

**O.A.944/22 ( S. B)**

**Coram: Hon'ble Shri Justice M.G.  
Giratkar, Vice Chairman.  
Dated : 21/11/2022.**

Shri S.P. Bhandarkar, ld. counsel for the applicant and Shri S.A. Sainis, ld. P.O. for the Respondents nos. 1 to 3. Shri T.U. Tathod, ld. counsel for R/4 ( Caveator).

Ld. counsel appearing on behalf of the applicant submits that he will file affidavit on behalf of the applicant.

At the request of ld. Counsel for the applicant & ld. counsel for R/4,

**S.O.01/12/2022.**

**Vice-Chairman**

Skt.

**O.As.17/19, 18/19, 19/19 & 20/19**  
**( S. B)**

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

**Dated : 21/11/2022.**

**M.C.A.Nos.35/22,36/22,37/22 &**  
**38/22 respectively.**

Shri Shri N.R. Saboo, ld. counsel for the applicant and Shri S.A. Sainis, ld. P.O. for the Respondents.

Shri Saboo, ld. counsel appearing on behalf of the applicants pointed out that the judgment passed by this Tribunal in O.A. No.17/19 and submits that in para 11, line No.6, it is stated that list of all the applicants was submitted stating that they are working as a Vanmazoor for a continuous period of more than five years. It was also submitted in the list that they are working on E.G.S. The ld. counsel for the applicant has submitted that by issuing the G.R. dtd.16/10/2012, the list was submitted and in the said list, the names of the

applicants were shown as not working on E.G.S. Therefore, Line No.6 in para No.11 be corrected as under :-

“ It was also submitted in the list that they were not working on E.G.S.”

Necessary correction be made in the order.

M.C.A. Nos.35/22,36/22,37/22 & 38/22 stand disposed of.

**Vice-Chairman**

Skt.

**O.A.944/22 ( S. B)**

**Coram: Hon'ble Shri Justice M.G.  
Giratkar, Vice Chairman.  
Dated : 21/11/2022.**

Shri S.P. Bhandarkar, ld. counsel for the applicant and Shri S.A. Sainis, ld. P.O. for the Respondents nos. 1 to 3. Shri T.U. Tathod, ld. counsel for R/4 ( Caveator).

Ld. counsel appearing on behalf of the applicant submits that he will file affidavit on behalf of the applicant.

At the request of ld. Counsel for the applicant & ld. counsel for R/4,

**S.O.01/12/2022.**

**Vice-Chairman**

Skt.

**O.A.360,370,493,575,654,690/15  
&495,497 & 825/16 ( S. B)**

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

**Dated : 21/11/2022.**

None present for Shri J.R. Kidilay & Shri S.R. Khobragade, Id. counsel for the applicants. Shri S.M. Pande, Adv. holding for Shri B. Kulkarni, Id. counsel for the applicants in O.A. Nos.493 & 654/15. Shri M.I. Khan, Id. P.O. for Respondents.

Ld. P.O. submits that similar matter is decided by the Principal Bench, at Mumbai. At the request of Id. P.O., S.O. 6/12/2022 for filing copy of the order.

**Vice-Chairman**

Skt.

**C.A. 55/20 in O.A.1045/19 (S. B)**

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

**Dated : 21/11/2022.**

**C.A.55/2020**

Heard Shri D.R. Rupnarayan, ld. counsel for the applicant and Shri S.A. Sainis, ld. P.O. for the Respondents.

Ld. counsel for the applicant has submitted that the applicant is retired on 16/08/2016. The Respondents have started recovery of excess amount of Rs.1,05,646/- as per order dt.31/05/2016. The applicant applied under the R.T.I. Act on 23/08/2018. On 06/12/2018, he received the information about the same. Thereafter, the applicant filed W.P. No.4239/2019 before the Hon. High Court. The Hon. High Court passed order on 05/11/2019 directing the applicant to approach this Tribunal. Thereafter, the present O.A. is filed. Hence, delay of 468 days be condoned.

Heard Shri S.A. Sainis, ld. P.O. for

the respondents. He has opposed the application.

The applicant was directed by the Hon. High Court to approach this Tribunal. Thereafter this O.A. is filed. The delay is caused because of the above reason. The delay in filing the O.A. is bonafide. Hence, the following order :-

C.A. No.55/2020 is allowed. Delay of 468 days is hereby condoned.

Respondent No.5 has already filed reply in the O.A.

**Admit.**

Ld. P.O. waives notice for the Respondents.

List for final hearing on 13/12/2005.

**S.O.13/12/2022.**

**Vice-Chairman**

Skt.

**O.A.739/22 (S.B)**

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

**Dated : 21/11/2022.**

Heard Shri S. Marathe, Id. counsel for the applicant and Shri S. Deo, Id. C.P.O. for the Respondents.

Ld. counsel appearing on behalf of the applicant has pointed out the proposal submitted by the Conservator of Forest, Social Forestry, Amravati Circle dt.17/07/2022. The said proposal is still not decided. Hence Respondents are directed to decide the said proposal within a period of one month.

Steno copy be provided.

**S.O.21/12/2022.**

**Vice-Chairman**

Skt.



O.A.116/20

**Coram: Hon'ble Shri Justice M.G.  
Giratkar, Vice Chairman.  
Dated : 21/11/2022.**

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

Amendment is not carried out by  
the applicant.

**S.O.10/12/2022.**

**Vice-Chairman**

Skt.

O.A.789/22

**Coram: Hon'ble Shri Justice M.G.  
Giratkar, Vice Chairman.  
Dated : 21/11/2022.**

Heard Shri D.R. Rupnarayan, the,  
ld. counsel for the applicant and Shri S.  
Sainis, ld. P.O. for the Respondents.

Replies of Respondent Nos.3 & 4  
are already filed on record. As per  
submission of ld. P.O. those replies are  
sufficient.

**Admit.**

Ld. P.O. waives notice for the  
Respondents.

List for final hearing on  
**13/12/2022.**

**Vice-Chairman**

Skt.

O.A.483/21

**Coram: Hon'ble Shri Justice M.G.  
Giratkar, Vice Chairman.  
Dated : 21/11/2022.**

Shri A.R. Ingole, ld. counsel for the applicant. Shri S.A. Sainis, ld. P.O. for the Respondents.

On oral request of ld. P.O. for R/1 to 3, **S.O. 3 weeks for filing reply as a last chance.**

**Vice-Chairman**

Skt.

O.A.315/22

**Coram: Hon'ble Shri Justice M.G.  
Giratkar, Vice Chairman.  
Dated : 21/11/2022.**

Shri A. Sarode, Adv. holding for Shri Nikure, ld. counsel for the applicant. Shri S.A. Sainis, ld. P.O. for the Respondent- State.

Ld. counsel for the applicant seeks time to receive the Hamdast.  
**S.O. 4 weeks.**

**Vice-Chairman**

Skt.

O.A.663/22

**Coram: Hon'ble Shri Justice M.G.  
Giratkar, Vice Chairman.  
Dated : 21/11/2022.**

Shri R.M. Fating, ld. counsel for the applicant. Shri H.K. Pande, ld. P.O. for the Respondents.

Ld. P.O. has filed reply of R/3, which is sufficient.

**Admit.**

Ld. P.O. waives notice for the Respondents.

List for final hearing on

**07/12/2022.**

**Vice-Chairman**

Skt.

O.A.810/22

**Coram: Hon'ble Shri Justice M.G.  
Giratkar, Vice Chairman.  
Dated : 21/11/2022.**

Shri N.R. Saboo, ld. counsel for  
the applicant. Shri H.K. Pande, ld. P.O.  
for the Respondents.

At the request of ld. P.O. **S.O.**  
**29/11/2022.**

**O.A. No.809/22 be listed with  
this matter.**

**Vice-Chairman**

Skt.

O.A.851/22

**Coram: Hon'ble Shri Justice M.G.  
Giratkar, Vice Chairman.  
Dated : 21/11/2022.**

Shri Bharat Kulkarni, ld. counsel  
for the applicant. Shri H.K.Pande, ld.  
P.O. for the Respondents.

At the request of ld. P.O., **S.O. 3  
weeks.**

**Vice-Chairman**

Skt.

O.A.675/22

**Coram: Hon'ble Shri Justice M.G.  
Giratkar, Vice Chairman.  
Dated : 21/11/2022.**

Shri J.S. Wankhede, ld. counsel  
for the applicant. Shri V.A. Kulkarni, ld.  
P.O. for the Respondents.

At the request of ld. P.O., **S.O. 2  
weeks for filing reply.**

**Vice-Chairman**

Skt.



O.A.878/22

**Coram: Hon'ble Shri Justice M.G.  
Giratkar, Vice Chairman.  
Dated : 21/11/2022.**

Shri A.P. Sadavarte, ld. counsel  
for the applicant. Shri S.A. Sainis, ld.  
P.O. for the Respondents.

At the request of ld. P.O., **S.O.**  
**3 weeks for filing reply.**

**Vice-Chairman**

Skt.

O.A.943/22

**Coram: Hon'ble Shri Justice M.G.  
Giratkar, Vice Chairman.  
Dated : 21/11/2022.**

Shri S.R. Charpe, Id. counsel for  
the applicant. Shri S.A. Sainis, Id. P.O.  
for the Respondents.

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

**Vice-Chairman**

Skt.

O.A.968/22

**Coram: Hon'ble Shri Justice M.G.  
Giratkar, Vice Chairman.  
Dated : 21/11/2022.**

Shri R.V. Shiralkar, ld. counsel for  
the applicant. Shri H.K. Pande, ld. P.O.  
for the Respondents.

At the request of ld. P.O., **S.O. 4  
weeks for filing reply.**

**Vice-Chairman**

Skt.

O.A.1040/22

**Coram: Hon'ble Shri Justice M.G.  
Giratkar, Vice Chairman.  
Dated : 21/11/2022.**

Shri N.R. Saboo, ld. counsel for the applicant. Shri H.K. Pande, ld. P.O. for the Respondents.

As per the submission of Shri Saboo, respondents are served and he has filed service affidavit on 17/11/2022.

At the request of ld. P.O., **S.O.**  
**after 3 weeks for filing reply.**

**Vice-Chairman**

Skt.

O.A.1065/22

**Coram: Hon'ble Shri Justice M.G.  
Giratkar, Vice Chairman.  
Dated : 21/11/2022.**

Shri S.A.Puranik, ld. counsel for the applicant. Shri H.K. Pande, ld. P.O. for the Respondents.

As per submission of ld. counsel for the applicant notice is served to ld. P.O. for sole Respondent.

Ld. P.O. seeks time to file reply. At the request of ld. P.O., **S.O. 3 weeks for filing reply.**

**Vice-Chairman**

Skt.

O.A.641/22

**Coram: Hon'ble Shri Justice M.G.  
Giratkar, Vice Chairman.  
Dated : 21/11/2022.**

Shri N.B. Rathod, ld. counsel for the applicant. Shri S. Deo, ld. C.P.O. for the Respondents.

Ld. C.P.O.. has filed the communication dt.15/07/2022 by which representation of the applicant is not considered. The copy of communication is marked Exh.'X' for identification.

**S.O. 05/12/2022 for filing  
reply.**

**Vice-Chairman**

Skt.

O.A.676/17

**Coram: Hon'ble Shri Justice M.G.  
Giratkar, Vice Chairman.  
Dated : 21/11/2022.**

Shri N.L.Jaiswal, ld. counsel for the applicant. Shri V.A. Kulkarni, ld. P.O. for the Respondent No.1. Shri S.A. Marathe, ld. counsel for R/2 to 5.

At the request of ld. P.O., **S.O. 3 weeks.**

**Vice-Chairman**

Skt.

O.A.406/22

**Coram: Hon'ble Shri Justice M.G.  
Giratkar, Vice Chairman.  
Dated : 21/11/2022.**

Shri R.M. Tiwari, Id. counsel for  
the applicant. Shri V.A. Kulkarni, Id. P.O.  
for the Respondents.

At the request of Id. counsel for  
the applicant, **S.O. after 3 weeks.**

**Vice-Chairman**

Skt.



**O.A.857/20**

**Coram: Hon'ble Shri Justice M.G.  
Giratkar, Vice Chairman.  
Dated : 21/11/2022.**

Shri R.A. Haque, ld. counsel for  
the applicant. Shri V.A. Kulkarni, ld. P.O.  
for the Respondents.

**S.O. 13/12/2022.**

**Vice-Chairman**

Skt.

**O.A.235/21**

**Coram: Hon'ble Shri Justice M.G.  
Giratkar, Vice Chairman.  
Dated : 21/11/2022.**

Shri J.S. Wankhede, ld. counsel  
for the applicant. Shri V.A. Kulkarni, ld.  
P.O. for the Respondents.

At the request of ld. counsel for  
the applicant, **S.O. 28/11/2022.**

**Vice-Chairman**

Skt.

O.A.580/22

**Coram: Hon'ble Shri Justice M.G.  
Giratkar, Vice Chairman.  
Dated : 21/11/2022.**

Shri S.N. Gaikwad, ld. counsel for  
the applicant. Shri H.K.Pande, ld. P.O.  
for the Respondents.

At the request of ld. Counsel for  
the applicant, **S.O. 29/11/2022.**

**Vice-Chairman**

Skt.

O.A.481/22

**Coram: Hon'ble Shri Justice M.G.  
Giratkar, Vice Chairman.  
Dated : 21/11/2022.**

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

**S.O. 12/12/2022.**

**Vice-Chairman**

Skt.

O.A.675/22

**Coram: Hon'ble Shri Justice M.G.  
Giratkar, Vice Chairman.  
Dated : 21/11/2022.**

Shri J.S. Wankhede, ld. counsel  
for the applicant. Shri V.A. Kulkarni, ld.  
P.O. for the Respondents.

At the request of ld. P.O., **S.O. 2  
weeks for filing reply.**

**Vice-Chairman**

Skt.

**O.A.886 & 887/22**

**Coram: Hon'ble Shri Justice M.G.  
Giratkar, Vice Chairman.  
Dated : 21/11/2022.**

Heard Shri D.M. Kakani, ld. counsel for the applicant and Shri S.A. Sainis, ld. P.O. for the Respondents.

2. Both the applicants are working on the post of Tahsildar. Both the applicants are claiming deemed date of promotion as per the proposal passed by the Departmental Promotion Committee on 30/07/2021.

3. In the case of A.S. Wankhede ( O.A.No.886/2022), it was decided by the Commissioner, Nagpur that one Shri D.S. Badhiye was promoted on 13/10/2010. The applicant A.S. Wankhede was senior to D.S. Badhiye. Therefore, the applicant A.S. Wankhede is entitled for deemed date of promotion from 13/10/2010 in the cadre of Tahsildar.

4. In O.A. No.887/2022, Shri S.B. Yadav was senior to one Shri A.S.

Sarkar. He was promoted on 26/04/2010. Therefore, the Divisional Commissioner, Nagpur proposed to give deemed date of promotion on the post of Tahsildar to the applicant Shri Badhiye from 26/04/2010. Hence, both the applicants approached to this Tribunal.

5. The Respondents have not filed reply.

6. Heard Shri D.M. Kakani, Id. Counsel for the applicant. He has pointed out the order passed by the this Tribunal in O.A. No.715 & 716/2022 aand O.A. No.640/2020. In the decided matters the deemed dates were granted to the applicants/ Tahsildars from the date when their juniors were promoted as proposed by the Divisional Commissioner, Nagpur.

7. Heard Shri S.A. Sainis, Id. P.O. for the Respondents. He has opposed the O.A.

8. The Divisional Commissioner has recommended for granting deemed date of promotion to both the

applicants. The respondents have not decided the same till date. Hence, both the O.As. are allowed.

9. The Respondents are directed to give deemed date of promotion to the applicant A.S Wankhede from 13/10/2010 as per the proposal submitted by the Divisional Commissioner, Nagpur dt.30/07/2021.

10. The Respondents are directed to give deemed date of promotion to Shri S.B. Yadav from 26/04/2010 as per the proposal submitted by the Divisional Commissioner, Nagpur dtd.30/07/2021 .

The O.As. are disposed of.

**Vice-Chairman**

Skt.



**O.A.No.1039/2022 (S.B.)**

**Coram:Shri M.A.Lovekar, Member (J)**  
**Dated :21/11/2022.**

Heard Shri S.N.Gaikwad, ld. counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the Respondents.

2. On oral request of ld. counsel for the applicant time is granted till 28.11.2022 to file Rejoinder. A statement is made that copy of the Rejoinder shall be supplied to ld. C.P.O. before the matter is taken up for hearing on that day.

3. **S.O. 28.11.2022 for final hearing.**

**Date:-21/11/2022.**  
aps.

**Member (J)**

**Rev.No.15/2021inO.A.No.818/2017**

**(S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :21/11/2022.**

Heard Smt. M.Iyer, ld. counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the Respondents.

2. Ld. counsel for the applicant is directed to carry out the amendment as per C.A. No. 220/2021 which was allowed on 16.06.2022.

3. Ld. P.O. has filed reply on 15.07.2022. Copy is supplied to the other side.

4. Ld. counsel for the applicant is given two weeks time to file Rejoinder, if any otherwise matter will be closed for orders.

5. **S.O. 07.12.2022.**

**Vice Chairman**

**Date:-21/11/2022.**

aps.

**C.A.No.25/2022inO.A.No.698/2020**

**(S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :21/11/2022.**

Heard Shri G.G.Bade, ld. counsel for the applicant, Shri V.A.Kulkarni, ld. P.O. for the Respondents 1 to 3, 5 & 6 and Ms. A.Singh, ld. counsel for the R-4.

2. As submitted by ld. counsel for the respondent no. 4, there was none for the R-4 i.e. Z.P. on order dated 29.10.2021. So, Z.P., i.e. Respondent no. 4 was not heard when order was passed on that day. The relevant para is below:-

*“That the applicant is also suppressed the fact that the applicant already approached this Hon’ble Tribunal earlier by filing O.A. No. 641/2016 and O.A. No. 348/2019, praying the same relief and in original application no. 641/2016, this Hon’ble Court dismissed the said O.A. and in subsequent O.A. No. 348/2019 this Hon’ble Court directed the applicant to submit representation to the respondents and accordingly said O.A. was disposed off. The copy of order passed in O.A. No. 641/2016 and O.A. No. 348/2019 are annexed herewith and marked as Document nos. 1 & 2.”*

3. Reply of respondent nos. 5 & 6 were filed on 11.01.2022.

4. I find substance in the submission of respondent no. 4. In view of that, the order dated 29.10.2021 is recalled. Accordingly, **C.A. no. 25/2022 for recalling of order is allowed and disposed of.**

5. **S.O. 01<sup>st</sup> week of December, 2022 before regular S.B..**

**Vice Chairman**

**Date:-21/11/2022.**  
aps.

O.A.No.370/2020

(D.B.)

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

**Shri M.A.Lovekar, Member (J)**

**Dated : 21/11/2022.**

**C.A.No.459/2022:-**

Heard Smt. S.Thakur, ld. Counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

2. **C.A. No. 459/2022 for Early Hearing is allowed and disposed of.**

3. **At the request of ld. P.O., S.O. 07.12.2022 for final hearing.**

**Member(J)  
Date:-21/11/2022.  
aps.**

**Vice Chairman**

O.A.No.824/2020

(D.B.)

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

**Shri M.A.Lovekar, Member (J)**

**Dated : 21/11/2022.**

Heard Shri Shriram Chopde holding for Shri R.Dharmadhikari, ld. Counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

2. At the request of ld. Counsel for the applicant, **S.O. two weeks to carry out the amendment.** He is further directed to supply the same to the other side.

**Member(J)**  
**Date:-21/11/2022.**  
aps.

**Vice Chairman**

O.A.No.969/2021

(D.B.)

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

**Shri M.A.Lovekar, Member (J)**

**Dated : 21/11/2022.**

None for the applicant. Shri V.A.Kulkarni,  
ld. P.O. for the respondents.

2. The ld. P.O. has filed reply on behalf of  
the respondent no. 3. It is taken on record. He  
submits that he will serve it to 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 notice for the  
respondents.

5. **S.O. four weeks for final hearing.**

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

**Member(J)**

**Date:-21/11/2022.**

aps.

**Vice Chairman**

O.A.No.1072/2021

(D.B.)

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

**Shri M.A.Lovekar, Member (J)**

**Dated : 21/11/2022.**

Heard Shri N.R.Saboo, Id. Counsel for the applicant and Shri A.M.Khadatkar, Id. P.O. for the respondents.

2. The Id. P.O. has filed reply on behalf of the respondent no. 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 Id. P.O. waives notice for the respondents.

5. **S.O. 02<sup>nd</sup> week of December, 2022 for final hearing.**

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

**Member(J)**  
**Date:-21/11/2022.**  
aps.

**Vice Chairman**



O.A.No.453/2022

(D.B.)

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

**Shri M.A.Lovekar, Member (J)**

**Dated : 21/11/2022.**

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

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

**Member(J)**

**Vice Chairman**

**Date:-21/11/2022.**

aps.

**O.A.Nos.462&463/2022**

**(D.B.)**

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

**Shri M.A.Lovekar, Member (J)**

**Dated : 21/11/2022.**

Heard Shri G.N.Shinde, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the respondents. None for the R-5.

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

**Member(J)**

**Date:-21/11/2022.**

aps.

**Vice Chairman**

O.A.No.686/2022

(D.B.)

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

**Shri M.A.Lovekar, Member (J)**

**Dated : 21/11/2022.**

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

2. At the request of ld. P.O., **S.O. 02<sup>nd</sup>  
December, 2022 to file reply.**

**Member(J)**

**Date:-21/11/2022.**

aps.

**Vice Chairman**

O.A.No.820/2022

(D.B.)

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

**Shri M.A.Lovekar, Member (J)**

**Dated : 21/11/2022.**

Heard Shri P.P.Khaparde, ld. Counsel for  
the applicant and Shri A.M.Khadatkar, ld. P.O. for  
the respondents.

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

**Member(J)**

**Date:-21/11/2022.**

aps.

**Vice Chairman**

O.A.Nos.954&955/2022 (D.B.)

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

**Shri M.A.Lovekar, Member (J)**

**Dated : 21/11/2022.**

Heard Shri B.Kulkarni, ld. Counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents.

2. Our attention is invited to paras 4, 5 & 6 of the impugned order. These paras read as under:-

“४. श्री बस्सी यांनी केलेल्या अनियमिततेच्या संदर्भात श्री बी.डी. वासनिक, नागपूर (से.नि.प्राचार्य) यांनी केलेल्या संदर्भातील चौकशीच्या अहवालामध्ये सदर अनियमिततेमध्ये श्री घनश्याम राठोड, जिल्हा क्रीडा अधिकारी व तत्कालीन विभागीय उपसंचालक, क्रीडा व युवक सेवा यांचा सहभाग असल्याचा निष्कर्ष नमूद केला आहे. चौकशी अधिका-यांनी नमूद केलेला सदरचा निष्कर्ष विचारात न घेता, प्रादेशिक विभागीय चौकशी अधिकारी, नागपूर यांनी नोंदविलेल्या निष्कर्षाआधारे श्री राठोड, जिल्हा क्रीडा अधिकारी यांना निर्दोष मुक्त करून केवळ श्री बस्सी यांना दोषी ठरविणे न्यायोचित ठरणार नाही. तसेच श्री बस्सी यांच्या संदर्भातील चौकशी अहवालाआधारे सविस्तर चौकशी शिवाय/स्वयंस्पष्ट निष्कर्षशिवाय श्री घनश्याम राठोड, जिल्हा क्रीडा अधिकारी यांना देखील दोषी ठरविणे देखील न्यायोचित होणार नाही.

५. उपरोक्त वस्तुस्थिती विचारात घेता, विभागीय चौकशी नियम पुस्तिकेतील नियम क्रमांक ७.३(२) मधील तरतूदीनुसार नव्याने चौकशी करण्यासाठी, श्री घनश्याम राठोड, जिल्हा क्रीडा अधिकारी व श्री नानकसिंग बस्सी, क्रीडा अधिकारी यांच्या विभागीय चौकशी संदर्भात प्रादेशिक विभागीय चौकशी अधिकारी, नागपूर यांनी दिनांक ११.०३.२०२० च्या पत्रान्वये शासनास सादर केलेला चौकशी अहवाल व श्री बी.डी. वासनिक, नागपूर (से.नि.प्राचार्य) यांचा दिनांक ०५.०६.२०१७ चा चौकशी अहवाल, हे दोन्ही परस्पर विरोधी निष्कर्षांचे चौकशी अहवाल फेटाळण्यात येत आहेत.

६. श्री घनश्याम राठोड, जिल्हा क्रीडा अधिकारी व श्री नानकसिंग बरसी , क्रीडा अधिकारी यांच्या सामाईक विभागीय चौकशीच्या प्रकरणी, प्रादेशिक विभागीय चौकशी अधिकारी, नागपूर यांच्याकडे नव्याने चौकशी करण्यासाठी प्रकरण सोपविण्यात येत आहे.”

It is submitted that the procedure adopted in the aforementioned paragraphs cannot be said to be legal. We *prima facie* find substance in it.

3. The applicant has also relied on G.R. dated 07.04.2008 issued by G.A.D., Government of Maharashtra.

4. It is also pointed out that the inquiry was initiated in the year 2015 and seven years have elapsed since then. It is contended that such prolonged pendency of the inquiry breaches mandate in the case of Prem Nath Bali.

5. We have come to the conclusion that a case is made out to stay the re-inquiry directed by the impugned order dated 05.05.2021. Said re-inquiry shall stand stayed till reply is filed by the respondents.

6. **S.O. four weeks.**

7. **Steno copy is granted.**

**Member(J)**  
**Date:-21/11/2022.**  
aps.

**Vice Chairman**

O.A.No.967/2022

(D.B.)

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

**Shri M.A.Lovekar, Member (J)**

**Dated : 21/11/2022.**

Heard Shri G.K.Bhusari, ld. Counsel for  
the applicant and Shri V.A.Kulkarni, ld. P.O. for  
the respondents.

2. At the request of ld. P.O., **S.O. two weeks  
to file reply as a last chance.**

**Member(J)**

**Vice Chairman**

**Date:-21/11/2022.**

aps.

O.A.No.986/2022

(D.B.)

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

**Shri M.A.Lovekar, Member (J)**

**Dated : 21/11/2022.**

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

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

**Member(J)**

**Date:-21/11/2022.**

aps.

**Vice Chairman**



O.A.No.1133/2022

(D.B.)

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

**Shri M.A.Lovekar, Member (J)**

**Dated : 21/11/2022.**

**C.A.No.472/2022:-**

Heard Shri P.S.Wathore, ld. Counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for the State.

2. Ld. counsel for the applicants submit that he will make an application for condonation of delay within two days. It may be observed that the Hon'ble High Court has mentioned in para no. 5 of its order dated 18.10.2022 that the period spent in prosecuting the remedy of writ petition shall be excluded while considering the question of delay (caused in filing instant O.A.).

3. **S.O. 24.11.2022.**

**Member(J)**

**Date:-21/11/2022.**

aps.

**Vice Chairman**

**C.P.No.03/2022inO.A.No.255/2018**

**(D.B.)**

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

**Shri M.A.Lovekar, Member (J)**

**Dated : 21/11/2022.**

Heard Shri G.R.Sadar, ld. Counsel for the applicant and Shri M.I.Khan, ld. P.O. for the State. None for the R-2 & 4.

2. Ld. counsel for the applicant has pointed out that in their affidavit (at pages 76 to 82) in para 6 respondents 2 & 4 have specifically stated that one of the claims is to be decided by respondent no. 3.

3. In view of this contention, reply of respondent no. 3 would be necessary. Today, no one is present for respondent no. 3, **S.O. two weeks for reply of respondent no. 3.**

**Member(J)**

**Date:-21/11/2022.**

aps.

**Vice Chairman**

**C.A.429/18inRev.St.796/18inO.A.256/09(D.  
B.)**

**Coram : Shri Shree Bhagwan, Vice  
Chairman &  
Shri M.A.Lovekar, Member (J)  
Dated : 21/11/2022.**

Heard Shri Pardhi holding for Shri P.V.Thakre, ld. Counsel for the applicant and Shri M.I.Khan, ld. P.O. for the State.

2. Notice on C.A. to Respondents be issued returnable in **four weeks**.
3. Shri M.I.Khan, the learned P.O. waives notice for respondent no.1. Hamdast granted.
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 the O.A.
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 an affidavit of compliance in the Registry as far as possible once week before the

date fixed by this Tribunal. Applicant is directed to file Affidavit of compliance and notice.

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.

9. **S.O. four weeks.**

**Member(J)**  
**Date:-21/11/2022.**  
aps.

**Vice Chairman**

**C.A.464/22inRev.St.2461/22inO.A.197/18D  
.B.**

**Coram : Shri Shree Bhagwan, Vice  
Chairman &  
Shri M.A.Lovekar, Member (J)  
Dated : 21/11/2022.**

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

2. Notice on C.A. to Respondents be issued returnable in **four weeks**.

3. Shri A.M.Khadatkar, the learned P.O. waives notice for respondent no.1. Hamdast granted.

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 the O.A.

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 an affidavit of compliance in the

Registry as far as possible once week before the date fixed by this Tribunal. Applicant is directed to file Affidavit of compliance and notice.

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.

9. **S.O. four weeks.**

**Member(J)**  
**Date:-21/11/2022.**  
aps.

**Vice Chairman**

**Rev.No.31/2019inO.A.No.799/2011 (D.B.)**

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

**Shri M.A.Lovekar, Member (J)**

**Dated : 21/11/2022.**

Heard Shri R.V.Shiralkar, ld. Counsel for the applicant and Shri M.I.Khan, ld. P.O. for the Respondents. Await service of R-4.

2. Ld. counsel for the applicant submits that he requires time to collect information regarding correct name and address of respondent no. 4. He further submits that within one week he will collect this information and carry out necessary amendment where upon notice be issued to respondent no. 4.

3. Issue notice to Respondent no. 4, returnable on four weeks. Learned P.O. waives notice for R-1. 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.

9. **S.O. four weeks.**

**Member(J)**  
**Date:-21/11/2022.**  
aps.

**Vice Chairman**



**O.A.No.245/2021withC.A.No.239/2022  
(D.B.)**

**Coram : Shri Shree Bhagwan, Vice  
Chairman &  
Shri M.A.Lovekar, Member (J)  
Dated : 21/11/2022.**

Heard Shri R.V.Shiralkar, ld. Counsel for the applicant, Shri R.R.Shetty, ld. Spl. counsel for the R-1 & 2 and Shri R.M.Sharma, ld. counsel for the R-3.

2. Ld. counsel for the applicant submits that against the order dated 05.08.2022 passed by the Hon'ble Bombay High Court, the applicant before this Tribunal has filed S.L.P. and it appears dairy no. 34977/2022 in the Hon'ble Supreme Court.

3. In view of this development the matter will have to be adjourned for reasonable duration, **S.O. four weeks.**

**Member(J)**  
**Date:-21/11/2022.**  
aps.

**Vice Chairman**

**O.A.No.345/2022 (D.B.)**

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

**Dated : 21/11/2022.**

Heard Shri R.V.Shiralkar, ld. Counsel for the applicant and  
Shri R.R.Shetty, ld. Spl. Counsel for the respondent nos. 1 & 2.

2. By passing an order in O.A. No. 245/2021 is adjourned on account of filing of S.L.P. No. 34977/2022 against the Judgment and order dated 05.08.2022 passed by the Hon'ble Bombay High Court in W.P. No. 3056/2022.

3. It is the submission of Shri Shiralkar, ld. counsel for the applicant that O.A.No.245/2021 and instant O.A. i.e. O.A.No.345/2022 are inter-connected and hence this O.A. should also be automatically adjourned. Correctness of this submission is seriously disputed by Shri R.R.Shetty, ld. Spl. Counsel for the Respondent nos. 1 & 2.

4. On behalf of respondent nos. 1 & 2 our attention is invited to orders dated 13.04.2022, 07.07.2022, 05.08.2022, 26.08.2022 and 23.09.2022.

5. It is a matter of record that by order dated 13.04.2022 show cause notice issued to the applicant by respondent nos. 1 & 2 dated 17.03.2022 was stayed. The operative part of this order is as follows:-

*"O.A. is fixed on 14.06.2022 till then show cause notice issued by respondent nos. 1 & 2 is stayed."*

It is submitted by referring to the aforequoted portion that this order was to subsist only till the next date and not thereafter.

6. It is a matter and record that in orders dated 07.07.2022, 05.08.2022 and 26.08.2022 it is not specifically mentioned that the interim order dated 13.04.2022 is extended.

7. It is pointed out by Advocate Shri Shiralkar that by order dated 23.09.2022 the impugned order was directed to be extended till next date. Para no. 2 of order dated 23.09.2022 reads as under:-

*“Ld. P.O. has filed document about show cause notice. As pointed out by ld. counsel for the applicant, show cause notice on respondent nos. 1 & 2 was stayed vide order dated 13.04.2022 that is to be continued till next date.”*

8. On the basis of order dated 23.09.2022, it is submitted on behalf of the applicant that unless there is an order vacating interim relief, its continued subsistence is to be presumed. He submits that in support of this legal proposition he will place on record copy of a Judgement of the Hon'ble Bombay High Court.

9. In view of these rival submissions the issue as to whether or not interim order dated 13.04.2022 subsists as on today will have to be decided only after the above referred citation is placed on record by the ld. counsel for the applicant. Once this issue is decided the further issue as to whether or not instant O.A. No. 345/2022 is to be adjourned along with O.A. No. 245/2021, can be considered.

10. S.O. two weeks for filing the citation. At this stage ld. counsel for the respondent nos. 1 & 2 submits that the citation referred to by the applicant's counsel appears to be **“Govinda Bhagoji Kamable & Ors. Vs. Sadu Bapu Kamable 2004 (6) BOM CR 552, 2005 (1)”** he will place it on record so that the issue can be thrashed out earlier. Ld. counsel for the applicant submits that he will ascertain whether it is the same citation on which he intends to rely.

11. S.O. 09.12.2022.

**Member(J)**  
**Date:-21/11/2022.**  
aps.

**Vice Chairman**

**Rev.22/21 in C.P.17/19 in O.A.516/17  
(D.B.)**

**Coram : Shri Shree Bhagwan, Vice  
Chairman &  
Shri M.A.Lovekar, Member (J)  
Dated : 21/11/2022.**

Heard Shri D.S.Sawarkar, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. 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.**

**Member(J)**  
**Date:-21/11/2022.**  
aps.

**Vice Chairman**

**C.P.No.79/2022 in O.A.No.640/2022 (D.B.)**

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

**Shri M.A.Lovekar, Member (J)**

**Dated : 21/11/2022.**

Heard Shri R.M.Fating, ld. Counsel for the applicant and Shri A.M.Khadatkar, ld. P.O. for the State.

2. Issue Notice to the respondents returnable in **four weeks** under Rule 8 of the MAT (Contempt of Courts) Rules, 1996 as to why they should not be proceeded for committing contempt of this Tribunal's order and as to why they shall not be punished under the Contempt of Court Act.

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

4. **S.O. four weeks.**

**Member(J)**

**Date:-21/11/2022.**

aps.

**Vice Chairman**

O.A.No.885/2020

(D.B.)

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

**Shri M.A.Lovekar, Member (J)**

**Dated : 21/11/2022.**

Heard Shri G.K.Bhusari, ld. Counsel for the applicant, Shri A.M.Khadatkar, ld. P.O. for the respondents and Shri A.P.Tathod, ld. Counsel for the R-3 to 10.

2. **S.O. 23.11.2022.**

3. **No further adjournment will be granted in this matter.**

**Member(J)**

**Date:-21/11/2022.**

aps.

**Vice Chairman**



O.A.No.910/2018

(D.B.)

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

**Shri M.A.Lovekar, Member (J)**

**Dated : 21/11/2022.**

Heard Shri Shriram Chopde holding for  
Shri S.W.Sambre, ld. Counsel for the applicant,  
Shri A.M.Khadatkar, ld. P.O. for the respondents.  
None for the R-3 to 21.

2. At the request of ld. counsel for the  
applicant, **S.O. four weeks for final hearing.**

**Member(J)**

**Date:-21/11/2022.**

aps.

**Vice Chairman**

O.A.No.97/2019 (D.B.)

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

**Shri M.A.Lovekar, Member (J)**

**Dated : 21/11/2022.**

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

2. At the request of ld. P.O., **S.O. 05.12.2022**  
**for final hearing.**

**Member(J)**

**Date:-21/11/2022.**

aps.

**Vice Chairman**

O.A.No.98/2019 (D.B.)

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

**Shri M.A.Lovekar, Member (J)**

**Dated : 21/11/2022.**

Heard Shri A.Thool holding for Shri  
G.N.Khanzode, ld. Counsel for the applicant and  
Shri A.M.Khadatkar, ld. P.O. for the respondents.

2. At the request of ld. P.O., **S.O. 05.12.2022**  
**for final hearing.**

**Member(J)**  
**Date:-21/11/2022.**  
aps.

**Vice Chairman**

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

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

**Shri M.A.Lovekar, Member (J)**

**Dated : 21/11/2022.**

None for the applicant. Shri A.P.Potnis, ld.  
P.O. for the respondents. None for the R-3 & 4.

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

**Member(J)**

**Date:-21/11/2022.**

aps.

**Vice Chairman**

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

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

**Shri M.A.Lovekar, Member (J)**

**Dated : 21/11/2022.**

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

2. At the request of ld. P.O., **S.O. 06.12.2022 for final hearing.**

**Member(J)**

**Date:-21/11/2022.**

aps.

**Vice Chairman**

O.A.Nos.664&665/2020 (D.B.)

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

**Shri M.A.Lovekar, Member (J)**

**Dated : 21/11/2022.**

Heard Shri N.D.Thombre, ld. Counsel for  
the applicant and Shri A.P.Potnis, ld. P.O. for the  
respondents.

2. At the request of ld. P.O., **S.O. 07.12.2022**  
**for final hearing, high on board.**

**Member(J)**

**Date:-21/11/2022.**

aps.

**Vice Chairman**

O.A.No.918/2021 (D.B.)

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

**Shri M.A.Lovekar, Member (J)**

**Dated : 21/11/2022.**

Heard Dr.N.G.Raut, applicant in person and Shri A.P.Potnis, ld. P.O. for the respondents.

2. Issue notice on newly impleaded parties R-5 to 9, returnable on 09.12.2022. 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. 09.12.2022.**

**Member(J)**  
**Date:-21/11/2022.**  
aps.

**Vice Chairman**



**O.A.No.570/2022withC.A.No.249/2022  
(D.B.)**

**Coram : Shri Shree Bhagwan, Vice  
Chairman&  
Shri M.A.Lovekar, Member (J)  
Dated : 21/11/2022.**

Heard Shri D.T.Shinde, ld. Counsel for the  
applicant and Shri A.P.Potnis, ld. P.O. for the  
respondents.

2. At the request of ld. P.O., **S.O. 13.12.2022**  
**for final hearing, high on board.**

**Member(J)**  
**Date:-21/11/2022.**  
aps.

**Vice Chairman**

O.A.No.734/2022 (D.B.)

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

**Shri M.A.Lovekar, Member (J)**

**Dated : 21/11/2022.**

Heard Shri S.N.Gaikwad, ld. Counsel for  
the applicant and Shri A.P.Potnis, ld. P.O. for the  
respondents.

2. At the request of ld. P.O., **S.O. 12.12.2022**  
**for final hearing.**

**Member(J)**

**Date:-21/11/2022.**

aps.

**Vice Chairman**