargesheet has been served and review has also been done by the respondents. From the reply it appears that, applicant's are taking necessary steps.

3. However, the Id. counsel for the applicant has also relied on **W.P. No. 7506 of 2018 of Hon'ble High Court Mumbai, Bench at Nagpur in the case of Chandrashekhar S/o Raibhan Gavai Vs. The Chief Executive Officer, Z.P., Akola delivered on 17/07/2019.** The said judgment is taken on record. Copy is served to the other side. In para no. 2 of the said judgment following observations has been made:-

"The Government has recently issued a Resolution dated 09.07.2019 giving detailed guidelines and directions for dealing with cases of those employees who are placed under suspension and against whom the charge-sheet has been issued. In the

present case, chargesheet has already been issued and 3 months period has been over long back and therefore, the facts of this case are squarely covered by the Government Resolution dated 09.07.2019, calling for necessary intervention by this Court."

4. In view of the above discussions and facts on record, this Tribunal needs to intervene in this O.A.. Hence, following order:-

ORDER

1. The respondents are directed to revoke the suspension of the applicant **within two weeks** from the date of this order and also place the applicant at suitable post.
2. With the above directions, the **O.A. is disposed of with no order as to costs.**

Vice Chairman

Date:-26/07/2019.
aps.

O.A.No.592/2017 (S.B.)

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

Dated: 26th July 2019.

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

2. The Id. counsel for the applicant is relied upon the G.R. No. , , u, DI &0809@i@d 500@fo'kk-1c] fnukd 03-11-2009 (Annexure-A-3, P.B., Pg. No. 21)] G.R. No. , , u, DI &0809@i@d 500@fo'kk-1c] fnukd 11-01-2010 (Annexure-A-4, P.B., Pg. No. 23), G.R. No. , , u, DI &1110@i@d 499@fo'kk-1c] fnukd 18-02-2011 (Annexure-A-5, P.B., Pg. No. 29), G.R. No. , , u, DI &0516@i@d 158@fo'kk-1c] fnukd 01-10-2016 (Annexure-A-6, P.B., Pg. No. 31), G.R. No. , , u, DI &0816@i@d 158@fo'kk-1c] fnukd 26-10-2016 (Annexure-A-7, P.B., Pg. No. 34) all these G.Rs. have been issued by the Home Department who are supposed to take decision on Sensitive and Hyper Sensitive Area regards Naxal Affected Areas.

3. After this, the Id. counsel for the applicant relied on G.R. No. u{ky 2417@i@d 54@dk-1417] fnukd 07-06-2017 issued by the Planning Department on P.B., Pg. No. 38 (Annexure-A-10) in tabular form Planning

Department has given Sensitive and more Sensitive Area in details.

4. It appears that Home Department G.R. and Planning Department G.Rs. might be having separate opinion about more Sensitive and Hyper Sensitive Area. Respondents in their reply in para no. 4 have mentioned certain facts which are below:-

"It is submitted that as per the corrigendum dated 26.10.2016 issued by respondent no. 1, the benefits of additional incentive of 1.5 times of salary was extended to the police personnel serving with Wireless Section and Motor Transport Section of Pranhita and Gadchiroli. Accordingly, this office vide its order dated 10.11.16 directed the concerned Clerical Staff for providing additional incentive of 1.5 times of salary to the deserving personnel. Howsoever, the orders issued by the office of the respondent no. 2 dated 10.11.2016 in the matter of disbursing of 1.5 times of incentive alongwith the salary of Police Personnel was misinterpreted by clerical staff of account section. Consequently, the police personnel posted at sub headquarters, Pranhita, who did not deserve the same were also given the benefits of incentive in terms of 1.5 times of salary."

5. Therefore, the applicant was given benefits of Hyper Sensitive Area vide order

dated 10/11/2016 (Annexure-A-8, P.B., Pg. No. 36) and it was for the period from 01st April, 2016 to 31st March, 2018. However, respondents vide order dated 24/01/2017 (Annexure-A-9, P.B., Pg. No. 37) have cancelled the order dated 10.11.2016. Hence, this order is remanded back to respondent no. 2 to take appropriate decision **within two weeks** from the date of this order. While taking decision respondent no. 2 must justify with speaking order about the order dated 24.01.2017 (Annexure-A-9, P.B., Pg. No. 37) and the same decision must be communicated to the applicant and Tribunal through Id. P.O..

6. **S.O. 16.08/2019.**

7. *Steno copy is granted.*

Vice Chairman

Date:-26/07/2019.

aps.

O.A.No.292/2018 (S.B.)

Coram: Shri Shree Bhagwan,
Vice Chairman

Dated: 26th July 2019.

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

2. At the request of Id. counsel for the applicant, **S.O. 01.08.2019.**

Vice Chairman

Date:-26/07/2019.
aps.