

**O.A.No.950/2018 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 06/09/2022.**

Heard Shri D.Sukhdeve holding for Shri S.S.Ghate,  
ld. Counsel for the applicant and Shri S.A.Deo, ld. C.P.O. for  
the respondents.

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

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:-06/09/2022.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**

**O.A.No.784/2019 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 06/09/2022.**

Heard Shri R.V.Shiralkar, ld. Counsel for the applicant and Shri H.K.Pande, 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.**

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:-06/09/2022.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**

**O.A.No.258/2020 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 06/09/2022.**

None for the applicant. Shri H.K.Pande, ld. P.O. for  
the State. Await service of R-2 to 4.

2. **S.O. four weeks to file service affidavit.**

**(Justice M.G.Giratkar)  
Vice Chairman  
Date:-06/09/2022.  
aps.**

**(Shree Bhagwan)  
Vice Chairman**

**O.A.No.780/2021 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 06/09/2022.**

**C.A.No.312/2021:-**

Heard Shri G.K.Bhusari, ld. Counsel for the applicant and Shri V.A.Kulkarni, ld. P.O. for the respondents. None for the Intervenor.

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

**(Justice M.G.Giratkar)  
Vice Chairman**

**Date:-06/09/2022.  
aps.**

**(Shree Bhagwan)  
Vice Chairman**

**O.A.No.1111/2021 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 06/09/2022.**

Heard Shri A.P.Barahate, 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. three weeks to file reply.**

3. **Ld. P.O. is further directed to take instructions about the compliance of order dated 05.01.2022. Steno copy is granted.**

**(Justice M.G.Giratkar)  
Vice Chairman  
Date:-06/09/2022.  
aps.**

**(Shree Bhagwan)  
Vice Chairman**

**O.A.No.300/2022 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 06/09/2022.**

**C.A.No.337/2022:-**

Heard Shri M.R.Puranik, ld. Counsel for the applicant, Shri S.A.Deo, ld. C.P.O. for the respondents and Shri S.Walde, ld. Counsel for the Intervenor.

2. Today reply is filed by ld. counsel for the applicant on C.A.. It is taken on record. Copy is served to the other side.

3. At the request of ld. Intervenor, **S.O. 27.09.2022.**

**(Justice M.G.Giratkar)  
Vice Chairman**

**(Shree Bhagwan)  
Vice Chairman**

**Date:-06/09/2022.**

aps.

**O.A.No.332/2022 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 06/09/2022.**

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

2. At the request of ld. C.P.O., **S.O. 12.09.2022.**

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:-06/09/2022.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**

**O.A.No.380/2022 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman&  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 06/09/2022.**

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

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

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:-06/09/2022.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**



**O.A.No.384/2022 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman&  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 06/09/2022.**

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

2. At the request of ld. P.O., **S.O. 19.09.2022 to file reply.**

**(Justice M.G.Giratkar)  
Vice Chairman  
Date:-06/09/2022.  
aps.**

**(Shree Bhagwan)  
Vice Chairman**

**O.A.Nos.369&394/2022 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 06/09/2022.**

Heard Shri A.H.Dangre, ld. Counsel for the applicant and Shri S.A.Sainis, ld. P.O. for the respondents.

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

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:-06/09/2022.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**

**O.A.No.550/2022 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 06/09/2022.**

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

2. At the request of ld. P.O., **S.O. 14.09.2022 to file reply.**

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:-06/09/2022.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**

**O.A.No.622/2022 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 06/09/2022.**

Heard Ms. Dangre holding for Shri A.C.Dharmadhikari, ld. Counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the respondents.

2. The ld. P.O. has filed reply on behalf of the respondent nos. 1 to 3. 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 notice 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.*

**(Justice M.G.Giratkar)  
Vice Chairman**

**Date:-06/09/2022.**

aps.

**(Shree Bhagwan)  
Vice Chairman**

**O.A.No.789/2022 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 06/09/2022.**

Heard Shri S.N.Gaikwad holding for Shri V.B.Gawali, Id. Counsel for the applicant and Shri V.A.Kulkarni, Id. P.O. for the State. Await service of R-2 to 4.

2. Id. Counsel for the applicant submits that today only he will file service affidavit. At the request of Id. P.O.,  
**S.O. four weeks to file reply.**

**(Justice M.G.Giratkar)  
Vice Chairman  
Date:-06/09/2022.  
aps.**

**(Shree Bhagwan)  
Vice Chairman**

**O.A.No.829/2022 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar, Vice Chairman**

**Dated : 06/09/2022.**

**A.M.Bansod Vs. State & Another.**

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

2. The Id. P.O. sought time to file reply. As pointed out by Id. counsel for the applicant there is no necessity for filing any reply as the Law is well settled about the dismissal of employee as per Article 311 (2) (b) of Constitution of India. Hence, the matter is finally heard.

3. The applicant has challenged the impugned order dated 09.10.2019 and 04.07.2022. The applicant was prosecuted for the offence punishable under Section 376(2)(i) and 376(2)(j) under the POSCO Act. The respondents without conducting any enquiry dismissed the applicant as per the provision of Article 311 (2) (b) of Constitution of India. The Id. counsel for the applicant has pointed out the order passed by this Tribunal in O.A. No. 396/2022 dated 06.06.2022. He has also pointed out the Judgment of Special Court, Amravati dated 08.03.2022 in Special Case No. 281/2019.

4. The applicant is already acquitted by Special Court, Amravati in Special Case No. 281/2019 as per Judgment dated 08.03.2022. The Article 311 (2) (b) reads as under: -

***“311. Dismissal, removal or reduction in rank of persons employed in civil capacities under the Union or a state - (1) No person who is a member of civil service of the Union or an all-India service or a civil service of a State or holds civil post under the Union or a State shall be dismissed or removed by an authority subordinate to that by which he was appointed.***

***(2) No such person as aforesaid shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.***

*Provided that where it is proposed after such inquiry, to impose upon him any such penalty, such penalty may be imposed on the basis of the evidence adduced during such inquiry and it shall not be necessary to give such person any opportunity of making representation on the penalty proposed;*

*Provided further that this clause shall not apply –*

*(a) Where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or*

*(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.*

5. On this issue many Judgments have been delivered by this Tribunal and Hon'ble Apex Court that without holding any enquiry the dismissal from service as per Article 311 (2) (b) is not proper, it is also decided by this Tribunal in O.A. No. 396/2022 and other O.As.

6. In view of this situation, **the impugned order dated 09.10.2019 (A-1, Pg. No. 19) and 04.07.2022 (A-2, Pg. No. 21) are hereby quashed and set aside.** The respective Appointing Authorities are directed to reinstate the applicant in service within a period of 30 days from the date of this order. 50% back wages be paid to the applicant till he joins. The respondents are at liberty to conduct preliminary inquiry as per Maharashtra Civil Services (Disciplinary & Appeal) Rules, 1979 against the applicant and take appropriate action as per the law.

7. Hence, **matter is disposed of with no order as to costs.**

**(Justice M.G.Giratkar)**

**Vice Chairman**

**Date:-06/09/2022.**

aps.

**(Shree Bhagwan)**

**Vice Chairman**

**O.A.No.796/2022 With**

**C.A.No.353/2022 in O.A.No.795/2022 with  
O.A.No.842/2022 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar, Vice Chairman**

**Dated : 06/09/2022.**

Heard Shri M.Deo in O.A. Nos. 795 & 796/2022 and Shri S.N.Gaikwad in O.A. No. 842/2022, ld. Counsel for the applicants and Shri S.A.Deo, ld. C.P.O. for the respondents. None for R-4, 5 & 6 in O.A. No. 796/2022. Await service for respondent nos.2 to 5 in O.A.No.795/2022. Await service for respondent nos.2 to 9 in O.A.No.842/2022.

2. At the request of ld. P.O., **S.O. 15.09.2022 to file reply.**

**(Justice M.G.Giratkar)  
Vice Chairman**

**Date:-06/09/2022.**

aps.

**(Shree Bhagwan)  
Vice Chairman**



**C.A.273/22inC.P.23/21inO.A.278/2018 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 06/09/2022.**

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

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

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:-06/09/2022.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**

**C.P.No.42/2022inO.A.No.549/2020 with**

**C.P.No.43/2022inO.A.No.578/2020 with  
C.P.No.44/2022inO.A.No.551/2020 (D.B.)  
Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar, Vice Chairman  
Dated : 06/09/2022.**

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

2. Ld. P.O. submits that Law and Judiciary Department of State of Maharashtra are prepared to challenge the order of this Tribunal before the Hon'ble High Court. This Tribunal has passed the Judgment in various O.As. directed to continue the service of the 'Mustering Assistant' from the date of their initial appointment. That Judgment of this Tribunal is based on the Judgment of Hon'ble High Court Bombay, Bench at Aurangabad in W.P. No. 8468/2015 which is also challenged in S.L.P. 23504/2016 before Hon'ble Apex Court and the same is dismissed on 23.02.2017.

3. Now, issue is settled upto the Hon'ble Apex Court. Hence, three weeks time is granted to the respondents to file reply/ compliance of the order.

4. **S.O. 27.09.2022.**

5. **Steno copy is granted.**

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:-06/09/2022.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**



**C.P.No.46/2022inO.A.No.284/2010 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 06/09/2022.**

Heard Shri R.D.Hajare, ld. Counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the State. Await service of R-1 to 3.

2. At the request of ld. Counsel for the applicant, Issue fresh Notice to the respondents returnable in **three 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.Ghogre, the learned P.O. waives notice for respondent No. 1. Hamdast granted.

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

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:-06/09/2022.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**

**O.A.No.880/2022 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 06/09/2022.**

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

2. Heard ld. counsel for the applicant. As per ld. counsel for the applicant transfer/punishment be stayed.

3. Heard ld. C.P.O.. As per his submission due to administrative reason mentioned in the impugned order, applicant is transferred. Though applicant is already relieved, so as to avoid further complications only issue notice.

4. Issue notice to Respondents, returnable on three weeks. Learned C.P.O. waives notice for R-1. Hamdast allowed.

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

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

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

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

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

10. **S.O. three weeks.**

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:-06/09/2022.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**

**C.P.No.34/2020inO.A.No.877/2019 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 06/09/2022.**

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

2. Ld. counsel for the applicant has pointed out order dated 14.07.2022. Ld. P.O. Shri V.A.Kulkarni seeks time to file reply. Specific order was passed on 14.07.2022 and in para no. 4 of the said order, which is reproduced below:-

*“4. In view of this, respondent no. 2 is directed to decide the proposal submitted by respondent no. 1 vide its letter dated 05.10.2020 within three weeks from the date of receipt of this letter.”*

3. Hence, the ld. P.O. is requested to get instructions about the compliance of order dated 14.07.2022, **S.O. 27.09.2022.**

**4. Steno copy is granted.**

**(Justice M.G.Giratkar)  
Vice Chairman  
Date:-06/09/2022.  
aps.**

**(Shree Bhagwan)  
Vice Chairman**

**C.P.No.18/2022inO.A.No.220/2019 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman&  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 06/09/2022.**

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

2. Ld. P.O. has filed letter dated 10.08.2022 of Government of Maharashtra. Government of Maharashtra has decided to challenge the Judgment dated 24.12.2022 in O.A. No. 220/2019. The letter is marked Exh. X for the purpose of identification. Looking to this submission, **S.O. six weeks.**

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:-06/09/2022.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**



**O.A.No.791/2013 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 06/09/2022.**

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

2. At the request of ld. counsel for the applicant, **S.O. 15.09.2022.**

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:-06/09/2022.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**

**O.A.No.637/2014 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 06/09/2022.**

**V.T.Rathod Vs. State of Mah. & 3 Ors.**

Heard Shri S.M.Bahirwar, ld. Counsel for the applicant, Shri A.M.Ghogre, ld. P.O. for the respondents and Mrs. R.G.Nitaware holding for Shri O.Y.Kashid, ld. Counsel for the R-4.

2. Heard ld. counsel Shri Bahirwar. Ld. counsel for the applicant submits that he was posted at Jawhar Forest Division on 02.05.1998. As per his submission the promotional post of Chief Accountant was reserved for the category of V.J.(A) but it was wrongly shown as N.T. (B). Ld. counsel for the applicant submitted that respondent no. 4 is wrongly promoted on the post of Chief Accountant.

3. Heard ld. P.O., Shri Ghogre. He has pointed out communication of D.P.C. meeting dated 24.12.2013. As per this communication there was D.P.C. meeting held on 29.09.2008 and in the D.P.C. meeting the post of Chief Accountant was reserved for N.T. (B). Respondent no. 4, being the senior and also of the category of N.T. (B), therefore, he be promoted on the post of Chief Accountant. Ld. P.O. has further pointed out pages 60 and 61 filed on record. As per his submission the applicant was transferred from one District to another and, therefore, he lost his seniority. His seniority was counted from the date of his joining i.e. 11.08.2006 therefore, he is junior to the respondent no. 4. As per the Rules of Inter-District transfers, the employee who transfers from one district to another than he has to loose his original seniority and he become junior to other employee in the transferred post. The applicant is transferred from his original post Jawhar (District Thane) to Amravati District in the year 2006. Therefore, his seniority is rightly counted from 11.08.2006. Hence, the seniority of respondent no. 4 is from dated 31.12.2002 and seniority of applicant is from dated 11.08.2006. Therefore, it is clear that applicant is junior to respondent no. 4 moreover as per the decision of D.P.C.

meeting dated 29.09.2008 the post of Chief Accountant was reserved for N.T. (B). Though, the respondent no. 4 is in the category of N.T. (B). Therefore, the respondent no. 4 is rightly promoted on the post of Chief Accountant. Hence, we do not find any merit in the original application, therefore, we proceed to pass the following order:-

**ORDER**

Original application is dismissed with no order as to costs.

**(Justice M.G.Giratkar)**

**Vice Chairman**

**Date:-06/09/2022.**

aps.

**(Shree Bhagwan)**

**Vice Chairman**

**O.A.No.869/2018 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 06/09/2022.**

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

2. At the request of ld. counsel for the applicant, **S.O. 20.09.2022.**

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:-06/09/2022.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**

**O.A.Nos.909&910/2020 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 06/09/2022.**

Heard Shri S.M.Khan, ld. Counsel for the applicant  
and Shri H.K.Pande, ld. P.O. for the respondents.

2. At the request of ld. counsel for the applicant, **S.O.**  
**13.09.2022.**

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:-06/09/2022.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**

**O.A.Nos.168,169&170/2021 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 06/09/2022.**

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

2. At the request of ld. P.O., **S.O. 20.09.2022.**

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:-06/09/2022.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**

**O.A.No.424/2021 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 06/09/2022.**

Heard Shri N.R.Saboo, ld. Counsel for the applicant and Shri H.K.Pande, ld. P.O. for the respondents. None for the R-3.

2. At the request of ld. P.O., **S.O. 16.09.2022.**

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:-06/09/2022.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**

**O.A.No.546/2021 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 06/09/2022.**

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

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

3. At the request of ld. P.O., **S.O. 20.09.2022.**

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:-06/09/2022.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**



**O.A.No.728/2021 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 06/09/2022.**

Heard Shri Waghmare holding for Shri P.B.Patil,  
ld. Counsel for the applicant and Shri S.A.Sainis, ld. P.O. for  
the respondents.

2. At the request of ld. counsel for the applicant, **S.O.  
27.09.2022.**

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:-06/09/2022.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**

**O.A.No.1130/2021 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 06/09/2022.**

Heard Shri V.M.Moon, ld. Counsel for the applicant and Shri A.M.Ghogre, ld. P.O. for the respondents.

2. The ld. counsel for the applicant has pointed out letter/communication dated 08.03.2022 and 25.05.2022. As per his submission extension of time was granted upto 19.03.2022 and thereafter there was no any extension. Therefore, the departmental enquiry pending against applicant is liable to be quashed and set aside.

3. Ld. P.O. has pointed out communication/ letter dated 25.05.2022 and submitted that the proposal for extension of time was moved. Ld. P.O. has submitted that the final inquiry report is submitted to the disciplinary authority and only the order of punishment is to be passed. As per the M.C.S. (Discipline and Appeal) Rule, 1979, once the inquiry officer submits final report, thereafter disciplinary authority has to issue show cause notice to the delinquent thereafter delinquent may submit explanation thereafter disciplinary authority has to pass proper order.

4. In the present O.A., the final report of inquiry officer is already submitted to the disciplinary authority and now it is pending before the respondent no. 2. The applicant is at liberty to make submission before the disciplinary authority with his defence. Once the departmental inquiry is completed the Tribunal cannot quash and set aside the inquiry.

5. Hence, **O.A. is disposed of with no order as to costs with direction to respondent no. 2 to take decision on the final report of the inquiry officer within a period of two months from the date of this order.**

**(Justice M.G.Giratkar)**

**Vice Chairman**

**Date:-06/09/2022.**

aps.

**(Shree Bhagwan)**

**Vice Chairman**



**O.A.No.343/2022 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 06/09/2022.**

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

2. At the request of ld. P.O., **S.O. 28.09.2022.**

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:-06/09/2022.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**

**O.A.No.565/2022 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 06/09/2022.**

Heard Shri P.Dahat holding for Shri S.S.Dhengale,  
ld. Counsel for the applicant and Shri M.I.khan, ld. P.O. for  
the respondents. None for the R-4, 5 & 6.

2. At the request of ld. counsel for the applicant, **S.O.  
21.09.2022.**

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:-06/09/2022.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**

**O.A.No.583/2022 (D.B.)**

**Coram :Shri Shree Bhagwan, Vice Chairman &  
Shri Justice M.G.Giratkar,Vice Chairman  
Dated : 06/09/2022.**

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. four weeks.**

**(Justice M.G.Giratkar)**  
**Vice Chairman**  
**Date:-06/09/2022.**  
aps.

**(Shree Bhagwan)**  
**Vice Chairman**

**O.A.No.890/2022 (S.B.)**

**(Parag Ramchandra Wankhede Versus State of Maharashtra & Others)**

**Coram : Hon'ble Shri M.A.Lovekar, Member (J)**

**Dated : 06/09/2022.**

Heard Shri N.R.Saboo, Id. Counsel for the applicant and Shri S.A.Deo, Id. C.P.O. for the respondent no.1.

2. The applicant has been working as Chief Officer, Daryapur Municipal Council, District Amravati since 8.9.2021 (Annexure A-1).

3. Order dated 05.09.2022 at Annexure A-2 (page 11) transferring respondent no.2 to the post presently held by the applicant is impugned in this O.A.

4. The applicant has categorically pleaded that respondent no.2 is being accommodated on the post of Chief Officer at Daryapur, Municipal Council on recommendation of M.L.A. Shri. Prakash Bharsakale. Further statement made on behalf of the applicant is that he is still continuing on his post at Daryapur and he has not been relieved.

5. It is also submitted that respondent no.2, so far i.e. till 3.20 pm has not joined on the post of Chief Officer at Daryapur Municipal Council.

6. The applicant has relied on the following stipulation in G.R. dated 11.02.2015.

एखाद्या अधिकारी/कर्मचा-याने एखाद्या विशिष्ट पदाची मागणी केल्यास वा सदरहू अधिकारी/कर्मचा-याने मा. लोकप्रतिनिधी मार्फत एखाद्या विशिष्ट पदाची मागणी केल्यास व सदरहू विशिष्ट पदावर ३ वर्षांपेक्षा कमी कालावधी असलेला अधिकारी/कर्मचारी कार्यरत असल्यास संबंधित अधिकारी /कर्मचा-याची बदली न करता मागणी करणा-या अधिकारी/कर्मचा-याची बदली न करता मागणी करणा-या अधिकारी/कर्मचा-याची पदस्थापना अन्य पदावर करण्याची दक्षता बदली प्राधिका-याने घ्यावी.

7. On the basis of aforesaid contentions the applicant is praying for appropriate interim relief.

8. In reply it is submitted by learned C.P.O. that in the impugned order it is specifically mentioned that Sub-Sections 4 and 5 of Section 4 of the Maharashtra Government Servants Regulation of Transfers and Prevention of Delay in Discharge of Official Duties Act, 2005 have been complied with and therefore, prima facie, there appears to be no substance in any of the contentions raised by the applicant.

9. It is further submitted by the C.P.O. that mere pleading of the applicant that respondent no.2 is being accommodated at Daryapur on recommendation of M.L.A. Shri. Prakash Bharsakale will not suffice to establish correctness of said contention.



10. On considering rival submissions and record of the case I have come to the conclusion that a case is made out to grant interim relief by passing an order of status-quo. Hence, the order.

**ORDER**

Status-quo shall be maintained till the returnable date.

11. Issue notice to Respondent no.2, returnable **after two weeks**. Learned C.P.O. waives notice for respondent no.1. Hamdast allowed.

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

13. 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.

14. 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.

15. 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.

16. 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 two weeks.**

**Steno copy.**

**Member(J)**

**Date:-06/09/2022**

rsm.