

O.A. 456/2020 (S.B.)

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

Dated : 06/07/2022.

Heard Smt.K.N.Saboo, Id .counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the respondents.

2. As per the submission of learned counsel for the applicant, applicant is retired on 31.05.2021. Impugned transfer order is dated 07.08.2020. Hence nothing survives in the O.A.. Hence, O.A. is disposed off.

Vice Chairman

rsm.

O.A. 507/2020 (S.B.)

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

Dated : 06/07/2022.

Shri S.N.Gaikwad, 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. 20.07.2022 for filing reply.**

Vice Chairman

rsm.

O.A. 706/2021 (S.B.)

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

Dated : 06/07/2022.

Heard Shri Sunil Pande, holding for Shri N.D.Thombre, Id .counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the respondents.

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

Vice Chairman

rsm.

O.A. 767/2021 (S.B.)

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

Dated : 06/07/2022.

C.A.No.263/2021

Shri S.S.Dhengale, Id .counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the respondents.

At the request of Id. counsel, **S.O. four weeks time is granted to file reply.**

Vice Chairman

rsm.

O.A. 1003/2021 (S.B.)

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

Dated : 06/07/2022.

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

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

Vice Chairman

rsm.

O.A. 06/2022 (S.B.)

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

Dated : 06/07/2022.

None for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents 1 to 4. None for the R-5 & 6.

2. Learned P.O. has filed affidavit-in-reply of respondent no.4 and seeks time to file reply of other respondents.

S.O. after four weeks.

Vice Chairman

rsm.

O.A. 78/2022 (S.B.)

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

Dated : 06/07/2022.

Heard Shri S.T.Godbole, Id .counsel for the applicant and Shri A.P.Potnis, Id. P.O. for the respondents 2 to 4.

2. Learned P.O. has filed reply of respondent no.2 to 4. It is taken on record.

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

S.O. in due course.

Vice Chairman

rsm.

O.A. 261/2022 (S.B.)

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

Dated : 06/07/2022.

Heard Shri Sunil Pande, Id .counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the respondents 1 to 3.

2. Learned P.O. has filed reply of respondent no.1 to 3. It is taken on record. Copy served to the applicant.

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

S.O. in due course.

Vice Chairman

rsm.

O.A. 301/2022 (S.B.)

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

Dated : 06/07/2022.

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

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

Vice Chairman

rsm.

O.A. 338/2022 (S.B.)

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

Dated : 06/07/2022.

Heard Shri P.V.Thakre, Id .counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. after three weeks time is granted to file reply.**

Vice Chairman

rsm.

O.A. 385/2022 (S.B.)

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

Dated : 06/07/2022.

Heard Shri A.M.Khadatkar, holding for Smt. S.W.Deshpande, 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. two weeks is granted to file reply.**

Vice Chairman

rsm.

O.A. 575/2022 (S.B.)

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

Dated : 06/07/2022.

C.A.No.254/2022

Heard Shri R.P.Jog, Id. counsel for the applicant, and Shri M.I.Khan, Id. P.O. for the respondents. Smt. K.N.Saboo, holding for Shri A.P.Barahate, Id. counsel for the respondent no.7.

2. The respondent has issued one more order during the pendency of this O.A. Hence, looking to the ground in the C.A. Application is allowed. Amendment to be carried out within one week.

3. At the request of Id. P.O., **S.O. three weeks time is granted to file reply**

Vice Chairman

Rsm

O.A. 591/2022 (S.B.)

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

Dated : 06/07/2022.

C.A.No.245/2022

Heard Shri Sunil Pande, Id. counsel for the applicant, Shri M.I.Khan, Id. P.O. for the respondents 1 & 2 and Shri S.A.Marathe, Id. counsel for the R-3.

2. On 28.06.2022 specific order was passed directing the P.O. to file reply positively on 06.07.2022. Today also P.O. seeks time to file reply.

3. At the request of Id. P.O., one week time is granted to file reply as a last chance. If the reply is not filed on the next date, then the matter will be fixed for final hearing.

4. **S.O.14.07.2022.**

Steno Copy.

Vice Chairman

rsm.

O.A. 631/2022 (S.B.)

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

Dated : 06/07/2022.

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

2. Learned counsel for the applicant has filed pursis. It is taken on record and marked Exh-X for identification. This pursis is attached alongwith the letter dated 28.06.2022. As per this letter, the Zilla Parishad, Washim has no jurisdiction to relieve the applicant. Therefore, the applicant wants to withdraw this O.A.

3. Looking to the submission, the O.A. is disposed off as withdrawn. No order as to costs.

Vice Chairman

rsm.

O.A. 400/2022 (S.B.)

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

Dated : 06/07/2022.

Heard Smt. Rushita Paliwal, holding for Shri.V.K.Paliwal, Id. counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents.

2. Applicant is directed to collect Hamdast.

S.O. after four weeks.

Vice Chairman

rsm.

O.A. 1108/2021 (S.B.)

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

Dated : 06/07/2022.

Shri J.S.Deshmukh, Id .counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents 3 & 6. Smt. R. Bondade, Id. counsel for the R-4 & 5.

S.O. 08.09.2022 for reply.

Vice Chairman

rsm.

O.A. 1109/2021 (S.B.)

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

Dated : 06/07/2022.

Shri J.S.Deshmukh, Id .counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents 3 & 6. Shri S.S.Shinde, Id. counsel for the R-4 & 5.

S.O. 08.09.2022 for reply.

Vice Chairman

rsm.

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

Dated : 06/07/2022.

Heard Shri J.S.Deshmukh, Id .counsel
for the applicant and Shri A.M.Khadatkar, Id.
P.O. for the respondents 1 to 3. Shri
S.K.Jagirdar, Id. counsel for the R-4.

At the request of Id. P.O., **S.O.**
08.09.2022 for reply.

Vice Chairman

rsm.

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

Dated : 06/07/2022.

Heard Shri J.S.Deshmukh, 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.**
08.09.2022 for reply.

Vice Chairman

rsm.

O.A. 266/2022 (S.B.)

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

Dated : 06/07/2022.

Heard Shri J.S.Deshmukh, Id .counsel
for the applicant and Shri A.M.Khadatkar, Id.
P.O. for the respondents 1 to 3. Shri
S.S.Shinde, Id. counsel for the R-4 & 5.

At the request of Id. P.O., **S.O.**
08.09.2022 for reply.

Vice Chairman

rsm.

O.A. 1120/2021 (S.B.)

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

Dated : 06/07/2022.

Heard Shri A.P.Barahate, holding for Shri Sagar Katkar, Id .counsel for the applicant and Shri M.I.Khan, Id. P.O. for the respondents.

2. Applicant is directed to remove office objection within one week.

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

Vice Chairman

rsm.

O.A. 25/2019 (S.B.)

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

Dated : 06/07/2022.

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

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

Vice Chairman

rsm.

O.A. 575/2019, 576/2019, 843/2019,
844/2019, 542/2021 (S.B.)

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

Dated : 06/07/2022.

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

2. Reply is already filed R-3 to 6.

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

S.O.08.09.2022.

Vice Chairman

rsm.

O.A. 543/2021 (S.B.)

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

Dated : 06/07/2022.

Heard Shri J.S.Dheshmukh, 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.**
08.09.2022.

Vice Chairman

rsm.

O.A. 373/2017 (S.B.)

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

Dated : 06/07/2022.

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

2. As per the submission of learned counsel for the applicant, applicant wants to amend the prayer clause / correction in date.
3. At the request of Id. counsel, **S.O. one week.**

Vice Chairman

rsm.

O.A. 922/2017 (S.B.)

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

Dated : 06/07/2022.

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

At the request of Id. counsel, **S.O.
14.07.2022.**

Vice Chairman

rsm.

O.A. 751/2019 (S.B.)

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

Dated : 06/07/2022.

Heard Shri A.Z.Jibhkate, Id .counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the respondents 1 to 3. Shri A.Y.Kapgate, Id. counsel for the R-4 & 5.

2. At the request of Id. counsel, **S.O.**
19.07.2022.

3. **P.H.**

Vice Chairman

rsm.

O.A. 82/2020 (S.B.)

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

Dated : 06/07/2022.

Heard Shri S.P.Palshikar, Id .counsel for the applicant and Shri S.A.Sainis, Id. P.O. for the respondents 1 & 3. Shri Tariq Zaheer, Id. counsel for the R-2.

2. Learned counsel for the applicant seeks time to file Vakalatnama.

3. At the request of Id. P.O., **S.O.**
21.07.2022.

Vice Chairman

rsm.

O.A. 375/2020 (S.B.)

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

Dated : 06/07/2022.

Heard Shri V.B.Gawali, Id .counsel for the applicant and Shri H.K.Pande, Id. P.O. for the respondents.

2. At the request of Id. counsel for the applicant, this matter is connected with O.A.No.374/2020.

3. **S.O. 02.08.2022.**

Vice Chairman

rsm.

O.A. 213/2021 (S.B.)

(Vijay Mukundrao Wankhede Vs. State of Maharashtra & Others)

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

Dated : 06/07/2022.

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

2. As per the submission of learned counsel for the applicant, applicant was suspended on 11.11.2019. The respondents have issued the charge sheet, but enquiry is not completed till date. Learned counsel for the applicant has submitted that suspension order dated 11.11.2019 is not extended by recording any reasons. Learned counsel has relied on the judgment of Hon'ble Supreme Court in the case of **Ajay Kumar Choudhary versus Union of India** and submitted that the suspension period cannot be continued more than 90 days, if the charge sheet is not served.

3. Learned counsel has submitted that if the suspension period is continued / extended after 90 days, then the disciplinary authority shall record its reasons for extending the suspension period. Learned counsel has submitted that no any such reasons are recorded by the respondents, therefore, the suspension is liable to be revoked.

4. Learned P.O. has submitted that departmental enquiry is going on and it will be completed within a short period. Hence, O.A. is liable to be dismissed.

5. The applicant has challenged the suspension order dated 11.11.2019. The applicant has not challenged the charge sheet issued against him. As per the guidelines given by the Hon'ble Supreme Court in the case of **Ajay Kumar Choudhary versus Union of India**, suspension cannot be continued more than 90 days. If the disciplinary authority wanted to extend the suspension period, then specific reason for extension is to be recorded. Nothing is on record to show that any reasons are recorded by the respondents for the extension of suspension order dated 11.11.2019. Hence in view of the Judgment of Hon'ble Supreme Court in the case of **Ajay Kumar Choudhary versus Union of India**, O.A. is liable to be allowed. Therefore, I pass the following order –

ORDER

- (i) The O.A. is allowed.
- (ii) The suspension of applicant dated 11.11.2019 is hereby revoked.
- (iii) The respondents are directed to reinstate the applicant within a period of one month from the date of receipt of this order.
- (iv) No order as to costs.

Vice Chairman

rsm.

O.A. 493/2021 (S.B.)

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

Dated : 06/07/2022.

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

At the request of Id. counsel, **S.O.**
28.07.2022.

Vice Chairman

rsm.

Rev.No.24/2019 in O.A. 226/2018 (S.B.)

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

Dated : 06/07/2022.

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

At the request of Id. counsel, **S.O.**
14.07.2022.

Vice Chairman

rsm.

(S.B.)

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

Dated : 06/07/2022.

**O.A. 942/2021, 943/2021, 944/2021, 945/2021,
946/2021, 1033/2021**

Heard Shri G.G.Bade, Id .counsel for the
applicant and Shri V.A.Kulkarni, Id. P.O. for the
respondents. None for respondent no.3.

2. **P.H.**

3. **S.O. 18.07.2022.**

Vice Chairman

rsm.

(S.B.)

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

Dated : 06/07/2022.

**O.A. 982/2017, 622/2018, 920/2018, 240/2019,
241/2019, 988/2019, 989/2019, 990/2019**

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

S.O. 08.09.2022.

Vice Chairman

rsm.

(S.B.)

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

Dated : 06/07/2022.

Rev.02/2019 in O.A. 771/2016,

Rev.03/2019 in O.A. 773/2016,

Rev.04/2019 in O.A.23/2017,

Rev.05/2019 in O.A. 477/2017,

Rev.06/2019 in O.A. 24/2017,

Rev.07/2019 in O.A. 476/2017,

Rev.08/2019 in O.A. 633/2017,

Rev.09/2019 in O.A. 479/2017,

Rev.10/2019 in O.A. 772/2016,

Rev.11/2019 in O.A. 862/2017,

Rev.12/2019 in O.A. 981/2017

Heard Shri S.J.Deshmukh, Id .counsel
for the applicant and Shri M.I.Khan, Id. P.O. for
the respondents. Shri B.N.Jaipurkar, Id. counsel
for the R-4 & 5.

S.O. 08.09.2022.

Vice Chairman

rsm.*

O.A.No.865/2018 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 06/07/2022.

None for the applicant. Shri V.A. Kulkarni, the
ld. P.O. for the State. Await service of R-2 to 4.

2. **S.O. six weeks.**

Member(J)
Date:-06/07/2022.
aps.

Vice Chairman

O.A.No.620/2019 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 06/07/2022.

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

2. Ld. P.O. has filed certain document which is marked Exh. "X" for the purpose of identification, covering letter of document is dated 17.06.2021. It is taken on record. Copy is served to the other side.

3. Ld. counsel for the applicant desires to go through the same, **S.O. one week.**

Member(J)
Date:-06/07/2022.
aps.

Vice Chairman

O.A.No.732/2019 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 06/07/2022.

C.A.No.08/2020:-

Heard Shri R.B.Dhore, the ld. Counsel for the applicant and Shri A.M.Ghogre, the ld. P.O. for the Respondents.

2. Ld. P.O. has filed C.A.No.08/2020 for transferring the matter to the Principal Bench. However, today as submitted by ld. P.O. he is not pressing the said C.A.. Hence, **C.A. is disposed of**. With liberty to the respondents to file the same C.A. before appropriate bench.

3. Hence, O.A. is **admitted** and kept for final hearing.

4. Ld. P.O. waives notice for the respondents.

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

Member(J)
Date:-06/07/2022.
aps.

Vice Chairman

O.A.No.35/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 06/07/2022.

Heard Shri D.Sukhdeve, the ld. Counsel for the applicant and Shri S.A.Sainis, the ld. P.O. for the Respondents.

2. The ld. P.O. has filed reply on behalf of the respondent nos. 1 & 2. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the matter.

3. Hence, O.A. is **admitted** and kept for final hearing.

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

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

6. *Meanwhile, the ld. counsel for the applicant is at liberty to file Rejoinder, if any.*

Member(J)
Date:-06/07/2022.
aps.

Vice Chairman

O.A.No.36/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 06/07/2022.

C.A.Nos.21&63/2020:-

Heard Shri B.Kulkarni, the ld. Counsel for the applicant, Shri A.M.Ghogre, the ld. P.O. for the Respondents and Shri N.R.Saboo, ld. counsel for the R-5 to 7.

2. Ld. counsel for the respondent nos. 5 & 6 pointed out that there is a delay of total 10 years. Ld. P.O. submits that he will file reply on C.A. and O.A. within two weeks, **S.O. two weeks.**

Member(J)
Date:-06/07/2022.
aps.

Vice Chairman

O.A.No.65/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 06/07/2022.

Heard Shri P.V.Thakre, the ld. Counsel for the applicant and Shri S.A.Deo, the ld. C.P.O. for the Respondents.

2. Ld. counsel for the applicant desires to withdraw the matter. Hence, **O.A. is disposed of as withdrawn**. However, ld. counsel for the applicant is directed to file pursis in this regard, during the course of the day.

Member(J)
Date:-06/07/2022.
aps.

Vice Chairman

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

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 06/07/2022.

Heard Shri N.R.Saboo, the ld. Counsel for the applicant, Shri V.A.Kulkarni, the ld. P.O. for the Respondents and Shri S.A.Sahu, ld counsel for the respondent no. 2.

2. Ld. P.O. has filed reply on behalf of the respondent no. 1. It is taken on record. Copies are served to the other side.

3. **S.O. next week.**

Member(J)
Date:-06/07/2022.
aps.

Vice Chairman

O.A.No.672/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 06/07/2022.

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

2. Ld. P.O. has filed letter by Director General of Police (Establishment) dated 29.04.2022. It is taken on record. Copy is served to the other side.

3. Ld. P.O. seeks time to file reply, **S.O. after three weeks.**

Member(J)
Date:-06/07/2022.
aps.

Vice Chairman

O.A.No.167/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 06/07/2022.

Heard Shri B.Kulkarni holding for Shri P.S.Wathore, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the Respondents.

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

Member(J)
Date:-06/07/2022.
aps.

Vice Chairman

O.A.No.370/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 06/07/2022.

Heard Shri C.A.Mohgaonkar, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the Respondents.

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

Member(J)
Date:-06/07/2022.
aps.

Vice Chairman

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

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 06/07/2022.

C.A.No.257/2022:-

Heard Shri D.R.I.Patil, the ld. Counsel for the applicant, Shri V.A.Kulkarni, the ld. P.O. for the Respondents and Shri D.M.Kakani, ld. counsel for the respondent nos. 5 & 6.

2. Ld. counsel for the applicant submits that O.A. No. 322/2022 of this Tribunal is identical. Hence, office is directed to keep O.A. No. 322/2022 along with the O.A. No. 321/2022.

3. **I.R. to be continued till next date of hearing.** If matter is not heard on next date the interim relief is treated as vacated automatically.

4. **S.O. 04.08.2022.**

Member(J)
Date:-06/07/2022.
aps.

Vice Chairman

O.A.No.461/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 06/07/2022.

Heard Shri A.A.Naik, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the Respondents.

2. Matter was heard yesterday and for Anatomy subject interview is scheduled on 07 & 08.07.2022. Id. C.P.O. has filed letter dated 05.07.2022 and strongly opposed for granting any relief.

3. However, if relief is not granted, applicant may suffer irreparable damage. Considering these aspect, respondents are directed to take applicant's interview as mentioned in A-18 and result of the same should be kept in sealed cover till outcome of the O.A..

4. Office is directed to keep this matter along with all connected O.As., **S.O. 26.07.2022.**

5. **Steno copy is granted.**

Member(J)
Date:-06/07/2022.
aps.

Vice Chairman

O.A.No.404/2017 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 06/07/2022.

None for the applicant. Shri A.M. Ghogre, the
ld. P.O. for the Respondents.

2. At the request of ld. P.O., **O.A. is admitted
and kept for final hearing.**

3. Ld. P.O. waives notice for the respondents.

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

Member(J)
Date:-06/07/2022.
aps.

Vice Chairman

O.A.No.555/2019 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 06/07/2022.

Heard Ms. R.V.Kukday, the ld. Counsel for the applicant and Shri A.M.Ghogre, the ld. P.O. for the Respondents.

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

Member(J)
Date:-06/07/2022.
aps.

Vice Chairman

O.A.No.333/2022 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 06/07/2022.

Heard Shri R.Waghmare, the ld. Counsel for the applicant and Shri A.M.Ghogre, the ld. P.O. for the Respondents.

2. At the request of ld. counsel for the applicant, **S.O. 08.07.2022.**

Member(J)
Date:-06/07/2022.
aps.

Vice Chairman

O.A.No.308/2014 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 06/07/2022.

Heard Shri M.M.Pathak, the ld. Counsel for the applicant and Shri A.M.Ghogre, the ld. P.O. for the Respondents.

2. Ld. counsel for the applicant has filed written notes of arguments. It is taken on record. Copy is served to the other side.

3. Ld. P.O. seeks time to go through it, **S.O. last week of August, 2022.**

Member(J)
Date:-06/07/2022.
aps.

Vice Chairman

O.A.Nos.160&932/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 06/07/2022.

Heard Shri B.Kulkarni, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the Respondents.

2. **Closed for orders.**

Member(J)

Date:-06/07/2022.

aps.

Vice Chairman

O.A.No.221/2018 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 06/07/2022.

Heard Shri P.S.Gawai, the ld. Counsel for the applicant and Shri A.M.Ghogre, the ld. P.O. for the Respondents.

2. Ld. P.O. is directed to file reply within one week, **S.O. one week.**

Member(J)
Date:-06/07/2022.
aps.

Vice Chairman

O.A.No.855/2019 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 06/07/2022.

Heard Shri A.P.Sadavarte, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the Respondents.

2. At the request of Id. counsel for the applicant, **S.O. last week of July, 2022.**

Member(J)
Date:-06/07/2022.
aps.

Vice Chairman

O.A.No.143/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 06/07/2022.

Heard Shri R.D.Karode, the ld. Counsel for the applicant and Shri A.P.Potnis, the ld. P.O. for the Respondents.

2. Ld. counsel for the applicant has not filed appointment letter of the applicant and it is very difficult to calculate the chances of passing S.S.B. examination and R.Q.E. examination in absence of appointment letter.

3. Hence, ld. counsel for the applicant is directed to file appointment letter of the applicant on record. He is further directed to make a chart which shows that after appointment when he is going to pass S.S.B. examination and when he passed and after appointment when he is going to pass R.Q.E. examination and when he passed.

4. S.O. next week.

5. Matter be treated as P.H.

Member(J)
Date:-06/07/2022.
aps.

Vice Chairman

O.A.No.935/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 06/07/2022.

Heard Shri S.N.Gaikwad, the ld. Counsel for the applicant and Shri A.M.Ghogre, the ld. P.O. for the Respondents.

2. At the request of ld. counsel for the applicant, **S.O. 12.07.2022.**

Member(J)
Date:-06/07/2022.
aps.

Vice Chairman

O.A.No.211/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 06/07/2022.

Heard Shri D.I.Shukla, the applicant in person. Shri H.K.Pande, the ld. P.O. for the Respondents.

2. The applicant has filed written notes of arguments. It is taken on record. Copy is served to the other side.

3. Ld. P.O. seeks time to go through it, **S.O. 27.07.2022.**

Member(J)
Date:-06/07/2022.
aps.

Vice Chairman

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

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 06/07/2022.

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

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

Member(J)
Date:-06/07/2022.
aps.

Vice Chairman

O.A.No.1048/2021 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 06/07/2022.

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

2. At the request of ld. P.O., **S.O. 08.07.2022.**

3. **Matter be treated as P.H..**

Member(J)
Date:-06/07/2022.
aps.

Vice Chairman

O.A.Nos.167&168/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman &
Shri M.A.Lovekar, Member (J)**

Dated : 06/07/2022.

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

2. **S.O. 11.07.2022.**

Member(J)
Date:-06/07/2022.
aps.

Vice Chairman

O.A.No.210/2022 (D.B.)

Shri Sambhaji R. Patil Vs. State of Maharashtra & Another.

Coram :Shri Shree Bhagwan, Vice Chairman &

Shri M.A.Lovekar, Member (J)

Dated : 06/07/2022.

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

2. The applicant entered into Government Service as P.S.I. through M.P.S.C. on 15.06.1989. Thereafter, in the year 2001 he was further promoted as Assistant Police Inspector and thereafter in the year 2008 he was further promoted as Police Inspector. At present he is working on the same post at Control Room, Buldhana from June, 2021 and the next promotion is that of Deputy Superintendent of Police/ Assistant Commissioner of Police as per submission made in O.A..

3. Applicant expected to be promoted as Deputy Superintendent of Police/ Assistant Commissioner of Police in 2020 itself but was denied it.

4. Respondent no. 2 published list of Officers to be promoted vide letter on dated 25.11.2020 (A-2, Pg. No. 28) who were to be considered in D.P.C. from Police Inspector for promotional post of Dy. Superintendent of Police/ Assistant Commissioner of Police in the year 2019-2020, which subsequently took place on 05.10.2020.

5. It appears on record that while applicant was working at Police Station Chalisgaon, criminal case was registered vide criminal no. 310/2012 under Sections 384, 385, 387 & 388 of Indian Penal Code Section 7 of the prevention of Corruption Act, 1988 as per O.A. page no. 7.

6. As per procedure sanction from the State to prosecute the applicant was required and it appears that the said sanction was requested from Government, however, Government vide letter dated 08.08.2019 declined to accord it as per A-3, Pg. No. 34. Applicant also approached the Hon'ble High Court by filing criminal Writ Petition No. 625/2012 (A-4, Pg. No. 35) in which order was passed on 05.10.2012 and petition was disposed of with following observations in para no. 2 on page no. 35:-

“On perusal of the affidavit filed by the Superintendent of Police, this court is satisfied that the purpose of petition is served.”

From this order it can be gathered that proceeding relating to aforesaid crime came to an end.

7. Respondents in their reply (para no. 3) have submitted that for the year 2019-2020 promotion from Police Inspector to Dy. Superintendent of Police/ Assistant Commissioner of Police took place on 05.10.2020 and applicant's case was kept in sealed envelope. However, since Government vide its letter dated

08.08.2019 had not accorded sanction and applicant was neither facing any D.E. nor any criminal case, he deserved to be considered for promotion and deferring the same by adopting sealed envelope procedure was unwarranted.

8. However, for reasons best known to the respondents, instead of considering the case of the applicant for promotion, his case was kept in sealed envelope whereas applicant was not in the category of those officers whose names were supposed to be kept in sealed envelope.

9. The second D.P.C. for 2020 -2021 took place subsequently and as per reply para no. 4, it is mentioned that A.C.B. case was pending but it is not correct since Government vide letter dated 08.08.2019 had declined to/accord sanction for prosecution in A.C.B. case.

10. In Para no. 9 respondents have submitted that applicant's promotion case would be considered in the year 2021-2022 but it appears that, that has also not been considered. In support of this submission ld. counsel for the applicant has filed on record Government order dated 22.02.2022 which is marked Exh. 'X', which shows that Police Inspectors who are junior to the applicant have been promoted as Dy. Superintendent of Police/ Assistant Commissioner of Police as per D.P.C. for the year 2021-2022 denying the claim of applicant.

11. After considering the issue right from 2019-2020 to 2021-2022, it appears that when Government of Maharashtra had rejected respondent no. 2's proposal vide letter dated 08.08.2019 (A-3, Pg. No. 34) to accord sanction to prosecute the applicant, respondents were bound to promote the applicant in the D.P.C. of 2019-2020 which was held on 05.10.2020 and followed by promotion order dated 24.12.2020 as per reply para no. 3. In this background, applicant became entitled to be considered for promotion in D.P.C. which took place on 05.10.2020 along with his batchmate/s and his promotion order should have been issued on 24.12.2020 along with his batchmate/s. He ought to have been promoted in the cadre of Dy.S.P./A.C.P. from 24.12.2020 only. As per discussion in above paras, following order:-

ORDER

1. O.A. is allowed in terms of Prayer Clause 8 (ii).
2. This order shall be carried into effect within three months today, provided A.C.Rs. of the applicant satisfy the benchmark.
3. No order as to costs.

Member(J)
Date:-06/07/2022.
aps.

Vice Chairman

