

O.A. 194/2017 (D.B.)

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

Dated : 08/04/2021.

C.A. No. 437/2017 -

None for the applicant. Shri H.K. Pande,
Id. P.O. for R-1&2 and none for other
respondents.

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

Vice-Chairman

dnk.

O.A. 1007/2018 (D.B.)

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

Dated : 08/04/2021.

C.A. No. 36/2021 -

Heard Shri S.C.Deshmukh, the Id. Counsel for the applicant, Shri P.N. Warjurkar, the Id. P.O. for respondent nos.1 to 3, none for the respondent nos. 5, 6, 8 to 12, 14 to 17, Shri G.K.Bhusari, the Id. counsel for the respondent nos. 19 to 21, 23, 24, 25, 28, 29, 31, 32, 35, 36, 41, 51, 52, 54, 55, 57, 66 to 69, 71 to 73, 75 to 84, 86 to 88, 90, 91, 94, 96 to 100, 104, 108 to 110, 113, 115 to 118, 123, 125, 128, 129, 132, 133, 135 to 137, 139, 140, 143 to 145, 147 to 152, 154, 155, 158, 160, 164 to 166, 170, 173, 174, 178, 181 & 183 to 185 and none for other respondents.

2. The learned counsel for the applicant has filed C.A.No. 36/2021 wherein prayer is as follows –

“ It is therefore, most humbly and respectfully prayed that this Hon’ble Tribunal may kindly be pleased to allow the application and direct the respondent no.1 to respondent no.3 to join the applicant on the post of Planning Assistant in the category of vacant S.C. category post without

disturbing the respondent nos.4 to 271, in the interest of justice.”

3. However, the Id. P.O. desires to file reply. At his request, **S.O. 29/4/2021.**

Vice-Chairman

dnk.

O.A. 1011/2018 (D.B.)

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

Dated : 08/04/2021.

Heard Shri R.V. Shiralkar, Id. counsel for the applicant, Shri H.K. Pande, Id. P.O. for R-1&2 and Shri S. Pande, Id. counsel for R-3. None for R-4.

At the request of Id. counsel for respondent no.3, **S.O. After Vacation** for filing reply.

Vice-Chairman

dnk.

O.A. 67/2021 (D.B.)

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

Dated : 08/04/2021.

Shri S.M. Khan, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the respondents.

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

Vice-Chairman

dnk.

O.A. 205/2021 (D.B.)

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

Dated : 08/04/2021.

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

2. The learned counsel for the applicant has relied upon the Judgment of this Tribunal in O.A. 170/2010, delivered on 7/8/2014. The authentic part of the Judgment is at page no.94 which is reproduced below –

“ (9) In the result, we are of the view that this O.A. deserves to be allowed in the following terms –

The DPC shall immediately consider the case of the applicant for promotion to the post of Police Inspector ignoring pendency of the criminal proceeding against him, provided, he is otherwise eligible for promotion to the post of Police Inspector. In the event the DPC considers him fit, it may clarify that it shall be subject to the outcome of the criminal case and till that time the promotion, if any, given shall be provisional.”

3. However, the learned P.O. desires three weeks time to file reply. At his request, three weeks time is given as a last chance to file reply.

S.O. 29/4/2021.

Vice-Chairman

dnk.

(D.B.)

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

Dated : 08/04/2021.

C.A. 96/2021 in O.A. 697/2019 -

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 Shri N.R. Saboo, Id. counsel for R-5.

2. The Id. counsel for the applicant has filed C.A. No. 96/2021 and as per last hearing he has made party as respondent no.6, i.e., Inspector General of Registration and Controller of Stamps, M.S., Pune. Along with the C.A. he has attached the representation of the applicant dated 3/2/2021 (P-6). The respondent no.6 is directed to decide the representation of the applicant dated 3/2/2021 (P-6) within 45 days from the date of receipt of this order and before issuing any order, personal hearing to respondent nos.4,5 and the applicant must be given and after personal hearing, necessary order should be passed.

3. With this direction, the C.A. and O.A. stand disposed of. No order as to costs.

Vice-Chairman

dnk.

O.A. 407/2018 (D.B.)

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

Dated : 08/04/2021.

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

2. The learned counsel for the applicant desires further time to take instructions from the client. However, the order passed in order matter no.6 i.e. O.A. 697/2019 will suffice in the present O.A. also.

3. At the request of Id. counsel for the applicant, **S.O. 22/4/2021.**

Vice-Chairman

dnk.

O.A. 274/2021 with C.A. 84/2021 (D.B.)

(Mohd Parvez s/o Mohd Isaq Balapure Vs. State of Maharashtra)

Coram: Shri Shree Bhagwan,
Vice-Chairman.

Dated : 08/04/2021.

ORDER

Heard Shri D.N. Mehta, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The learned counsel for the applicant has relied upon the Judgment of Hon'ble Bombay High Court in case of **the State of Maharashtra & Ors. Vs. S.P. Kalamkar** which is marked "X" for identification. He mainly relied upon the para-14 (1) (ii) wherein the Article 311 (2) of the Constitution of India has been discussed and answer to that has been given in Para-25. The learned counsel for the applicant has discussed the Judgment and mainly relied upon the para 14 (1) (ii) and para-25 which are reproduced below –

"(14) (1) (ii) Whether the provisions of Clause (b) of the second provision to Article 311(2) of the Constitution were not attracted to the facts of the instant case and consequently, the order of dismissal was illegal having been passed without compliance with the requirement of Article 311(2)?"

(25) This Court held that an exception which is provided under Section 26 is twofold. Departmental inquiry need not be held in cases covered by Article 311(2). It is, however, provided that even if holding of inquiry may be dispensed with, if recourse is taken to Article 311(2), opportunity to show cause against the proposed punishment will have to be given according to provisions of Section 26 of the Bombay Police Act. The proviso very clearly states that no order for reducing, removing or dismissing a Police Officer, shall be passed without giving him a reasonable opportunity of showing cause, against the action proposed to be taken against him. A plain reading of the provisions of s.26 therefore, shows that holding of departmental inquiry may be dispensed with in cases covered by Article 311(2). But even if such inquiry is dispensed with, an opportunity as contemplated by proviso to Section 26 of the Bombay Police Act will have to be given. Admittedly, no such opportunity is given in the present case. Therefore, the order impugned is liable to be set aside as no show cause notice asking the petitioner to show cause as to why he should not be discharged from service was issued. The statutory right of showing such cause which vested in the petitioner by reason of Section 26 was therefore, imposed by the State. On this ground alone, the impugned order is liable to be set aside".

3. The Id. CPO submits that in the impugned order dated 1/2/2020 (A-1.P-13) in para-5 of page no.15 the reasons for why not conducting inquiry has been explained. However Bench considered the constitutional provisions of Article 311 (2) (b) which is reproduced below –

"311. Dismissal, removal or reduction in rank of persons employed in civil capacities under the Union or a State -

//2//

(2) (b) where the authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to hold such inquiry; ”

4. But the above provision, it is cleared that order must explicitly explain why inquiry is not reasonable practicable and it must be shown by acts of respondents.
5. The learned CPO submits that he desires time to file reply. The respondents are directed not to take any further action as per the impugned order dated 1/2/2020 (A-1.P-13) till next date of hearing.
6. In the meantime, issue notices to the respondents on O.A. returnable **After Vacation**. Learned C.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.

S.O. After Vacation.

Steno copy is granted...

Vice-Chairman

*dnk.

O.A. 882/2019 (D.B.)

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

Dated : 08/04/2021.

None for the applicant. Heard Shri A.P. Potnis, Id. P.O. for R-1 to 3. None for other respondents.

2. The Id. P.O. submitted that in this matter reply and rejoinder are filed, therefore, the matter may be admitted.

3. In view thereof, the O.A. is admitted and it be kept for final hearing. The Id. P.O. waives notice for R-1 to 3.

S.O. in due course.

Vice-Chairman

dnk.

O.A. 273/2021 (D.B.)

Coram: Shri Shree Bhagwan,
Vice-Chairman.

Dated : 08/04/2021.

Heard Shri R.V. Shiralkar, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. As submitted by the learned counsel for the applicant, juniors have been promoted, but the applicant has been denied for promotion.

3. Issue notice to the respondents returnable **After Vacation**. Learned C.P.O. waives notice for the State. Hamdast allowed.

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

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

6. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

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

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

S.O. After Vacation.

Vice-Chairman

dnk.

O.A. 303/2021 (D.B.)

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

Dated : 08/04/2021.

Heard Shri S.M. Khan, Id. counsel for the applicant and Shri S.A. Deo, Id. CPO for the State.

2. The learned counsel for the applicant submits that he will file Pursis to withdraw the O.A. since the applicant has already approached to the Appellate Authority against the punishment order.

3. The matter be kept on 15/4/2021 for withdraw the O.A.

S.O. 15/4/2021.

Vice-Chairman

dnk.

O.A. 709/2018 (D.B.)

(H.P. Borkar Vs. State of Mah. & Ors.)

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

Dated : 08/04/2021.

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

2. The Id. P.O. has filed letter dated 7/4/2021 issued by the Education Officer (Primary), Zilla Parishad, Sindhudurg to the Deputy Director of Education, Nagpur Division, Nagpur which is taken on record and marked Exh "X" for identification. Following points are to be clarified in this letter.

3. At point no.2 it has been mentioned that pension papers were submitted to the A.G., Mumbai on 26/2/2021 by registered post. The respondents must keep in mind that this matter is pending since 4/9/2018 before this Tribunal and it has been repeatedly observed by Bench that matter should be followed personally by deputing a responsible officer. In view of this sending pension papers by registered post is not justified. They must also clarify what is the position of the pension papers as on today.

4. At point no.3 it was observed in order dated 4/3/2021 in para-3 which is reproduced below –

“3.This is very surprising that how applicant has expressed not to take Group Insurance Scheme as mentioned above in point no. ‘C’. In this situation, the Id. P.O. is directed to file on record letter dated 23.12.2019 by applicant Shri Borkar and supply the copy of the same to the Id. Counsel for the applicant. At the same time the Id. counsel for the applicant is also directed to consult his applicant and if applicant is submitted such letter file the same on record. Since, pension paper has been submitted to A.G., Mumbai on dated 26.02.2021; four weeks time is granted to ensure that pension is get sanctioned and applicant is paid”.

5. However, today the learned P.O. has produced letter of the applicant dated 23/12/2019 which is taken on record and marked Exh “X2” for identification to that effect. The learned counsel for the applicant is directed to clarify from the applicant and file on record reasons for this.

6. At point no.4 of letter dated 7/4/2021 the proposal has been submitted to the A.G., Mumbai on 30/3/2021. Now as on today what is the position that needs to be clarified by the respondents during next date of hearing.

7. The respondents are also directed that if effective steps are not taken before the next date of hearing from the respondents, then the concerned Officer from the Mantralaya of Government of Maharashtra will be asked to appear personally before the Tribunal and explain all these queries.

S.O. 29/4/2021.

Steno copy is granted...

Vice-Chairman

*dnk.

O.A.No.114/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :08/04/ 2021.

Heard Shri N.R.Saboo, the Id. counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the Respondents.

2. The order has been pronounced today and O.A. is dismissed with no order as to costs. However, as requested by Id. counsel for the applicant, respondents are directed not to implement the order till 5:00 p.m. of 09.04.2021 i.e. one day time is granted to applicant for appeal. In view of request made by the Id. counsel for the applicant that if he is aggrieved with this order he can avail the chance of appeal.

3. **Steno copy is granted.**

Vice Chairman

Date:-08/04/2021.
aps.

O.A.No.584/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :08/04/ 2021.**

Heard Shri S.S.Dhengale, the Id. counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the Respondents.

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

Vice Chairman

Date:-08/04/2021.

aps.

O.A.No.773/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :08/04/ 2021.**

Heard Shri S.M.Khan, 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. 15.04.2021.**

Vice Chairman

Date:-08/04/2021.

aps.

O.A.No.774/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :08/04/ 2021.

Heard Shri S.M.Khan, 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. 15.04.2021.**

Vice Chairman

Date:-08/04/2021.
aps.

O.A.No.271/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :08/04/ 2021.

Heard Shri N.R.Saboo, the Id. counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the Respondents. Await service of respondent no. 5.

2. At the request of Id. counsel for the applicant, **S.O. 15.04.2021.**

Vice Chairman

Date:-08/04/2021.

aps.

O.A.No.65/2021 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :08/04/ 2021.**

Heard Shri S.C.Deshmukh, 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. 22.04.2021.**

Vice Chairman

Date:-08/04/2021.
aps.

O.A.No.221/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :08/04/ 2021.

Heard Shri B.Kulkarni, 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. After Summer Vacation.**

Date:-08/04/2021.
aps.

Vice Chairman

O.A.No.589/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :08/04/ 2021.**

Heard Smt. V.D.Shamkuwar, the applicant in person. Shri A.M.Ghogre, the Id. P.O. for the Respondents.

2. At the request of Id. counsel for the applicant, **S.O. 29.04.2021.**

Vice Chairman

Date:-08/04/2021.
aps.

O.A.No.608/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :08/04/ 2021.

Heard Shri S.P.Palshikar, the Id. counsel for the applicant, Shri A.M.Ghogle, the Id. P.O. for the Respondents and Shri S.A.Sahu, the Id. counsel for the respondent no. 3.

2. At the request of Id. counsel for the applicant, **S.O. 22.04.2021.**

Vice Chairman

Date:-08/04/2021.

aps.

O.A.No.05/2021 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :08/04/ 2021.**

Heard Shri K.M.Bansare, the applicant in person. Shri A.P.Potnis, the Id. P.O. for the Respondents.

2. At the request of Id. counsel for the applicant, **S.O. 17.04.2021.**

Vice Chairman

Date:-08/04/2021.
aps.

O.A.No.207/2021 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :08/04/ 2021.**

Heard Shri R.L.Kadu, the Id. counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State.

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

Vice Chairman

Date:-08/04/2021.

aps.

O.A.No.212/2021 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :08/04/ 2021.**

Heard Shri B.Kulkarni, the Id. counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the State.

2. **S.O. After Summer Vacation.**

Vice Chairman

Date:-08/04/2021.
aps.

O.A.Nos.264,265,266,267,268,269,270,271

&272/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :08/04/ 2021.

Heard Shri V.B.Bhise, the Id. counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State.

2. Issue notice to Respondents, returnable on six weeks. Learned 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.

8. **S.O. six weeks.**

Vice Chairman

Date:-08/04/2021.

aps.

O.A.No.287/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :08/04/ 2021.

Heard Shri R.L.Kadu, the Id. counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State.

2. Issue notice to Respondents, returnable on four weeks. Learned 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.

8. **S.O. four weeks.**

Vice Chairman

Date:-08/04/2021.

aps.

O.A.No.302/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :08/04/ 2021.

Heard Shri G.D.Asole, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the State.

2. As submitted by Id. counsel for the applicant and records on P.B., Pg. No. 29 it appears that applicant retired on 31.10.2006. However, date has been wrongly mentioned and correct date is mentioned on P.B., Pg. No. 31 and as per that; date of retirement of applicant is 31.08.2006 and his pay fixation was done subsequently.

3. Applicant expired on 12.08.2018 as per P.B., Pg. No. 32, Annexure-A-3. However, this page is not very much legible. Hence, the Id. counsel for the applicant is directed to replace this page with proper legible page. After retirement applicant's wife Smt. D.V.Borkar was given family pension. As submitted by Id. counsel for the applicant as per Annexure-A-6, P.B., Pg. No. 37 recovery order has been passed by Respondent no. 4. It is surprising to note that in recovery order dated 08.01.2019 by respondent no. 4; nowhere total amount of recovery is mentioned and this recovery order has been issued without giving any hearing to the applicant. As submission made by Id. P.O.; excess amount was paid to the applicant in case of pension and gratuity. Considering benefits granting to him for working in

Naxal and Tribal affected area. Since, that benefit was **above** his normal pay; excess payment was made and hence recovery has been made. However, it is not clear on what policy decision has been done?

4. In view of this, **the order of respondents dated 08.01.2019 (Annexure-A-6, P.B., Pg. No. 37) is stayed and not recovery has been made till filing of the reply.**

5. Issue notice to Respondents, returnable on six weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

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

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

8. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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

10. In case notice is not collected within **three days** and if service report on affidavit is not filed

three days before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

11. **S.O. six weeks.**

12. *Since, order has been passed in 2019 and applicant has approached to this Tribunal on 30.03.2021; the Id. counsel for the applicant is directed to file C.A. for condonation of delay.*

Vice Chairman

Date:-08/04/2021.

aps.

O.A.Nos. 809, 810, 811, 812, 813, 814, 815, 816,

**817, 818, 819, 820, 821 & 822/2017 with
(Common C.A.No.75/2021 for all O.As.):-
(S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :08/04/ 2021.**

Heard Ms. M.Iyer, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents. None for the respondent no. 3 in O.A. Nos. 817/2017 & 822/2017.

2. **Closed for orders.**

Vice Chairman

Date:-08/04/2021.
aps.

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

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :08/04/ 2021.**

Heard Shri R.V.Shiralkar, 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. 22.04.2021.**

Vice Chairman

Date:-08/04/2021.

aps.

O.A.No.326/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :08/04/ 2021.**

Heard Shri G.G.Bade, the Id. counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the Respondents.

2. At the request of Id. counsel for the applicant, **S.O. 19.04.2021.**

Vice Chairman

Date:-08/04/2021.
aps.

O.A.No.861/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :08/04/ 2021.**

Heard Shri G.G.Bade, 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. 19.04.2021.**

Vice Chairman

Date:-08/04/2021.
aps.

O.A.No.304/2021 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :08/04/ 2021.

Heard Shri S.P.Palshikar, the Id. counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the Respondents.

2. As per records Annexure-A-5, P.B., Pg. No. 32, Assistant Commissioner, Amravati has recommended choice given by the applicant to the Commissioner, Food and Drug Department, Mumbai at P.B., Pg. No. 33. Applicant is given four choices i.e. Thane, Greater Mumbai, Pune and Nashik by letter dated 16.04.2020.

3. The Id. counsel for the applicant has filed another document at P.B., Pg. No. 23 (Annexure-A-1) and submits that Respondent nos. 2 & 3 have been transferred as per there request. However, applicant has been denied. The Id. counsel for the applicant has filed transfer order of the respondent no. 3 (Annexure-A-1, P.B., Pg. No. 23). The Id. counsel for the applicant is permitted to file transfer order of respondent no. 2 forthwith. Applicant is aggrieved by the transfer of respondent nos. 2 & 3 because his name has not been considered even after completion of tenure and recommendation made by the Assistant Commissioner.

4. Respondents are directed that along with reply they should file the original record of

chargesheet which is pertaining to transfer of respondent nos. 2 & 3 and the applicant too.

5. Issue notice to Respondents, returnable on 26.04.2021. Learned P.O. waives notice for R-1. Hamdast allowed.

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

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

8. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

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

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

11. S.O. 26.04.2021.

Date:-08/04/2021.
aps.

Vice Chairman