

O.A. 133/17 (D.B.)

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

Dated : 26/11/2019.

Shri S.N. Gaikwad, Id. counsel for the applicant, Shri A.M. Khadatkar, Id .P.O. for R-1&2 and Shri S.P. Palshikar, Id. counsel for R-3.

At the request of Id. counsel for the applicant, **S.O. Next week.**

Member (J)

Vice-Chairman

dnk.

O.A. 830/2011(D.B.)

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

Dated : 26/11/2019.

Smt. K.N. Saboo, Id .counsel holding for
Shri N.R. Saboo, Id. counsel for the applicant
and Shri A.M. Khadatkar, Id .P.O. for R-1 to 3.
None for R-4&5.

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

Member (J)

Vice-Chairman

dnk.

O.A. 385/2015 (D.B.)

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

Dated : 26/11/2019.

C.A. 419/2019 -

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

As the order passed in C.A.495/2017 on 14/11/2017 has not been complied with, therefore, the C.A.No. 419/2019 for early hearing is dismissed.

Member (J)

Vice-Chairman

dnk.

O.A. 524/2019 (D.B.)

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

Dated : 26/11/2019.

Shri W.G. Paunikar, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O.**
05/12/2019 for taking instructions.

Member (J)

Vice-Chairman

dnk.

O.A. 785/2019 (D.B.)

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

Dated : 26/11/2019.

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

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

Member (J)

Vice-Chairman

dnk.

O.A. 95/2019 (D.B.)

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

Dated : 26/11/2019.

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

The Id. P.O. files reply on behalf of R-2. It is taken on record. It is submitted that reply of R-2 is sufficient, therefore, the matter is admitted and it be kept for final hearing.

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

S.O. in due course.

Member (J)

Vice-Chairman

dnk.

O.A. 219/2019 (D.B.)

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

Dated : 26/11/2019.

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

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

Member (J)

Vice-Chairman

dnk.

O.A. 644/2019 (D.B.)

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

Dated : 26/11/2019.

Smt. Roma Bondale, Id. counsel for the applicant and shri A.M. Khadatkar, Id .P.O. for R-1 to 3. None for R-4.

The Id. P.O. files reply on behalf of R-2&3. It is taken on record. copy is given to the applicant.

Heard. Admit.

The Id. P.O. waives notice for R-1 to 3.

S.O. in due course.

Member (J)

Vice-Chairman

dnk.

O.A. 697/2019 (D.B.)

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

Dated : 26/11/2019.

Heard Shri S.P. Palshikar, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1 to 3, Shri S.G. Jagtap, Id. counsel for R-4 and Smt. K.N. Saboo, Id. counsel for R-5.

The learned P.O. is directed to file reply within two weeks. **S.O. two weeks.**

Member (J)

Vice-Chairman

dnk.

O.A. 766/2019 (D.B.)

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

Dated : 26/11/2019.

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

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

Member (J)

Vice-Chairman

dnk.

O.A. 68/2016 (D.B.)

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

Dated : 26/11/2019.

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

The learned P.O. seeks further time. As agreed by the learned counsel for the applicant, further time is granted to the Id. P.O. as a last chance.

S.O. 16/12/2019.

Member (J)

Vice-Chairman

dnk.

O.A. 926/2019 (D.B.)

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

Dated : 26/11/2019.

Shri S.G. Jagtap, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

The learned counsel for the applicant is directed to move application for condonation for delay.

S.O. two weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 927/2019 (D.B.)

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

Dated : 26/11/2019.

Heard Sri Ashok Raghute, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. Issue notice to R-2 & 3, returnable **after four weeks**. Learned C.P.O. waives notice for R-1. 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..

Member (J)

Vice-Chairman

dnk.

O.A. 928/2019 (D.B.)

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

Dated : 26/11/2019.

Heard Smt. K.N. Saboo, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State. .

2. The office objections are waived. Issue notice to R-2 & 3, returnable **after four weeks.** Learned C.P.O. waives notice for R-1. 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..

Member (J)

Vice-Chairman

dnk.

O.A. 929/2019 (D.B.)

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

Dated : 26/11/2019.

Heard Smt. K.N. Saboo, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State. .

2. The office objections are waived. Issue notice to R-2 & 3, returnable **after four weeks**. Learned C.P.O. waives notice for R-1. 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..

Member (J)

Vice-Chairman

dnk.

O.A. 930/2019 (D.B.)

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

Dated : 26/11/2019.

Heard Smt. K.N. Saboo, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State. .

2. The office objections are waived. Issue notice to R-2 & 3, returnable **after four weeks.** Learned C.P.O. waives notice for R-1. 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..

Member (J)

Vice-Chairman

dnk.

O.A. 931/2019 (D.B.)

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

Dated : 26/11/2019.

Heard Smt. K.N. Saboo, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State. .

2. The office objections are waived. Issue notice to R-2 & 3, returnable **after four weeks**. Learned C.P.O. waives notice for R-1. 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..

Member (J)

Vice-Chairman

dnk.

O.A. 933/2019 (D.B.)

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

Dated : 26/11/2019.

Heard Smt. K.N. Saboo, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State. .

2. Issue notice to R-2 & 3, returnable **after four weeks**. Learned C.P.O. waives notice for R-1. 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..

Member (J)

Vice-Chairman

dnk.

O.A. 846/12 with C.A. 258/18 (D.B.)

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

Dated : 26/11/2019.

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

At the request of Id. P.O., **S.O. one week**
for taking instructions.

Member (J)

dnk.

Vice-Chairman

O.A. 724/2014 (D.B.)

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

Dated : 26/11/2019.

Heard Shri S.D. Malke, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for the respondents.

The order dated 25th September,2019 is not complied. The learned counsel for the applicant is directed to comply the said order.

S.O. 06/12/2019.

Member (J)

Vice-Chairman

dnk.

O.A. 806/2015 (D.B.)

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

Dated : 26/11/2019.

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

The respondents are directed to inform the Bench the reasons for which the inquiry is not completed till today.

S.O. two weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 677/2018 (D.B.)

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

Dated : 26/11/2019.

None for the applicants. Shri P.N.
Warjurkar, Id. P.O. for the respondents.

S.O. three weeks.

Member (J)

Vice-Chairman

dnk.

O.A. 217/2019 (D.B.)

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

Dated : 26/11/2019.

Heard Shri S.P. Kshiragar, Id. counsel for the applicants and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The learned counsel for the applicants has relied on G.R. dated 01/08/2019 and produced before the Bench. He has mainly relied on para-5.2 of the G.R. at its page no.12. The learned counsel for the applicant has filed seniority list of 1/1/2016 (page nos. 26 to 56). However, he desires to point out candidate after Sr.No.432 and before 442, but as per his attachment the last candidate at page no.40 is at sr.no.432 and first candidate at page no.41 is at sr.no.442. It means one page is missing between page nos.40&41. He is directed to file proper page of seniority list before next date of hearing.

S.O. 6/12/2019.

Member (J)

Vice-Chairman

dnk.

O.A. 937/2019 (D.B.)

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

Dated : 26/11/2019.

Heard Shri M.P. Kariya, Id. counsel along with Shri A.P. Tathod, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. It is grievance of the applicant that though he is fulfilling requirements to enter the IAS cadre, opportunity is not given to him to appear in the written examination and the viva voce examination. It is apprehension of the applicant that his C.Rs. were not written for the period from 06/11/2017 to 06/01/2018 due to transfer of the Project Director, Jalna as the period was less than three months. Similarly, the C.R. for the period from 7/1/2018 to 5/2/2018 is not written for the reason that the applicant was holding post as additional charge and that period was less than three months. Similarly, for the period from 6/2/2018 to 31/3/2018 the Project Director, Jalna did not write the C.R. as the period was less than three months and due to this he is not considered for the examination. It is submitted that the ACRs of the applicant since the entry in service till 31/3/2017 were A+ and as

per the rules as his performance is marked as A+ for some period from 1/4/2017 to 31/3/2018 as A+, therefore, he was eligible to be called for the examination. It is submitted that if opportunity is not given to the applicant to appear in the examination which is scheduled on 28th and 29th November, 2019 irreparable loss will cause to the applicant, therefore, interim direction be given to the respondents to permit the applicant to appear in the examination.

3. We have heard the submissions on behalf of the respondent nos.1 to 3. We have perused the documents. In view of these peculiar circumstances, we are of the view that if permission is given to the applicant to appear in the examination, it will not cause any prejudice to the respondents. Hence, we direct that subject to the fate of this O.A., the applicant be permitted to appear in the examination. The result of the applicant be kept in sealed cover. If the applicant fails in the written examination, then it is not necessary to call him for the viva voce test. .

4. Issue notice to R-2 & 3, returnable **in three weeks**. Learned C.P.O. waives notice for R-1. 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.

10. The respondents are directed to file their reply within three weeks.

S.O. three weeks.

Steno copy is granted.

Member (J)

Vice-Chairman

dnk.

O.A. 610/2019 (D.B.)

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

Dated : 26/11/2019.

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

2. The learned counsel for the applicant today has shown minutes of DPC in which the applicant has been declared as eligible for promotion as per ACRs. However, departmental Enquiry and ACB case the applicant has not been promoted. The learned counsel for the applicant has relied upon G.R. 1/8/2019 (A-6, P-42). He has mainly relied upon page no.63 para-A.

3. In view of this situation, Id. P.O. desires to take instructions and file reply why applicant has not been considered promotion as per the provisions of the G.R. dated 1/8/2019.

S.O. 04/12/2019.

Member (J)

Vice-Chairman

dnk.*****

O.A. No. 659/16 **(SB)**

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

Dated : 26.11.2019

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

At the request of Id. counsel for the applicant, **S.O. 10/12/2019**.

Member (J)

dnk.

O.A. No. 413/2018 **(SB)**

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

Dated : 26.11.2019

Shri S.V. Khondalay, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1 to 12. None for other respondents.

At the request of Id. counsel for the applicant, **S.O. 06/12/2019**.

Member (J)

dnk.

O.A. No. 781/2018 **(SB)**

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

Dated : 26.11.2019

Shri V.K. Gulhane, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for the respondents.

At the request of Id. counsel for the applicant, **S.O. 09/12/2019**.

Member (J)

dnk.

O.A. No. 715/2018 **(SB)**

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

Dated : 26.11.2019

Shri P.V. Thakre, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

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

Member (J)

dnk.

O.A. Nos. 470,477,478 & 479 of 2019 **(SB)**

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

Dated : 26.11.2019

None for the applicants. Shri S.A. Sainis,
Id. P.O. for R-1&2.

Service reports are not filed.

S.O. one week.

Member (J)

dnk.

O.A. No. 612/2019 **(SB)**

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

Dated : 26.11.2019

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

At the request of Id. counsel for the applicant, **S.O. one week** for filing service affidavit.

Member (J)

dnk.

O.A. No. 764/2019 **(SB)**

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

Dated : 26.11.2019

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

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

Member (J)

dnk.

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

Dated : 26.11.2019

Heard Ms. Joshi, Id. counsel holding for Mrs. R.S. Sirpurkar, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. The learned counsel for the applicant submitted that her client has taken back the papers and he has requested to keep this matter after one month, therefore, this matter may be taken after one month.

3. At the request of Id .counsel for the applicant, **S.O. one month.**

Member (J)

dnk.

O.A. No. 265/2017 (SB)

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

Dated : 26.11.2019

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

2. The learned P.O. has filed the order dated 05/10/2019 passed by the Government. The Government of Maharashtra has taken decision that the applicant was guilty of the misconduct and awarded punishment to recover 6% amount from his pension for a period of one year. Now as per this order as punishment is awarded to recover 6% amount from the pension of the applicant for a period of one year, therefore, the Government is bound to release regular pension of the applicant since the date of his retirement along with other dues to which the applicant was entitled on retirement on superannuation. The respondents are directed to comply this order and release his pension and other dues which are not paid within a period of three months from the date of this order. Liberty is given to the applicant to challenge the punishment awarded in the departmental inquiry. The applicant to follow the instructions of the Department for preparation of the pension case and other papers.

3. In view thereof, the O.A. stands disposed of. No order as to costs.

Steno copy is granted.

Member (J)

dnk.

O.A. No. 421/16 **(SB)**

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

Dated : 26.11.2019

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

2. The concerned Principal who is respondent no.4 is directed to inform whether the books which were shown missing, were traced out by the applicant and respective prices of the books and give the status of write off books as per the office order dated January,1972. This order be complied within two weeks.

S.O. two weeks.

Steno copy is granted.

Member (J)

dnk.

O.A. No. 162/2019 **(SB)**

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

Dated : 26.11.2019

Heard Shri A.P. Tathod, Id .counsel for the applicant, Shri A.M. Khadatkar, Id. P.O. for R-1&2, Shri S.N. Gaikwad, Id .counsel for R-3&4 and Shri A.P. Sadavarte, Id. counsel for R-5.

At the request of Id. counsel for the applicant, **S.O. 27/11/2019**

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

Member (J)

dnk.

O.A. No. 704/16 **(SB)**

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

Dated : 26.11.2019

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

2. It is submitted by the applicant that condition nos. 1,4&5 in the transfer order dated 5/10/2016 are contrary to law and therefore these conditions be quashed. The condition no.1 is that the period of unauthorized absence be treated as break in the service as per the Rule 47 (1) of the M.C.S. (Pension) Rules,1982. The condition no.4 says that the period of absence would not be regularized and the applicant shall not be entitled for salary and consequential allowances for this period and the applicant shall executive a bond on stamp paper valued Rs.100/- that he would accept the same conditions before joining. The condition no.5 says that the Government shall be at liberty to initiate disciplinary proceeding as the decision would be binding on the applicant.

3. It is grievance of the applicant that without giving him opportunity of hearing and without calling his explanation these conditions are imposed in this order dated 5/10/2016. The legal position is settled that no person can be condemned without giving him opportunity of hearing. The Government was at liberty to pass

any order after hearing the applicant in this matter. It is surprising that without hearing the applicant, the decision is taken by the Government that period of absence was illegal and the applicant would not be entitled for salary and other benefits for this period. The Government also took the premature decision that the period of absence cannot be regularized for any reason.

4. The action of the Government inserting condition that the applicant shall execute a bond on stamp paper valued Rs.100/- and must agree these conditions is apparently contrary to law, because, it would be agreement restraining the person from taking recourse to any judicial authority for the redressal.

5. In view of this discussion, I am compelled to say that condition nos.1&4 in the impugned order dated 05/10/2016 cannot be sustained and they are required to be quashed.

6. So far as condition no.5 is concerned, the Government has right to initiate disciplinary proceeding for unauthorized

absence without reasonable cause. This right of the Government cannot be disputed. In view of this, the O.A. is partly allowed. The condition

nos.1&4 are illegal, therefore, they are quashed.
The Government is at liberty to take suitable
action as provided in the Service rules. No order
as to costs.

Member (J)

dnk.

O.A. No. 634/19 with C.A. 433/19 **(SB)**

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

Dated : 26.11.2019

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Shri M.I. Khan, Id. P.O. for R-1,2&4 and none for R-3.

2. The Id. P.O. has filed reply to the C.A. It is taken on record. In para-3 of the reply, it is mentioned that salary of the applicant is regularly deposited by the Director (DDO) of the Government Vidharbha Institute of Science and Humanities, Amravati in Bank account of the applicant. It is submission of the applicant that no such salary is deposited. Similarly in para-4 it is mentioned that the Director of the Institution has stopped 22 days salary of the applicant vide letter dated 23/10/2019 until further orders. In this background, the learned P.O. is directed to produce the documents to show that salary of the applicant is deposited in her Bank account in SBI, Camp, Branch Amravati and the Director was empowered by law to stop 22 days salary of the applicant.

S.O. 04/12/2019.

Member (J)

dnk.

O.A.No.849/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/11/ 2019.**

Heard Shri A.P.Adhe, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. two weeks as a last chance.**

Vice Chairman

Date:-26/11/2019.
aps.

O.A.No. 68 /2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/11/ 2019.**

None for the applicant. Shri P.N.Warjekar,
the Id. P.O. for the respondents.

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

Vice Chairman

Date:-26/11/2019.
aps.

O.A.No. 70 /2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/11/ 2019.

None for the applicant. Shri P.N.Warjekar, the Id. P.O. for the respondent nos. 1 & 2. None for the respondent no. 3.

2. The Id. P.O. filed affidavit-in-reply on behalf of the respondent no. 2. It is taken on record. He submits that he will serve the copy to the other side. He further submits that it will covers for other respondents too.

3. Matter is **admitted** and kept for final hearing.

4. The Id. P.O. waives notices for the respondents.

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

Vice Chairman

Date:-26/11/2019.
aps.

O.A.No.475/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/11/ 2019.

Heard Shri S.C.Deshmukh, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. The Id. P.O. filed reply on behalf of the respondent no. 2. It is taken on record. Copy is served to the other side. He submits that it covers for other respondent too.

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

4. The Id. P.O. waives notices for the respondents.

5. **S.O. 24/01/2020.**

Vice Chairman

Date:-26/11/2019.
aps.

O.A.No.817/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/11/ 2019.**

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

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

Vice Chairman

Date:-26/11/2019.
aps.

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

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/11/ 2019.**

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

2. **S.O. next week.**

Vice Chairman

Date:-26/11/2019.
aps.

O.A.No.759/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/11/ 2019.**

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

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

Vice Chairman

Date:-26/11/2019.
aps.

O.A.No.702/2016 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/11/ 2019.**

Heard Smt.Saboo, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

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

Vice Chairman

Date:-26/11/2019.
aps.

O.A.No.698/2016 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/11/ 2019.**

None for the applicant. Shri V.A.Kulkarni, the
Id. P.O. for the respondent nos. 1 & 2. None for the
respondent no. 3.

2. **S.O. four weeks.**

Vice Chairman

Date:-26/11/2019.
aps.

O.A.No.71/2017 with C.A.41/2017(S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/11/ 2019.**

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

2. At the request of Id. counsel for the applicant, **S.O. 28/11/2019.**

Vice Chairman

Date:-26/11/2019.

aps.

O.A.No.717/17 with C.A.Nos. 64 & 65/18 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/11/ 2019.

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

2. The Id. counsel for the applicant contested order of S.P., Bhandara dated 19/12/2008 at P.B., Pg. No. 32. However, she has not filed latest G.R. regarding appointment on compassionate ground of 2019. She also desires to file one Judgment of M.A.T., Mumbai Bench and Hon'ble High Court Bench.

3. She is directed to file Judgments and G.R. of 2019 for appointment on compassionate ground.
S.O. last week of January, 2020.

4. *Put up this matter along with the O.A. No. 718/2017.*

Vice Chairman

Date:-26/11/2019.
aps.

O.A.No.718/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/11/ 2019.

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

2. The Id. counsel for the applicant is directed to file G.R. dated 26/02/2013 and also subsequent G.R. which allows married daughter to be included for appointment on compassionate ground, the provisions of G.R. can be examined after filing it on record.

3. S.O. last week of January, 2020.

4. *Put up this matter along with the O.A. No. 717/2017.*

Vice Chairman

Date:-26/11/2019.
aps.

O.A.No.626/2016 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/11/ 2019.

None for the applicant. Shri H.K.Pande, the
Id. P.O. for the respondents.

2. The Id. P.O. filed Judgment of O.A. No. 824/2016 of M.A.T., Aurangabad Bench delivered on 25/09/2018. It was submitted on last date that present O.A. relief clauses are covered by this Judgement. It is taken on record. He submits that he will serve the copy to the other side.

3. Hence, closed for orders.

Vice Chairman

Date:-26/11/2019.
aps.

O.A.No.685/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :26/11/ 2019.

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

2. As submitted by Id. counsel for the applicant, the applicant was Superintendent of Girls Hostel in Tribal Ashram School, Chikhaldara, District Amravati. Departmental Enquiry was started against the applicant as per Annexure-A-1, P.B., Pg. No. 12 & Pg. No. 13. Following two charges were levelled against the applicant:-

A. Responsibilities of ladies warden was not properly done.

B. Committing mistakes in responsibilities.

3. It appears that both the charges are not clear rather these charges are vague in nature and ambiguous. After Departmental Enquiry as per P.B., Pg. No. 18, in last line enquiry officer has clearly mentioned that charges against the applicant (delinquent) Kumari K.M.Borkute is not proved due to lack of strong evidence.

4. At the same time case was filed in the Court of Extra Ad-Hoc Addl. Sessions Judge, Kelapur, Dist. Yavatmal (Annexure-A-7, P.B., Pg. Nos. 24 to 59). The order was pronounced on 16/06/2011 which is at

P.B. Pg. No. 59. Again applicant has been exonerated from the charges under Section 304 r/w 34 of the Indian Penal Court. The order of the court is reproduced below:-

"1. Accused nos. 1 to 4 are hereby acquitted of the offence punishable under section 304 r/w of the Indian Penal Court.

2. Their bail bonds stand cancelled.

3. Muddemal property being worthless be destroyed after decision of appeal, if any."

5. Since, the applicant has been exonerated in the court and Enquiry Officer has also not found guilty of the charges which were ambiguous. However, disciplinary authority issued show cause notice on P.B., Pg. No. 19 (Annexure-A-4) order dated 08/04/2004, in which disciplinary authority has mentioned that he disagreed with the enquiry officer report. However, sufficient logical reasons have not been recorded for disagreement with the opinion of enquiry officers. Subsequent to this show cause, disciplinary authority has passed the punishment order dated 28/05/2004 at Annexure-A-6, P.B., Pg. Nos. 22 & 23 (both inclusive).

6. In the same order applicant has been reinstated as per para no. 3 and it is mentioned that she was reinstated subject to the outcome of the court case.

7. Now, it is clear that applicant was not found guilty in the court case. Considering all these facts,

that neither Departmental Enquiry Officer in D.E. nor Court has found guilty to the applicant on the charges levelled by the department at P.B., Pg. No. 13. Hence, the following order:-

ORDER

- A. It is in the interest of justice that order dated 28/05/2004 (Annexure-A-6, P.B., Pg. No. 22) and order in appeal dated 09/04/2018 (Annexure-A-10, P.B., Pg. Nos. 74 to 77) are quashed and set aside.
- B. Relief clause nos. 7 (A & B) are allowed.
- C. Respondents are directed to pay all consequential benefits like increment and revision of pay **within three months** from the date of this order.
- D. **With these directions, O.A. is disposed of with no order as to costs.**

Vice Chairman

Date:-26/11/2019.
aps.